



Pamahalaang Bayan ng Taytay

TANGGAPAN NG SANGGUNIAN BAYAN

EXCERPT FROM THE MINUTES OF THE 107th REGULAR SESSION OF THE 9TH SANGGUNIAN BAYAN, TAYTAY, RIZAL HELD ON SEPTEMBER 22, 2015 AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Carlito G. Gonzaga	-	Vice Mayor/Presiding Officer
Hon. Jan Victor B. Cabitac	-	Councilor
Hon. Archie L. Calderon	-	"
Hon. Sharon DL. Macabebe	-	Coun./Temp. Presiding Officer
Hon. Michell B. Bermundo	-	Councilor
Hon. Sophia Priscilla L. Cabral	-	"
Hon. Ceferino R. Resurreccion, Jr.	-	"
Hon. Kristofer Charls S. Esguerra	-	"
Hon. Philip Jeison J. Cruz	-	"
Hon. Joseph Z. Valera	-	LnB President

Authored/Sponsored by: Coun. Jan Victor B. Cabitac

Co-Sponsored by:

Coun. Archie L. Calderon
Coun. Sharon DL. Macabebe
Coun. Michell B. Bermundo
Coun. Sophia Priscilla L. Cabral
Coun. Ceferino R. Resurreccion, Jr.
Coun. Kristofer Charls S. Esguerra
Coun. Philip Jeison J. Cruz
LnB President Joseph Z. Valera

ORDINANCE NO. 26

AN ORDINANCE AUTHORIZING THE LOCAL CHIEF EXECUTIVE/MUNICIPAL MAYOR, HONORABLE JANET DE LEON-MERCADO TO INITIATE EXPROPRIATION PROCEEDINGS OVER A PARCEL OF LAND OWNED BY SPOUSES YIK KAN YUE AND BERNADETTE SY LOCATED AT THE CORNER OF M. C. ISON ST., SUMULONG ST., J. ASILO ST. AND RIZAL AVENUE, BARANGAY SAN ISIDRO, TAYTAY, RIZAL COVERED BY TRANSFER CERTIFICATE TITLE (TCT) NO. 068-2011005648 WITH AN AREA OF ONE THOUSAND EIGHTY FIVE (1,085) SQUARE METERS FOR THE PURPOSE OF ESTABLISHING A MUSEUM AND MUNICIPAL LIBRARY

WHEREAS, Section 19 of Republic Act 7160 otherwise known as the Local Government Code of 1991, provides that:

" A local government unit may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose or welfare for the benefit of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws: Provided, however, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: Provided further, That

Janet De Leon Mercado

[Signature]

the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, That the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property."

WHEREAS, the Municipality of Taytay intends to establish a Museum and Municipal Library, as primary stewards of Taytay's rich culture and heritage, to ensure that future generations will have access to the same;

WHEREAS, a parcel of land, classified as residential / commercial, situated in the Poblacion, Municipality of Taytay, registered under the name of Sps. Yik Kan Yue and Bernadette Sy, covered by Transfer Certificate of Title (TCT) No. 068 - 2011005648 with an area of One Thousand Eighty Five (1,085) square meters have been identified as the ideal site for the establishment of the Museum and Municipal Library;

WHEREAS, The Municipality of Taytay made a valid and definite offer to purchase the aforementioned property of Ten Thousand (Php 10,000.00) per square meter or a total of Ten Million Eight Hundred Fifty Thousand Pesos (Php 10,850,000.00) to the registered owner of the property; Registered Property Owner rejected such offer and made a counter-off to sell with a total amount of Ninety Four Million (Php 94,000,000.00);

WHEREAS, the aforementioned parcel of land is appraised at Six Thousand Two Hundred Fifty Pesos (Php 6,250.00) per square meter for residential classification and Eight Thousand Pesos (8,000.00) per square meter for commercial classification as per existing zonal value issued by the Bureau of Internal Revenue (BIR);

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 9th Sangguniang Bayan of Taytay, in session duly assembled that:

SECTION 1. AUTHORITY.

- A. The Municipal Government of Taytay hereby subjects a parcel of land situated in the Poblacion, Municipality of Taytay, registered under the name Sps. Yik Kan Yue and Bernadette Sy, covered by Transfer Certificate of Title (TCT) No. 068 - 2011005648 with an area of One Thousand Eighty Five (1,085) square meters to the exercise by the Municipality of Taytay of the power of eminent domain;
- B. This Ordinance hereby authorizes the Local Chief Executive / Municipal Mayor, Hon. Janet De Leon-Mercado, in behalf of the Municipality of Taytay, to exercise the power of eminent domain or pursue Expropriation Proceedings over a parcel of land situated in the Poblacion, Municipality of Taytay, registered under the name Sps. Yik Kan Yue and Bernadette Sy, covered by Transfer Certificate of Title (TCT) No. 068 - 2011005648 with an area of One Thousand Eighty Five (1,085) square meters, specifically described as follows:

(Technical Description of Property)

A PARCEL OF LAND (PLAN PSU-91336, WITH THE IMPROVEMENTS THEREON, SITUATED IN THE POBLACION, MUNICIPALITY OF



TAYTAY, BOUNDED ON THE NE. BY THE JUAN SUMULONG STREET; ON THE SE. BY THE MORGA STREET; ON THE SW. BY THE RIZAL AVENUE; AND ON THE NW BY THE J. ASILO STREET. BEGINNING AT A POINT MARKED "1" ON PLAN, BEING N. 69 DEG. 54'W., 42.20 M. FROM B.L.L.M. NO 1, TAYTAY; THENCE S. 29 DEG 47'W., 21.34 M. TO POINT2; THENCE S. 32 DEG 37'W., 26.06 M. TO POINT 3; THENCE N. 37 DEG 22'W., 32.07 M. TO POINT 4; THENCE N. 42 DEG. 06'E., 17.06 M. TO POINT 5; THENCE N. 55 DEG. 26'E., 20.39

M. TO POINT 6; THENCE S. 59 DEG. 47'E., 18.38 M. TO THE POINT OF BEGINNING; CONTAINING AN AREA OF ONE THOUSAND AND EIGHTY FIVE (1,085) SQUARE METERS, MORE OR LESS. ALL POINTS REFERRED TO ARE INDICATED ON THE PLAN AND MARKED ON THE GROUND; BEARINGS TRUE; DECLINATION 0 DEG. 50'E., DATE OF SURVEY, JUNE 25, 1931

- C. Provided, further, That the Municipal Government of Taytay may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated;
- D. Provided finally, that the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property.

SECTION 2. PUBLIC USE AND PURPOSE. The Municipal Government of Taytay hereby exercises its power of eminent domain over the aforementioned property situated in the Poblacion, Municipality of Taytay for public use, or purpose or welfare, specifically for the purpose of establishing a Museum and Municipal Library for the people of Taytay.

SECTION 3. VALID AND DEFINITE OFFER. A valid and definite offer of Ten Thousand (Php 10,000.00) per square meter or a total of Ten Million Eight Hundred Fifty Thousand Pesos (Php 10,850,000.00) has been previously made to the registered owner of the aforementioned property, but said offer was not accepted.

SECTION 4. BUDGETARY REQUIREMENTS. The amount necessary for the acquisition of the aforementioned subject parcel of land shall be taken from Expropriation Proceedings Fund of the Municipal Government.

SECTION 5. SEPARABILITY CLAUSE. If any provision of this ordinance is declared unconstitutional or invalid, other parts of provisions hereof not affected shall continue to be in full force and effect.

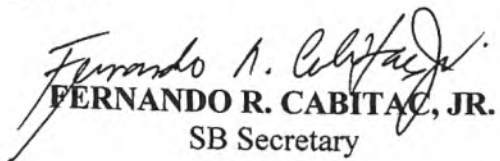
SECTION 6. REPEALING CLAUSE. All other provisions of existing ordinances, resolutions and executive issuances inconsistent with this ordinance are hereby repealed, amended, or modified accordingly.

SECTION 7. EFFECTIVITY. This ordinance shall take effect upon approval.



ENACTED by the 9th Sangguniang Bayan of Taytay this 22nd day of September, 2015.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay during 107th Regular Session held on the 22nd day of September, 2015.


FERNANDO R. CABITAC, JR.
SB Secretary

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HIS HONOR


HON. SHARON D. MACABEBE
Councilor / Temporary Presiding Officer

APPROVED BY HER HONOR
THE MUNICIPAL MAYOR


HON. JANET DE-LEON-MERCADO
Municipal Mayor