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SANGGUNIANG PANLUNGSOD

VALENZUELA CITY ORDINANCE NO. 143 Series of 2014, July 21, 2014

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Authored by: Councilor ANTONIO R. ESPIRITU, Councilor ROVIN ANDREW M. FELICIANO, Councilor CORAZON A. CORTEZ, Councilor MARLON PAULO C. ALEJANDRINO, Councilor JENNIFER PINGREE-ESPLANA, Councilor LORENA NATIVIDAD-BORJA, Councilor LAILANIE P. NOLASCO, Councilor KIMSERLY ANN D.V. GALANG, Councilor CRISSHA M. PINEDA and Councilor RAMON L. ENCARNACION

WHEREAS, Section 16 of the Local Government Code of 1991 empowers every local government unit, including the City Government of Valenzuela, to exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those essential to the promotion of the general welfare which among other things, includes the preservation of comfort and convenience of its inhabitants;

WHEREAS, the City Government has evaluated several sites in which to locate the proposed flood control project and the property below was determined as best and suitable site for the said project, to wit:

LOT OWNER TITLE/AREA LOCATION MARKET VALUE PER TAX DECLARATION PURPOSE

1. MILAGROS CASTRO DE LEON, and/or other persons claiming the same TCT NO. T-128020 (Lot 8, Blk. 1)

36,625 square meters portion of 307 square meters Delupio St., Fortune Village 1, Barangay Gen. T. de Leon, Valenzuela City C-018-04794 Residential Lot

@P400.00 per square meter Flood Control Drainage at Barangay Gen. T. de Leon

WHEREAS, the City Government of Valenzuela shall faithfully comply with the provision of our Constitution, applicable provisions of law and such other rules and regulations consistent with the observance and compliance with the due process requirements of law and by way of issuance of proper notices to the registered owners with offer to buy the aforestated properties;

WHEREAS, the Local Government Code of 1991 expressly grants the local government unit the exercise of the power of eminent domain and the right to purchase and expropriate private property for public use;

WHEREAS, Section 19 of the Local Government Code states, to wit:

> Section 19. Eminent Domain – 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 the local government unit may immediately take possession of the property upon the filing of the expropriation

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> 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, there is a need to enact an ordinance authorizing the City Mayor to acquire by purchase or expropriation, the property described below for public use specifically for proposed government offices/facilities and infrastructure:

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NOW THEREFORE, be it ORDAINED as it is hereby ORDAINED by the City Council of Valenzuela in session duly assembled that this Ordinance be enacted authorizing the purchase or expropriation of a parcel of land as above stated for construction of flood control drainage in Barangay Gen. T. de Leon, Valenzuela City and appropriating funds therefor in the amount necessary for the taking, which shall be based on the assessed value of said properties for payment of Just compensation;

FURTHER, this Ordinance shall authorize the Honorable City Mayor to represent the City in this particular act, to withdraw the expropriation case or to enter into any compromise agreement or deed of donation arising from the expropriation proceedings or case, to sign all documents related thereto and to perform any and all acts and deeds which are required, necessary and incidental to carry out the purpose of this Ordinance.

ENACTED.
JULY 21, 2014.
VALENZUELA CITY, METROPOLITA MANILA.

(Sgd.) HON. ANTONIO R. ESPIRITU
Councilor
Majority Floor Leader (Sgd.) HON. ROSALIE ESTEBAN-CAYCO
Councilor
Minority Floor Leader

(Sgd.) HON. MARCELINO G. MORELOS
Councilor (Sgd.) HON. LORENA NATIVIDAD-BORJA
Councilor
Asst. Majority Floor Leader

(Sgd.) HON. ROVIN ANDREW M. FELICIANO
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(Sgd.) HON. JENNIFER PINGREE-ESPLANA
Councilor (Sgd.) HON. KRISTIAN ROME T. SY
Councilor

(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President, League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. ERIC M. MARTINEZ
Presiding Officer
City Vice Mayor

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor
Date Signed: _____

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