REGULAR SESSION NO. 127

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HON. MARLON M. LACSON
Majority Floor Leader
and
HON. ERNESTO M. DIONISIO, JR.
Acting Majority FLoor Leader

PREAMBLE
WHEREAS, Barangay 20, Zone 2, District 1, City of Manila, requested the City College of Manila that their Barangay Resolution be approved, thus allowing the release of their accumulated lawful share of Real Property Taxes of previous years derived from commercial and industrial establishments within their respective territorial jurisdictions;

WHEREAS, in support of their claim, a Resolution from the Liga ng mga Barangay allowing the release and use of such fund in their barangay was presented as well as the Barangay Resolution, cadestral map, business permits and clearance issued by the barangay-claimant to the various commercial and industrial establishments siluated in the territorial jurisdiction being claimed.

WHEREAS, considering that there were no other similar claim from the other adjoining barangays and that the barangay-claimant was able to establish by clear and convincing evidence their claim over their respective territorial jurisdiction, the City Council of Manila passed Resolution No. 24, Series of 2014, on January 28, 2014, affirming their request for the approval of their barangay resolution thus allowing the release of their lawful share over the Real Property Taxes derived from commericial and industrial establishments within the claimed area;

WHEREAS, surprisingly and after several months, some barangay officials from adjoining barangays filed their oppositions to the Office of the Mayor, thus, when a committee hearing was scheduled for the purpose, all barangays concerned were duly notified on the said committee hearing and were given the opportunity to present their opposing view and they were given sufficient time to file their position paper attaching therewith pertinent documents to support their claims;

WHEREAS, in the said hearing, the committee was appraised of the Adult Observation Memoradum (AOM), dated June 30, 2014 of the Commission of Audit (COA) which opined: "Notwithstanding the above resolution, we noted the absence of City Council Ordinance that would support the legal basis of the release of funds to barangay 128 and Barangay 653 as required by Section 6 of the Local Government Code which states that a local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a or sagguniang panlungsod concerned in the case of a barangay located within its territorial jurisdiction, subject to such limitations and requirments prescribed in this code".

WHEREAS, the Committee on Laws resolves the following and recommendations, to wit:

- That the barangay-claimants are correct in claimings are correct in claiming their rightful shares over the accumulated fund of Real Property Taxes of previous years derived from commercial and industrial establishments within their respective territorial jurisdiction from the Trust Fund.

- That this is not a case of creation, division, merging, abolition, or substantial alteration as contemplated under Section 6 of the Local Government Code.

- That in deference to the opinion of the Commission of Audit and to settle this matter once and for all, the member of this Committee recommends for the passing of the Ordinance declaring the territorial jurisdiction of the respective barangay-claimants specifying therein the metes and bounds; thus, affirming the City Council Resolutions.

- That the proposed draft Ordinance be amended by way of substitution in consonance with the preceding paragraph: NOW, THEREFOR,

Be it ordained by the City Council of Manila, in session assembled, THAT:

SECTION 1. It is hereby declared that all commercial and industrial establishments within the area of Pier 4 Gate to the North, ICT Road (C.M. Recto Extension) to the South, Manila Bay to the West including the International Container Terminal Services Incorporated Compound and Isa Puting Bato, and Redial Road 10 to the East are within the territorial jurisdiction of Barangay 20, Zone 2, District 1, Manila.

SEC. 2. City Council Resolution No. 24, Series of 2014, is hereby affirmed.

SEC. 3. Transitory Provision – All income, governmental and corporate services of the aforesaid area, which is incidental to the passing of this Ordinance, shall be collected, delivered and performed by Barangay 20, Zone 2, District 1, Manila.

SEC. 4. Separability Clause. – If any reason or reasons, any provision of this ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and affect.

SEC. 5. Effectivity Clause. – This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on December 16, 2014.

PRESIDED BY:

(Sgd.) EDWARD V.P. MACEDA
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:

(Sgd.) LUCH R. GEMPIS, JR.

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CITY GOVERNMENT DEPARTMENT HEAD III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON _____.

JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

ATTESTED:

(Sgd.) EDWARD S. SERAPIO
City Government Department Head III
(Secretary to the Mayor)

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