



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 20TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 06 DECEMBER 2010, 09:00 A. M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Vice Mayor Violeta L. Dimapilis	- Presiding Officer
Councilor Mae Arlene M. Talens	- Member
Councilor Juanito A. Bacay, Jr.	- Member
Councilor Eduardo K. Soriano	- Member
Councilor Elsie F. Galaran	- Member
Councilor Arnel F. Fabon	- Member
Councilor Lee M. Baculinan	- Member
Councilor Juan S. Advincula	- Member
Councilor Rosalinda D. Candido	- Member, Liga President
Councilor Mary Jennie Leigh Q. Sarmiento	- Member, MSKF President

Absent:

Councilor Cesar T. Baticos	- Member
----------------------------	----------

MUNICIPAL ORDINANCE NO. 04
Series of 2010

ORDINANCE SUBJECTING THE PROPERTY OWNED BY THE PHILIPPINE NATIONAL BANK (PNB) SITUATED IN BARANGAY BAGUMBAYAN, ROXAS, ORIENTAL MINDORO TO THE EXERCISE BY THIS MUNICIPALITY OF THE POWER OF EMINENT DOMAIN.

WHEREAS, this Municipality is clothed with the POWER OF EMINENT DOMAIN under Section 19 of the Local Government Code (RA No. 7160), which provides;

"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 provision of the constitution and pertinent laws, xxx,";

WHEREAS, the improvement and projected extension and expansion of the present public market are more needed now because of the burgeoning commerce in this Municipality;

WHEREAS, to realize and attain this goal, the necessity of acquiring the lot owned by the Philippine National Bank (PNB), within the vicinity or adjacent to the public market, with an area of 1.6399 hectares, covered by and embraced in Transfer Certificate of Title No. T-97680 - A, under Tax Declaration No. 2006-12001-00388, is the only recourse, without any other options;

WHEREAS, without it being first acquired would not only hamper but prevent and stop the desired improvements, which, if done, would not only enhance the source of revenue of the Municipal Government, but likewise, would offer a more comfortable, spacious and healthy inter-commercial transactions;

WHEREAS, despite the repeated and incessant offers of the Municipal Government through its Chief Executive, with a price reasonable within the premised, the Philippine National Bank (PNB) refused and still refuses such offers, sometimes quoting a price too exorbitant to be within the easy reach of the Municipal Coffer;

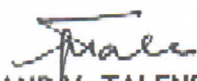
WHEREAS, the *impasse*, consequently resulting to undue delay, would work unquestionably to the prejudice of the Municipal Government, thereby at its end, would certainly affect its constituents.

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan of the Municipality of Roxas, Oriental Mindoro, in Session duly assembled, that:

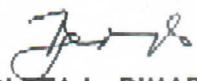
- Section 1. The Municipality of Roxas, Oriental Mindoro, hereby **SUBJECTS** the above-mentioned Property of the Philippine National Bank (PNB), located at Bagumbayan, this Municipality, to the exercise of the Municipality of Roxas of its **POWER OF EMINENT DOMAIN**.
- Section 2. The price of said Property to be agreed and to be paid with is **P5M**.
- Section 3. The amount needed for the acquisition of this property shall be taken from any available fund of the Municipal Government.
- Section 4. The Chief Executive, the Municipal Mayor is hereby authorized to institute the necessary and required expropriation proceedings in the local Court of Justice on the land previously identified hereof pursuant to existing laws;
- Section 5. The Chief Executive shall forthwith refer this matter with urgency to the Office of the Provincial Legal Officer and/or Office of the Provincial Prosecutor of Oriental Mindoro, for proper and immediate action;
- Section 6. The Chief Executive is further authorized to engage a Private Lawyer if these government lawyers are not immediately available to do it;
- Section 7. The amount in availing the professional services of a private lawyer shall be, likewise, taken from any available fund of the Municipal Government.
- Section 8. This **ORDINANCE** shall take effect immediately upon approval.

Adopted: 06 December 2010

CERTIFIED CORRECT:

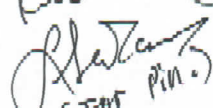

FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:


VIOLETA L. DIMAPILIS
Municipal Vice Mayor/
Presiding Officer

APPROVED:


JACKSON CINCO DY
Municipal Mayor

Received by:

(for Pin.)

Received by:
