

Republic of the Philippines
City of Bayawan
PROVINCE OF NEGROS ORIENTAL
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JANUARY 14, 2008 AT 2 O'CLOCK P. M. AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

Hon. Rene G. Gaudiel	Vice Mayor (O.B.-Jimalalud)
Hon. Clayborne Clyde L. Lim	Present (Acting Presiding Officer)
Hon. Raul P. Martinez	Present
Hon. Oscar T. Villamil	Present
Hon. Luis J. Sumalpong	Present
Hon. Mark Fidencio L. Aurelia	Present
Hon. Francisco T. Diao	Present
Hon. Douglas T. Tijing	Present
Hon. Victoriano D. Alabastro	Present
Hon. Serafin Ra. Albito	Present
Hon. Urbistondo C. Renacia	Present
Hon. Hermelie T. Sarafia (LNMB)	Present
Hon. Flintzel Dyan S. Diao (SK)	Present

RESOLUTION NO. 42

“Presented for Third and Final Reading and Ordinance Authorizing the City Mayor to Exercise the Power of Eminent Domain for the purpose of acquiring a Private Property to serve as the relocation site of displaced residents of Sitio Dita, Barangay Tabuan and Providing Funds Therefor.

“On motion of Honorable Councilor Victoriano D. Alabastro and duly seconded by Honorable Councilor Renacia, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance, to wit:

ORDINANCE NO. 1

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE PURPOSE OF ACQUIRING A PRIVATE PROPERTY TO SERVE AS THE RELOCATION SITE OF DISPLACED RESIDENTS OF SITIO DITA, BARANGAY TABUAN AND PROVIDING FUNDS THEREFOR

Be it ordained that:

SECTION 1. Title. This ordinance shall be known as the “Dita Expropriation Ordinance.”

SECTION 2. Source of Power. The State, by virtue of Section 19 of republic Act No. 7160 (Local Government Code of 1991), granted local government units the power to expropriate private property for public use or purpose upon payment of just compensation.

SECTION 3. Mandate. The Local Chief Executives of cities are mandated Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities as provided in Section 455 (vii) of Republic Act No. 7160 (Local Government Code of 1991).

SECTION 4. Description of Properties. The property with an area of approximately one and a half hectares (1.5 hectares) to be acquired through the exercise of the Power of Eminent Domain is particularly described as follows:

Please see attached Technical Description

LINE	BEARING	DIST. (M)
1 2	N73°13'E	76.78
2 3	N89°51'E	77.23
3 4	S51°58'E	52.41
4 5	S61°26'W	33.43
5 6	S48°37'W	44.16
6 7	S46°03'W	92.80
7 1	N14°36'W	142.19

SECTION 5. Purpose. The above-mentioned property shall be used primarily and solely as a relocation and rehabilitation area for the affected residents of Sitio Dita, Barangay Tabuan, Bayawan City who were displaced by the danger caused by the movement of the tectonic plates as verified and declared by the authorities.

SECTION 6. Authority. The City Mayor is hereby authorized to initiate and prosecute the exercise of the power of eminent domain over aforementioned property subject to the procedures provided by law. As allowed by the Rules of Court, the City Mayor may delegate his authority to appear in the proceedings subject to the limitations provided by law, rules and regulations and this ordinance.

SECTION 7. Just compensation. The just compensation for the property being considered under this ordinance shall be determined by the proper court in said expropriation proceedings.

SECTION 8. Appropriations. The appropriated amount of seventy five thousand pesos (P 75,000.00) or as may be needed shall be taken from the Disaster Management Funds as consideration for the property and other incidental expenses relative to the expropriation proceedings.

SECTION 9. Site Development Plan. The City Engineer will prepare and submit the Site Development Plan of the property in accordance with the public purpose stipulated under Section 5 of this Ordinance and shall form part hereof.

SECTION 10. Effectivity. This Ordinance shall take effect after compliance with the provisions of the Local Government Code of 1991.

“Enacted.”

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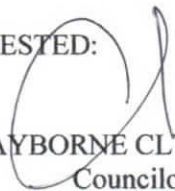
I hereby certify to the correctness of the foregoing resolution.


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HANNAH LUE O. TIJING
LSO II

APPROVED: FEB 14 2008

ATTESTED:


CLAYBORNE CLYDE L. LIM
Councilor
Acting Presiding Officer


GERMAN P. SARAÑA, JR.
Mayor

COPY FOR:

- The Honorable Provincial Board, Dumaguete City
- The Honorable Mayor German P. Saraña, Jr. this city