



Republic of the Philippines  
**OFFICE OF THE SANGGUNIANG BAYAN**  
 Municipality of Bongabong  
 Province of Oriental Mindoro



EXCERPTS FROM THE MINUTES OF THE SIXTY EIGHTH (68<sup>TH</sup>) REGULAR SESSION OF THE 11<sup>TH</sup> SANGGUNIANG BAYAN OF BONGABONG, ORIENTAL MINDORO HELD ON DECEMBER 11, 2023 AT THE SANGGUNIANG BAYAN SESSION HALL, 2<sup>ND</sup> FLOOR, EXECUTIVE AND LEGISLATIVE BUILDING, POBLACION BONGABONG, ORIENTAL MINDORO

**PRESENT:**

Hon. RICHARD S. CANDELARIO	VICE-MAYOR Presiding Officer
Hon. JAYSON M. BARCELONA	Member
Hon. DOLORES U. DE GALA	Member
Hon. NIÑO G. LIWANAG	Member
Hon. VICTORIA BAES-PADULLO	Member
Hon. ALFONSO A. MONTALBO, DMD	Member
Hon. EVELYN B. ALEA	Member
Hon. EFREN B. CULLA	Interim Liga ng mga Barangay President

**ABSENT:**

Hon. JOHN MICHAEL K. MALALUAN	Member
Hon. MAYNARD M. PANGANIBAN	Member
Hon. MAYVEN P. GABIA	S. K. Municipal Federation President
Hon. MATIGON T. SULIGAN	Indigenous People Mandatory Representative

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**MUNICIPAL ORDINANCE NO. 2023- 06**  
 Series of 2023

**AN ORDINANCE AUTHORIZING THE HONORABLE MUNICIPAL MAYOR ELEGIO A. MALALUAN TO INSTITUTE EXPROPRIATION PROCEEDINGS FOR THE ACQUISITION OF THE LOT COVERED BY TCT NO. 064-20180008291 REGISTERED IN THE NAME OF RODEL ALORRO ARTUZ MARRIED TO RAQUEL REDUCA ARTUZ LOCATED AT BARANGAY LABASAN FOR ESTABLISHMENT OF ACCESS ROAD**

**WHEREAS**, Section 16, Title I of the Local Government Code states that "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety. enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice. promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

**WHEREAS**, Section 19, Title 1 of the above-mentioned code postulates 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 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 Honorable Mayor, Elegio A. Malaluan requested the Sangguniang Bayan for the passage of an expropriation ordinance in order to initiate an expropriation proceeding of the lot described in TCT No. 064-20180008291 which by the way is a road as indicated in the certificate of title;

**WHEREAS**, the Local Government of Bongabong identified the above mentioned lot that will be affected by the above stated project which is undertaken for public use and/or purpose;

**WHEREAS**, a valid and definite Offer has been previously made to the owners of the affected properties and such offer was not accepted and thus the need for the enactment of this ordinance to authorize the honorable mayor to institute expropriation proceedings as provided for in Section 19 of the Local Government code;

**NOW THEREFORE**, be it enacted as it is hereby enacted by the Municipal Council of Bongabong, by virtue of the powers vested in it by law, in a session duly assembled, that:

**SECTION 1.** The Honorable Mayor is hereby authorized to institute expropriation proceedings for the acquisition of the lot embraced and described in TCT No. 064-20180008291 more particularly described as:

Lot No. 48-E-4-G-5 (ROAD) Plan No. PSD-4B-009821  
Portion of Lot 48-E-4-G Psd-4B-009386  
Location: Labasan, Bongabong, Oriental Mindoro

**SECTION 2.** The Honorable Mayor is further authorized to pay just compensation to the lawful owner of the affected property subject matter of this ordinance in such amount as may be fixed by the proper court subject to the usual accounting and auditing regulations and in accordance with law;

**SECTION 3.** The Honorable Mayor and Municipal Treasurer are hereby authorized to deposit in court fifteen percent (15%) of the fair market value of the property sought to be expropriated based on the current tax declaration including court expenses, miscellaneous fees and other charges as required by law in furtherance of this expropriation ordinance;

**Section 4. – EFFECTIVITY.** This Ordinance shall take effect immediately upon its approval.

Certified true:

**REMUEL N. ISLER**  
Temporary Secretary to the Sanggunian

Certified to have been approved:

**Hon. RICHARD S. CANDELARIO**  
Vice-Mayor and Presiding Officer

Approved:

**Hon. ELEGIO A. MALALUAN, O.D.**  
Municipal Mayor  
Date: \_\_\_\_\_