



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON APRIL 13, 2000



PRESENT:
Hon. Celso P. Adolfo, City Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I, City Councilor, Majority Floor Leader
Hon. Dennis Y. Capuyan, City Councilor, Assist. Maj. Floor Leader
Hon. Jose S. Serafica, City Councilor, Minority Floor Leader
Hon. Mariano Y. Corro, City Councilor
Hon. Sotero M. Pepito, City Councilor
Hon. Alfredo F. Capahi, City Councilor
Hon. Eduardo P. Tan, City Councilor
Hon. Claudio P. Larrazabal, City Councilor
Hon. Fernando P. Parrilla, Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Chiqui B. Labagala, Ex-Officio City Councilor,
SK Federation President
Hon. Fe S. Lladoc, (Appointed in lieu of Hon. Benjamin B.
Lladoc (Deceased)), City Councilor

ABSENT:

Hon. Jose C. Alfaro, Jr., (O.B. - Baguio), City Councilor

RESOLUTION NO. 2000-068

A RESOLUTION ACKNOWLEDGING RECEIPT OF CITY APPRAISAL
COMMITTEE'S RESOLUTION NO. 2000-12 DATED MARCH 29,
2000, ENTITLED: "A RESOLUTION ADOPTING THE CRITERIA,
STANDARDS AND GUIDELINES AS BASIS IN THE APPRAISAL OF
PRIVATE REAL PROPERTIES SOUGHT TO BE ACQUIRED BY THE
CITY GOVERNMENT INTENDED FOR PUBLIC USE, INCLUDING
ROAD-RIGHT-OF-WAY PURPOSES" AND MANIFESTING THE
SANGGUNIANG'S OBSERVATIONS AND RECOMMENDATIONS THERETO.

WHEREAS, this Sanggunian is in receipt of Resolution No. 2000-12 of
the City Appraisal Committee which resolution is submitted in compliance
with this Sanggunian's Resolution No. 2000-053;

WHEREAS, aforementioned resolution declares that the guidelines for
the acquisition of certain parcels of private land intended for public
use including the right-of-way easement prescribed in Administrative
Order No. 50 dated February 17, 1999 promulgated by His Excellency,
President Joseph Ejercito Estrada, were adopted by City Appraisal
Committee; (Machine copy of Adm. Order No. 50, hereto attached for ready
reference)

WHEREAS, it is observed that some of the standards enumerated in
Section 3 of aforementioned Administrative Order No. 50 specifically,
paragraphs (a), (b), (f), (g) and (h) thereof, were not incorporated in
Res. No. 2000-12 of the City Appraisal Committee; on the other hand,
criteria not mentioned in Administrative Order No. 50, such as, (1)
prevailing costs of labor and materials, (4) the sentimental value as
well as the cultural/personal values attached to the property; (6) the
accessibility of the property to commercial/trading center, were
incorporated in said Res. No. 2000-12;

WHEREAS, this Sanggunian has noted that the "Conditions to be complied with during the Negotiated Sale" embodied in Section 1 of aforementioned Administrative Order No. 50 were not incorporated in Resolution No. 2000-12; hence, this Sanggunian recommends that the same be incorporated therein;

WHEREAS, this Sanggunian hereby requests the City Appraisal Committee that henceforth, their Appraisal Report must spell out the basis on how the recommended appraisal price of the property to be acquired was arrived at;

WHEREFORE, on motion of the Chairman, Committee on Public Properties, Councilor Mariano Y. Corro, jointly seconded by Councilors Dennis Y. Capuyan and Chiqui B. Labagala; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution ACKNOWLEDGING RECEIPT OF CITY APPRAISAL COMMITTEE'S RESOLUTION NO. 2000-12 DATED MARCH 29, 2000, ENTITLED: "A RESOLUTION ADOPTING THE CRITERIA, STANDARDS AND GUIDELINES AS BASIS IN THE APPRAISAL OF PRIVATE REAL PROPERTIES SOUGHT TO BE ACQUIRED BY THE CITY GOVERNMENT INTENDED FOR PUBLIC USE, INCLUDING ROAD-RIGHT-OF-WAY PURPOSES" AND MANIFESTING THE SANGGUNIAN'S OBSERVATIONS AND RECOMMENDATIONS THERETO;

ADOPTED, 13 April 2000.

RESOLVED, FURTHER, to furnish copies of this resolution, one each to - The Honorable City Mayor, Eufrocino M. Codilla, Sr., the City Appraisal Committee through its Chairman, Mrs. Cristeta B. Tugonon, City Administrator, Mr. Vicente Redoña, City Legal Officer, Atty. Cleto L. Evangelista, Jr., City Auditor, Mrs. Oda F. Nuez, and other Offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR P. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSO P. ADOLFO
City Vice Mayor & Presiding Officer

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 50

GUIDELINES FOR THE ACQUISITION OF CERTAIN PARCELS OF
PRIVATE LAND INTENDED FOR PUBLIC USE INCLUDING THE
RIGHT-OF-WAY EASEMENT OF SEVERAL PUBLIC
INFRASTRUCTURE PROJECTS

WHEREAS, the government has the inherent coercive authority through its power of eminent domain to acquire private lands necessary for public use;

WHEREAS, it has been the usual practice of the government to approach the owner and negotiate for the acquisition of private lands;

WHEREAS, sale through negotiation, though evidently more expeditious, proves to spawn graft and corruption detrimental to the interest of the government;

WHEREAS, Presidential Decree No. 1818, series of 1981, provides that no court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project; and

WHEREAS, Section 12, Chapter 4, Book III of the Administrative Code of 1987, empowers the President to determine when it is necessary or advantageous to exercise the power of eminent domain in behalf of the National Government, and direct the Solicitor General, whenever he deems the action advisable, to institute expropriation proceedings in the proper court.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. Conditions to be complied with during the Negotiated Sale.
All government agencies and instrumentalities which are engaged in public infrastructure projects, including but not limited to the Department of Public Works and Highways, National Power Corporation, and the



0250



(include HUGSC side)

Department of Transportation and Communication, shall first negotiate with the owner for the acquisition of parcels of private land intended for public use including the right-of-way easement of such projects by offering in writing a purchase price of an amount equivalent to ten per cent (10%) higher than the zonal value of the said property. During the negotiation, the landowner shall be given fifteen (15) days within which to accept the amount offered by the concerned government agency as payment for the land.

Sec. 2. Expropriation Proceedings. After the abovementioned period and no acceptance is made by the landowner, the concerned agency, in coordination with the Solicitor General, shall initiate expropriation proceedings in the proper court, depositing ten per cent (10%) of the offered amount.

Sec. 3. Standards for the Assessment of the Value of the Land subject of Expropriation Proceeding. In order to facilitate the immediate judicial determination of just compensation during the expropriation proceedings, the expropriating agency or its duly authorized assessor in appraising the fair market value of the private property intended to be condemned must consider, among other well established factors, the following relevant standards:

- (a) The classification and use for which the property is suited; ✓
- (b) The developmental costs for improving the land; ? ✓
- (c) The value declared by the owners; ✓
- (d) The current selling price of similar lands in the vicinity; -
- (e) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon; ✓
- (f) The size, shape or location, tax declaration and zonal valuation of the land; ✓
- (g) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
- (h) Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

Sec. 4. Necessary Assistance from the Law Enforcement Agencies. The Department of Interior and Local Government and the Philippine National Police shall vigorously assist the expropriating agency in the peaceful taking of the land subject of expropriation proceedings.

Sec. 5. Ban Against Court Injunctions. For the smooth operation of government activities critical to the economic development effort of the nation, all concerned government agencies and instrumentalities are hereby reminded that their essential public infrastructure undertakings are

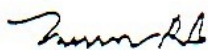


protected from any court injunctions or restraining orders in accordance with the provisions of Presidential Decree No. 1818.

Sec. 6. Effectivity Clause. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th of FEBRUARY, in the Year of Our Lord, nineteen hundred and ninety-nine.

By the President:



RONALDO B. ZAMORA
Executive Secretary



CERTIFIED COPY


AURURA T. AQUINO
Director IV
Malacanan Records Office

3/9/99