ORDINANCE NO. 03-102

AN ORDINANCE AUTHORIZING CITY MAYOR HON. ATTY. JAIME R. FRESNEDI, TO ENTER INTO A DEED OF LAND SWAPPING, BETWEEN THE CITY GOVERNMENT OF MUNTINLUPA AND MRS. THERESA AREVALO VDA. DE AQUINO FOR THE ESTABLISHMENT OF A ROAD RIGHT OF WAY LEADING TO THE CITY PROPERTY DONATED BY THE ESTATE OF THE LATE BENITO ROCES LOCATED AT BARANGAY CUPANG, CITY OF MUNTINLUPA.

Sponsored by:
Hon. Atty. Raul R. Corro
Hon. Mario E. Bulay, Jr.
Hon. Artemio A. Simundac
Hon. Rufino R. Joaquin
Hon. Atty. Patricio L. Boncayao, Jr.
Hon. Melchor R. Teves
Hon. Aldrin L. San Pedro
Hon. Dr. Nicanor L. Echavez
Hon. Allan Rey A. Camilon
Hon. Atty. Icasiano M. Dela Rea
Hon. Elmer S. Espeleta
Hon. Francis Ian T. Bagatsing
Hon. Lucio B. Constantino
Hon. Mamerto T. Sevilla, Jr.
Hon. Santiago V. Carlos, Jr.
Hon. Christian Glenn D. Lorica

WHEREAS, Section 17, (b) (3) (viii) of Republic Act 7160, otherwise known as the Local Government Code of 1991, "empowers the local government unit to provide programs and projects for low cost housing and other mass dwellings";

WHEREAS, the upliftment of the quality of life is one of the eight-point priority programs of the City Government in compliance with the objective of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act of 1992, which is, "to provide decent shelter to the under privileged and homeless citizens in urban areas and resettlement areas whose lives are generally marked by the economic insecurities and whose occupancy on the land is uncertain";

WHEREAS, Section 39 of Republic Act No. 7279, further provides that "the local government units shall be charged with the implementation of said Act in their respective localities";

WHEREAS, Section 455, (1) (vi) of Code, "authorizes the City Mayor to represent the City in all its business transactions and sign in its behalf all bonds, contracts, and obligations; and such other documents upon authority of the Sangguniang Panlungsod or pursuant to law or ordinance", 
WHEREAS, on July 1999, the estate of the late Benito O. Roces donated to the City Government two parcels of land located in Bgy. Cupang, Muntinlupa City, an inner lot without an access to the existing road, containing an aggregate area of 16,112 square meters;

WHEREAS, the City Government accepted the donation and the Sangguniang Panlungsod ratified the same through Kapasiyahan Panglunsod Blg. 99-088;

WHEREAS, the donation was for the purpose of developing said parcels of land into a socialized housing resettlement project and the priority beneficiaries thereof are the actual occupants of the subject property as well as other urban poor residents of our City subject to the eligibility criteria set forth under R.A. 7279;

WHEREAS, said parcels of land do not have an access or road right of way to the nearest existing road hence, under the deed of donation, the City Government as donee, is obliged to provide or acquire a road-right-of-way leading to the subject property;

WHEREAS, the City Government of Muntinlupa plans to develop into a Housing Project the said donated lot, and for the purpose, it needs an access road-right-of-way to traverse into the lot owned by Mrs. Theresa Arevalo Vda. De Aquino;

WHEREAS, Mrs. Theresa Arevalo Vda. De Aquino, represented by his attorney-in-fact, Mr. Henry A. Aquino offered a parcel of land covered by TCT. No. 203580 containing an area of 136 square meters which is adjacent to the donated Benito O. Roces property and which is nearest to the existing road to serve as a road-right-of-way leading to the Benito O. Roces property now owned by the City Government;

WHEREAS, in exchange for the 136 square meter-lot, owned by Mrs. Theresa Arevalo Vda. De Aquino, the City Government shall swap 544 square meters of lot within the Benito Roces property as delineated in the survey plan. The zonal valuation of the 544 square meter lot is P450.00 while the zonal valuation of the 136 square meter lot is P2,000 as issued by the Bureau of Internal Revenue;

WHEREAS, under the proposed deed of land swapping for road right of way, the City Government of Muntinlupa shall pay Mrs. Theresa Arevalo Vda. De Aquino an indemnity amounting to P651,965.38 representing payment for the commercial building owned by Mrs. Arevalo that will be demolished to give way to the road right of way based on the cost estimate of the said building submitted by the City Engineering Department;

NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod of Muntinlupa in the session assembled that:

[Signature]

City Hall of Muntinlupa
National Road, Putatan, Muntinlupa City, Philippines

Tel. Nos.: 842-27-11 • 842-23-77
FAX No.: 842-6196
SECTION 1. The Mayor is hereby authorized to enter into a deed of land swapping between the City Government of Muntinlupa and Mrs. Theresa Arevalo Vda. De Aquino for the establishment of a road-right-of-way leading to the City Government property donated by the estate of the late Benito O. Roces located at Bgy. Cupang, City of Muntinlupa based on the terms and conditions herein set forth.

SECTION 2. The City Government shall immediately take over possession of the 136 square meter lot and conduct relocation survey, subdivide, prepare and draft survey plan and shall cause the approval thereof by the proper government agency and install concrete monuments to the boundaries.

SECTION 3. The conveyance, separation, segregation, and transfer of titles to Mrs. Arevalo of the lots covered by the swapped land shall be mutual responsibilities of both parties.

SECTION 4. The City Government shall shoulder the surveying expenses and the segregation of the swapped portion as well as its site development and construct along both sides of road-right-of-way underground drainage, curves and gutters and concrete walls.

SECTION 5. The City Government shall open the road right of way for free access and passage of Mrs. Arevalo, her relatives, heirs, and successors.

ENACTED, by the Sangguniang Panlungsod of Muntinlupa this 19th day of June, 2003 on its 76 Regular Session.

CONCURRED:

ALDRIN L. SAN PEDRO
Councilor

ELMER S. ESPELETA
Councilor

DR. NICANOR L. ECHAVEZ
Councilor

FRANCIS IAN T. BAGATSING
Councilor

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor

LUIS B. CONSTANTINO
Councilor

ALLAN A. CAMILON
Councilor

MARIO E. BULAY, JR.
Councilor

ATTY. RAUL R. CORRO
Councilor

MAMERTO T. SEVILLA, JR.
Councilor
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MELCHOR R. TEVES
Councilor

ATTY. J. CASIANO M. DELA REA
Councilor

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President
Federation of Sangguniang Kabataan

RUPINO B. JOAQUIN
Councilor

SANTIAGO V. CARLOS, JR.
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

RENE CARL S. CAYETANO
Councilor

I HEREBY CERTIFY, as to the correctness of the foregoing ordinance.

ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD

ATTESTED:

ATTY. JO JASON T. ALCARAZ
City Vice Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. PRESNEDI
City Mayor

Date:

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