ORDINANCE NO. 12-084

AN ORDINANCE GRANTING THE REQUEST OF PLEASANT VILLAGE HOMEOWNERS ASSOCIATION, INC., THROUGH ITS PRESIDENT MR. DANilo GARCIA FOR THE ALTERATION OF SUBDIVISION PLAN OF PLEASANT VILLAGE LOCATED AT BARANGAY BAYANAN, MUNTINLUPA CITY.

Sponsored by: Hon. Coun. Robert A. Abas  
Co-sponsored by:  
Hon. Coun. Atty. Raul R. Corro  
Hon. Coun. Bal Nieves  
Hon. Coun. Allen F. Ampaya  
Hon. Coun. Ringo A. Teves  
Hon. Coun. Dan Hubert A. Barlis  
Hon. Coun. Luvi P. Constantino  
Hon. Coun. Engr. Neptali S. Santiago  
Hon. Coun. Robert P. Baes  
Hon. Coun. Elmer S. Espeleta  
Hon. Coun. Vergel C. Ulanday

WHEREAS, Executive Order No. 71 and Republic Act No. 7160 otherwise known as the New Local Government Code of 1991, states that, “the power of the Housing and Land Use Regulatory Board (HLURB) to grant preliminary approval and subdivision plans of all subdivisions has been transferred to the Local Government Units”;

WHEREAS, under the said New Local Government Code of 1991, specifically Section 458 (2)(x), “the Sangguniang Panlungsod has the power to process and approve land use and zoning within its jurisdiction”;

WHEREAS, the President of Pleasant Village Homeowners Association Inc. wrote a letter to the Hon. City Mayor Aldrin L. San Pedro regarding their demand from the owner/developer of Phasant Village for the turnover of the Open Spaces and to develop and complete the standard amenities as promised by the developer;

WHEREAS, the land owner is willing to turnover the open spaces to PV/HA and to undertake its development, subject to the retention of Two Thousand Two Hundred Eighty Six (2,286) square meters due to the expropriation of some areas by the government for the South Luzon Expressway and for the proposed development in the open spaces;

WHEREAS, the PV/HA is requesting the approval for the alteration of the subdivision plan/layout of Pleasant Village to reflect the retained areas as a result of the expropriation for the South Luzon Expressway and for the development of the Open Spaces;
WHEREAS, Pleasant Village was left uncompleted by the landowner/developer and the roads were not turned over to the City Government and the Open Spaces to the association because of a legal dispute between the Land Owner (Felisa Tamio Buenaventura and Felimon Buenaventura) and the developer (G. L. Mejia Enterprises, Inc.) since 1990's;

WHEREAS, the landowners passed away during the 90's and the matter was complicated because of the dispute among the two groups of heirs (the heirs of Felisa Tamio Buenaventura and the Heirs of Felimon Buenaventura, Sr.). The inheritance case is still being heard in the Regional Trial Courts (RTC) of Olongapo City and Muntinlupa and lately, with the Court of Appeals (CA);

WHEREAS, the affected lots for alteration have not been sold;

WHEREAS, after evaluating the necessary documents submitted by Pleasant Village Homeowners Association, and based on the recommendation of the City Zoning Administrator, the application for Alteration of subdivision plan is hereby approved, subject to the terms and conditions under Ordinance No. 02-047;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 6th Sangguniang Panglungsod in session assembled that:

SECTION 1. This ordinance hereby grants the request of Pleasant Village Homeowners Association, Inc., through its president Danilo Garcia for alteration of subdivision plan located at Pleasant Village, Barangay Bayanan, Muntinlupa City.

SECTION 2. That the TCTs of the two open spaces are not part of the contested properties of the heirs and are not included in the on-going court case. That Mrs. Bela Guerrero and Mr. Rodofo Mariano can sign for and in behalf of the heirs of Felisa Tamio de Buenaventura, and Mr. Feinimon Buenaventura, Sr., respectively for the Deed of Donation.

SECTION 3. The total Two Thousand Two Hundred Eighty-Six (2,286) square meters will be retained by the heirs due to the expropriation of some areas and for the development of the open space.

SECTION 4. That the developer has long abandoned the project and their claim from the landowners was long settled by a decision of the HLURB in the past.

SECTION 5. That the landowners are willing to turnover the open space to PVHA and to undertake its development, subject to the retention of 2,286 square meters due to the expropriation of some areas by the government for the South Luzon Expressway, the past and the on-going development and the proposed improvements in the open space to be agreed upon by the PVHA and the landowners. The areas to be retained will be offered for sale.
SECTION 6. The developer is willing to turnover the said open spaces to PVHA and will undertake its development in a compromise agreement.

SECTION 7. After the turnover of the open space by the developer to the Pleasant Village Homeowners Association (PVHA) the Homeowners will donate the said open space to the City Government of Muntinlupa.

SECTION 8. The Final Approval of the alteration subdivision plan of the land shall be issued, provided that the applicant shall complete all the other requirements set forth by the Zoning Office;

ENACTED, by the 6th Sangguniang Panlungsod of Muntinlupa this 6th day of August, 2012, on its 86th Regular Session.

CONCURRED:

DISTRICT I:

COUNCILOR RALPH B. CORRO
Member

COUNCILOR BAL B. NIEFES
Member

COUNCILOR DAN HUBERTA. BARLIS
Member

COUNCILOR ALLEN F. AMPAYA
Member

COUNCILOR RINGO A. TEVES
Member

DISTRICT II:

COUNCILOR LUIGI P. CONSTANTINO
Member

COUNCILOR ROBERT A. ABAS
Member

COUNCILOR ENGR. NEPTALI S. SANTIAGO
Member

COUNCILOR ROBERT P. BAES
Member

COUNCILOR ELMER S. ESPELETA
Member

COUNCILOR VERGEL C. ULANDAY
Member
ABSENT:
COUN. ATTY. PATRICIO L. BONCA/AQ, JR.  
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD  
Member

COUN. ALEXANDER B. DIAZ  
Member

COUN. JOSELITO V. AREVALO  
Member

COUN. RAFAEL T. SEVILLA  
Member

COUN. ADORADO P. SAN PEDRO  
Sectoral Representative  
President Association of Barangay Captains

COUN. EULOQUIO DS. DIOKO, II  
Sectoral Representative  
President Federation of Sangguniang Kabataan

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

CECILIA C. LAZARTE  
Secretary

ATTESTED:

ARTEMIO SIMUNDAC  
City Vice-Mayor/Presiding Officer

APPROVED:

ALDRIN L. SAN PEDRO  
City Mayor  
Date: 2012

Norie/6th SP