



# Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF  
THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT THE  
LOU-IS RESTAURANT, BALANGA CITY, BATAAN  
ON OCTOBER 14, 2019

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member

Hon. Jomar L. Gaza J.D., Board Member

Hon. Reynaldo T. Ibe, Jr., Board Member

Hon. Godofredo B. Galicia, Jr., M.D., Board Member

Hon. Maria Khristine G. Dela Fuente, Board Member

SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member

Hon. Manuel N. Beltran, Board Member

Hon. Edgardo P. Calimbas, Board Member

Hon. Jose C. Villapando, Sr., Board Member

Hon. Romano L. Del Rosario, Board Member

Hon. Doroteo M. Austria, Board Member (FABC President)

Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)

Hon. Precious D. Manuel, Board Member (SKF President)

Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

None

ORDINANCE NO. 11  
Series of 2019

"AN ORDINANCE AUTHORIZING THE EXERCISE BY THE PROVINCIAL GOVERNMENT OF BATAAN OF ITS POWER OF EMINENT DOMAIN OVER THE FOLLOWING PARCELS OF LAND DESCRIBED AS FOLLOWS: 1) LOT 1297-B-5, WITH AN AREA OF 162 SQUARE METERS, MORE OR LESS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 038-2019007528, IN THE NAME OF JOEL REYES MARRIED TO ELSA B. REYES; 2) A PORTION WITH AN AREA OF 132 SQUARE METERS, MORE OR LESS (OUT OF THE 12,003 SQUARE METERS) OF LOT 1297-B-7, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. T-230028, IN THE NAME OF RAFAEL ALCAZAR AND RUBEN ALCAZAR; AND 3) A PORTION WITH AN AREA OF 206 SQUARE METERS (OUT OF THE 1,379) SQUARE METERS, MORE OR LESS OF LOT 1297-B-3, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 038-2018006659, IN THE NAME OF EMMANUEL M. EDUARTE, ELIZA M. EDUARTE, IRISH M. EDUARTE AND IRA M. EDUARTE; INCLUDING IMPROVEMENTS, ALL LOCATED IN DOÑA, ORANI,

ALBERT S. GARCIA  
Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"



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BATAAN, FOR PURPOSES OF UTILIZING THE SAME FOR THE REHABILITATION AND IMPROVEMENT OF TALIMUNDOC-DOÑA ROAD, LOCATED IN ORANI, BATAAN; AND APPROPRIATING FUNDS THEREFOR; AND AUTHORIZING THE PROVINCIAL GOVERNOR TO REPRESENT THE PROVINCIAL GOVERNMENT OF BATAAN IN FILING AND PURSUING THE EXPROPRIATION PROCEEDINGS THEREFOR, ALL IN ACCORDANCE WITH PERTINENT LAWS".

Sponsored by: Hon. Jomar L. Gaza J.D.

WHEREAS, the Sangguniang Panlalawigan received an urgent request from the Office of the Provincial Governor for the adoption of an ordinance authorizing the Provincial Government of Bataan to exercise its power of eminent domain;

WHEREAS, the Provincial Government of Bataan is currently undertaking the Rehabilitation & Improvement of the Talimundoc-Doña Road, located in Orani, Bataan;

WHEREAS, the said road project will be for the benefit of the general public, and is expected to ease traffic congestion, prepare the Municipality of Orani and neighboring towns for the projected development therein, and spur further economic growth within the area;

WHEREAS, the properties subject of this Ordinance are necessary to be acquired for purposes of the said road project;

WHEREAS, as manifested, the offer to purchase tendered by the Provincial Government of Bataan to the owners of the subject parcels of land were refused or rejected;

WHEREAS, the Local Government Code of 1991 expressly grants local government units with the power of eminent domain, as follows:

*"Section 19. Eminent Domain – A local government unit may, through its chief executive and acting in pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose, or welfare for the benefit of the poor or 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 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 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".*

ALBERT S. GARCIA  
Provincial Governor



WHEREAS, on the basis of the information provided and the documents submitted, upon review and deliberation, the Sangguniang Panlalawigan finds the request to be in order;

NOW THEREFORE, the Sangguniang Panlalawigan, in session duly assembled, decrees and ordains:

**Section 1. Exercise of the Power of Eminent Domain** – Without prejudice to pertinent laws, rules and regulations, pursuant to the representations made and documents submitted by its relevant departments/offices, the Provincial Government of Bataan is hereby authorized to exercise its power of eminent domain over the following parcels of land:

- 1) Lot 1297-B-5, with an area of 162 square meters, more or less, covered by Transfer Certificate of Title No. 038-2019007528, in the name of Joel Reyes married to Elsa B. Reyes;
- 2) a portion with an area of 132 square meters, more or less (out of the 12,003) square meters of Lot 1297-B-7, covered by Transfer Certificate of Title No. T-230028, in the name of Rafael Alcazar and Ruben Alcazar; and
- 3) a portion with an area of 206 square meters (out of the 1,379) square meters, more or less) of Lot 1297-B-3, covered by Transfer Certificate of Title No. 038-2018006659, in the name of Emmanuel M. Eduarte, Eliza M. Eduarte, Irish M. Eduarte and Ira M. Eduarte; including improvements, all located in Doña, Orani, Bataan.

**Section 2. Public Purpose** - The above-mentioned parcels of land to be expropriated shall be used only for public purpose, which in this case, is the REHABILITATION AND IMPROVEMENT OF THE TALIMUNDOC-DOÑA ROAD, located in Orani, Bataan.

**Section 3. Just Compensation** – Provincial Government of Bataan is authorized to allocate the necessary funds for purposes of the payment of just compensation in favor of the owners of the subject parcels of land, including the amount equivalent to fifteen percent (15%) of the fair market value thereof based on the current tax declaration of the properties to be expropriated. The Offices of the Provincial Treasurer, the Provincial Accountant and the Provincial Budget Officer shall certify as to the availability of funds, to cause the release of said funds and to disburse the same subject to existing government accounting and auditing rules and regulation.

**Section 4. Authority of the Provincial Governor** - For this purpose, the Provincial Governor, Hon. Albert S. Garcia, is hereby given the authority to represent the Provincial Government of Bataan and undertake all actions necessary in the expropriation proceedings, including but not limited to the filing of case in court, signing of pleadings, motions and other documents as may be necessary in the proceedings, all in accordance with pertinent laws.

ALBERT S. GARCIA  
Provincial Governor

2019

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**Section 5. Reservation** – In the event the registered owners of the subject parcels of land decide to reconsider the valid offer to purchase tendered by the Provincial Government of Bataan which was earlier refused or rejected, the negotiations for the acquisition of the subject property through other lawful process may then proceed notwithstanding the filing of the necessary expropriation proceedings as authorized under this Ordinance.

**Section 6. Separability Clause** – If for any reason, any portion or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby, shall continue in full force and effect.

**Section 7. Effectivity** - This Ordinance shall take effect upon approval hereof.

**APPROVED UNANIMOUSLY, 14 October 2019.**

*[Signature]*  
SEVERINO P. SALAZAR  
Secretary to the SP

*[Signature]*  
BENJAMIN C. SERRANO, JR.  
Board Member

*[Signature]*  
JOMAR L. GAZA J.D.  
Board Member

*[Signature]*  
REYNALDO T. IBE, JR.  
Board Member

*[Signature]*  
GODOFREDO B. GALICIA, JR., M.D.  
Board Member

*[Signature]*  
MARIA KRISTINE G. DELA FUENTE  
Board Member

*[Signature]*  
MARIA MARGARITA R. ROQUE  
Board Member

*[Signature]*  
MANUEL N. BELTRAN  
Board Member

*[Signature]*  
EDGARDO P. CALIMBAS  
Board Member

*[Signature]*  
ALBERT S. GARCIA  
Provincial Governor


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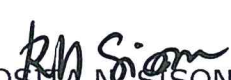
  
JOSE C. VILLAPANDO, SR.  
Board Member

  
ROMANO L. DEL ROSARIO  
Board Member

  
DOROTEO M. AUSTRIA  
Board Member  
(FABC President)

  
NOEL JOSEPH L. VALDECAÑAS  
Board Member  
(PCL President)

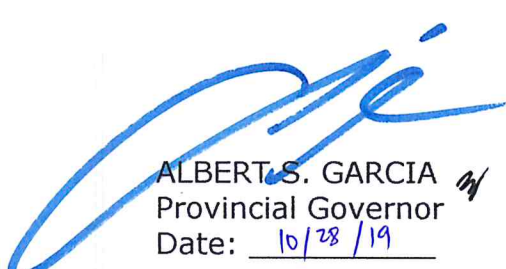
  
PRECIOUS D. MANUEL  
Board Member  
(SKF President)

  
ROSITA N. SISON  
Board Member  
(IPM Representative)

ATTESTED:

  
MA. CRISTINA M. GARCIA  
Vice Governor  
(Presiding Officer)

APPROVED:

  
ALBERT S. GARCIA  
Provincial Governor  
Date: 10/28/19