



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
South Wing, Provincial Capitol Building
South Capitol Road, Bacolod City, Negros Occidental 6100
Tel. Nos. 435-7698 * 447-5657 * 707-8075

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD, NEGROS OCCIDENTAL ON THE 2ND DAY OF APRIL 2024.

Present:

Hon. Jeffrey P. Ferrer	Vice Governor / Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 st District
Hon. Araceli T. Somosa	Member - 1 st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 nd District
Hon. Samson C. Mirhan	Member - 2 nd District
Hon. Manuel Frederick O. Ko	Member - 3 rd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Valentino Miguel J. Alonso	Member - 6 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Mayvelyn L. Madrid	Member - SK
Hon. Richard Julius L. Sablan	Member - ABC
On Official Business:	
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Julius Martin D. Asistio	Member-PCL

RESOLUTION NO. 0471
Series of 2024

RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 2024-04 OF THE MUNICIPALITY OF CALATRAVA AUTHORIZING THE MUNICIPAL GOVERNMENT THROUGH ITS LOCAL CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF A PRIVATE LOT IN BARANGAY SAN ISIDRO, CALATRAVA FOR THE LOCAL GOVERNMENT HOUSING AND LAND FOR THE LANDLESS PROJECTS AS A VALID ENACTED ORDINANCE

WHEREAS, Section 56 of the Local Government Code of 1991 expresses the reviewing power of the Sangguniang Bayan on Component City and Municipal Ordinances and Resolutions declaring the Ordinance or Resolution valid if it's consistent with the law or invalid in whole or in part if the Sangguniang Panlalawigan finds the Ordinance or Resolution to be beyond the power conferred upon the Sangguniang Panlungsod or Sangguniang Bayan concerned;

WHEREAS, Municipal Ordinance No. 2024-04 of the Municipality of Calatrava authorizing the municipal government through its Local Chief Executive to exercise the power of eminent domain for the expropriation of a private lot in Barangay San Isidro, Calatrava for the local government housing and land for the landless projects, was submitted for review by the Municipality of Calatrava to the Sangguniang Panlalawigan of Negros Occidental;

WHEREAS, after prompt examination by the Provincial Legal Office, it is the recommendation of the said Office that the subject Ordinance is within the conferred power of the Sangguniang Bayan of Calatrava to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;

WHEREAS, R.A. No. 7160 otherwise known as the Local Government Code of 1991 mandates the Sangguniang Bayan as the legislative body of the municipality has the power to enact ordinances, and appropriate funds for the general welfare of the city and its inhabitants.



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WHEREAS, Ordinance No. 2024-02 of the Municipality of Calatrava finds legal basis under Section 19 of the Local Government Code, to wit:

Section 19. Eminent Domain. - 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 reviewing authority of the Sangguniang Panlalawigan finds no irregularity that follow thereto as a result of the thorough scrutiny of the Provincial Legal Officer;

NOW THEREFORE, premises considered, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr. unanimously seconded by all the members present during the regular session of the Sangguniang Panlalawigan of Negros Occidental, resolved, as it hereby resolves, to pass and approve this resolution to wit:

RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 2024-04 OF THE MUNICIPALITY OF CALATRAVA AUTHORIZING THE MUNICIPAL GOVERNMENT THROUGH ITS LOCAL CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF A PRIVATE LOT IN BARANGAY SAN ISIDRO, CALATRAVA FOR THE LOCAL GOVERNMENT HOUSING AND LAND FOR THE LANDLESS PROJECTS. AS A VALID ENACTED ORDINANCE

ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

HON. VALENTINO MIGUEL J. ALONSO
Temporary Presiding Officer

ATTESTED:

ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary

Note: The Presiding Officer, Hon. Jeffrey P. Ferrer, relinquished the chair to the Temporary Presiding Officer, Hon. Valentino Miguel J. Alonso.