

Republic of the Philippines  
Province of Iloilo  
**MUNICIPALITY OF MINA**  
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**Office of the Sangguniang Bayan**

**ORDINANCE NO. 2019 - 362**

**AN ORDINANCE AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS OVER THE ONE HUNDRED SEVENTY FIVE (175) SQUARE METER PORTION OF LOT NO. 9874, COVERED BY TRANSFER OF CERTIFICATE OF TITLE (TCT) NO. 172286 SITUATED AT BRGY. MINA WEST, MINA, ILOILO IN CONNECTION WITH THE LOCAL GOVERNMENT UNIT (LGU) WATER SUPPLY PROJECT**

**WHEREAS, the Municipality of Mina is implementing the LGU Water projects to provide safe and potable water supply to the community;**

**WHEREAS, with said water project, the old pumping station (deep well) constructed sometimes in the 1980's on Lot No. 9874 at Brgy. Mina West, Mina, Iloilo, upon the consent of its then owner, is being rehabilitated;**

**WHEREAS, Lot No. 9874 is now owned by Yusay Credit & Finance Corporation after an auction sale following the foreclosure of real estate mortgage for non-payment of mortgage loan by its previous owner;**

**WHEREAS, the taking of the aforementioned private lot for the municipality's water supply is a public necessity that demands ownership and use of the LGU of Mina;**

**WHEREAS, a valid and definite offer has been previously made by the municipality to owner Yusay Credit & Finance Corporation, but such offer was not accepted;**

**WHEREAS, given the public need to acquire lot, the Municipality under section 19 of the RA 7160, may exercise its power of eminent domain through expropriation proceedings.**

**NOW, THEREFORE, the Sangguniang Bayan of Mina, Province of Iloilo, in session assembled, do ordain as follows:**

**Section 1. Grant of Authority. The expropriation of Lot No. 9874 for the LGU water supply project of the Municipality of Mina is hereby authorized and for that purpose the Local Chief Executive in behalf of the Municipality of Mina will initiate the expropriation proceedings against the owner/s of the lot No. 9874.**

**Section 2. Purpose. This Ordinance is enacted in connection with the rehabilitation of water pumping station (deep well) at Brgy. Mina West, Mina, Iloilo under the LGU water project which is for public use and general welfare of the constituents.**

**Section 3. Subject. The property is the One Hundred Seventy Five (175) square meter portion of a privately owned parcel of lot, known as Lot. No. 9874, covered by TCT No. 172286, located at Brgy. Mina West, Mina, Iloilo, declared in the name of Yusay Credit & Finance Corporation under Tax Declaration No. 28 – 0001 - 00026.**

**Section 4. Appropriation. For purposes of this Ordinance, the amount for the deposit fees equivalent of fifteen percent (15%) of the market value of the property based on its current tax declaration and the amount for payment of just compensation to the property as determined by the proper court, including other expenses for the expropriation proceedings shall be appropriated from the 20% Development Fund of the general fund of the municipality.**

**Section 5. Separability Clause.** If for any reasons, part or provisions of this Ordinance shall be held to be invalid, other parts or provision hereof which are not affected shall continue to be in full force and effect.

**Section 6. Effectivity Clause .** This Ordinance shall take effect upon approval and after publication as required by law.

***ADOPTED this 20<sup>th</sup> day of June 2019, on motion of Hon. Ireneo d. Pecina duly seconded by Hon. Juanito D. Grabato, Jr., Hon. Germaine D. Dableo and Hon. Arnel C. Matta.***

**APPROVED.**

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I hereby certify to the correctness of the above-stated Ordinance.

**(SGD.) MA. DAISY P. PARREÑO**  
Secretary to the Sanggunian

**ATTESTED:**

**(SGD.) HON. BERNARDINO P. CHICHIRITA**  
Presiding Officer

**APPROVED:**

**(SGD.) HON. REY P. GRABATO**  
Municipal Mayor