

**[MANILA CITY ORDINANCE NO. 8367, November
21, 2014]**

**REGULAR SESSION NO. 118
9th CITY COUNCIL**

**Begun and held in the City Council on Tuesday,
the twelfth day of August, Two Thousand Fourteen**

**AN ORDINANCE DECLARING THE TERRITORIAL JURISDICTION
OF BARANGAY 649, ZONE 68, DISTRICT V, MANILA, TO
SPECIFICALLY INCLUDE THE AREA OF PASIG RIVER TO THE
NORTH, 7th STREET TO THE SOUTH ENCOMPASSING THE ASIAN
TERMINAL INCORPORATED COMPOUND, MANILA BAY TO THE
WEST AND BONIFACIO DRIVE TO THE EAST, THUS, AFFIRMING
JOINT SANGGUNIANG BARANGAY RESOLUTION OF BARANGAY
649 AND 650, ZONE 68, DISTRICT V, MANILA, DATED 05
OCTOBER 2014, AND FOR OTHER PURPOSES**

SPONSORED BY:

**HON. MARLON M. LACSON
Majority Floor Leader**

PREAMBLE

WHEREAS, Barangay 649, Zone 68, District V, City of Manila, requested the City Council of Manila that their Barangay Resolution be approved, thus, allowing the release of their accumulated lawful share of Real Property Taxes of previously years derived from commercial and industrial establishments within their respective territorial jurisdictions;

WHEREAS, In support of their claim, a Resolution from the Liga ng mga Barangay allowing the release and use of such fund in their barangay was presented as well as the Barangay Resolution, cadastral map, business permits and clearance issued by the barangay-claimant to the various commercial and industrial establishments situated in the territorial jurisdiction being claimed.

WHEREAS, considering that there were no other similar claims from the other adjoining barangays and that the barangay-claimant was able to establish by clear and convincing evidence their claim over their respective territorial jurisdiction, the City Council of Manila passed Resolution No. 25, Series of 2014, on January 28, 2014 affirming their request for the approval of their barangay resolution thus allowing the release of their lawful share over the Real Property Taxes derived from

commercial and industrial establishments within the claimed area;

WHEREAS, surprisingly and after several months, some barangay officials from the adjoining barangays filed their oppositions to the Office of the Mayor, thus, when a committee hearing was scheduled for the purpose, all barangays concerned were duly notified on the said committee hearing and were given the opportunity to present their opposing view and they were given sufficient time to file position paper attaching therewith pertinent documents to support their claims;

WHEREAS, in the said hearing, the committee was apprised of the Audit Observation Memorandum (AOM), dated June 30, 2014, of the Commission on Audit (COA) which opined: "Notwithstanding the above resolutions, we noted the absence of City Council Ordinance that would support the legal basis of the release of funds to Barangay 128 and Barangay 653 as required by Section 6 of the Local Government Code which states that a local government unit may be created, divided, merged, abolished, or its boundaries substantially altered either by law enacted by Congress in the case of a province, city, municipality, or any other political subdivision, or by ordinance passed by the sangguniang panlalawigan or sangguniang panlungsod concerned in the case of a barangay located within its territorial jurisdiction, subject to such limitations and requirements prescribed in this code".

WHEREAS, on 05 October 2014, the Sanggunian of Barangays 649 and 650, Zone 68, District V, Manila, jointly resolved the issue by adopting a Joint Barangay Resolution, entitled: "A JOINT SANGGUNIANG BARANGAY RESOLUTION INTERPOSING NO OBJECTION TO THE ENACTMENT OF ORDINANCE THAT WILL AWARD THE RELEASE OF THE ACCUMULATED LAWFUL SHARE OF REAL PROPERTY TAXES OF PREVIOUS YEARS TO DATE, DERIVED FROM COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS AROUND THE AREA OF PASIG RIVER TO THE NORTH, 7TH STREET TO THE SOUTH ENCOMPASSING THE ASIAN TERMINAL INCORPORATED COMPOUND, MANILA BAY TO THE WEST AND BONIFACIO DRIVE TO THE EAST, IN FAVOR OF BARANGAY 649, ZONE 68, DISTRICT V, MANILA.":

WHEREAS, the Committee on Laws resolves the following findings and recommendation, to wit:

1. That the barangay-claimants are correct in claiming their rightful shares over the accumulated fund of Real Property Taxes of previous years derived from commercial and industrial establishments within their respective territorial jurisdictions from the Trust Fund.
2. That this is not a case of creation, division, merging, abolition or substantial alternation as contemplated under Section 6 of the Local Government Code.
3. That in deference to the opinion of the Commission on Audit and to settle this matter once and for all, the member of this Committee recommends for the passing of the Ordinance declaring the territorial jurisdiction of the respective barangay-claimants specifying therein the metes and bounds; thus, affirming the City Council Resolutions.
4. That the proposed draft Ordinance be amended by way of substitution in consonance with the preceding paragraph";