

RESOLUTION NO. 2012-043  
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**RESOLUTION AUTHORIZING THE CITY LEGAL OFFICER TO PREPARE AND FILE AN AMENDED COMPLAINT FOR THE PURPOSE OF IMPLEADING IN THE EXPROPRIATION CASE INVOLVING THE ZAENS PROPERTY LOCATED IN BARANGAY SAN ISIDRO, THIS CITY, THE ELEVEN (11) RESPONDENTS WHO ARE SETTLERS ON THE SUBJECT PROPERTY, AND LIKEWISE FOR HIM TO RAISE THE ISSUE AS TO WHO SHALL PAY THE DISTURBANCE COMPENSATION AND BE RESPONSIBLE FOR THE EXPENSES THAT MAY BE INCURRED:-**

Sponsor: Hon. Nelson S. Legacion

**WHEREAS**, received by the Sangguniang Panlungsod for appropriate action is the letter dated February 15, 2012 of the City ENRO, with respect to the problems on the occupants and/or settlers in the Zaens property located at San Isidro, Naga City that is the current subject of the expropriation proceeding entitled City of Naga vs. Zaens, Civil Case no. RTC 2011-0072 pending before Branch 62, Regional Trial Court, Naga City and where the city, in partnership with CJ Global, intends to build its Waste to Energy Facility;

**WHEREAS**, in the said letter, the City ENRO raised certain issues affecting the persons claiming as owners and certain settlers in the property, including the payment of disturbance compensation of their houses, the planted trees and crops prior to the start of the fencing construction by the CJ Global, and whether it is necessary to wait for the order of the court to this effect;

**WHEREAS**, Section 1, Rule 67 of the Rules of Court provides that any person claiming interest or occupying the property or part thereof should likewise be made a party respondent to the case. The rule pertinently reads:

"Section 1. The complaint. - The right of eminent domain shall be exercised by the filing of a verified complaint which shall state with certainty the right and purpose of expropriation, describe the real or personal property sought to be expropriated, and join as defendants all persons owning or claiming to own, or occupying, any party thereof or interest therein, showing, so far as practicable, the separate interest of each defendant. Xxx."

**WHEREAS**, it appearing that only the registered owners had been so far impleaded as defendants and for the purpose of settling all issues involving the properties subject of expropriation, it is imperative that an amended complaint be filed by impleading the eleven (11) persons who are either claiming as owners or simply mere settlers on the property or portions thereof;

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**NOW, THEREFORE,** on motion of Hon. Nelson S Legacion, seconded by Hon. David Casper Nathan A. Sergio;

**BE IT RESOLVED,** as it is hereby resolved, to authorize the City Legal Officer to prepare and file an amended complaint for the purpose of impleading in the expropriation as additional party respondents in the case entitled City of Naga vs. Zaens, Civil Case no. RTC 2011-0072 pending before Branch 62, Regional Trial Court, Naga City the eleven (11) persons who are either claiming as owners or simply mere settlers on the subject property or portions thereof and for him to bring all issues relative thereto for resolution by the court.

**LET COPIES** of this resolution be furnished His Honor, the Acting City Mayor for his concurrence, the City Legal Officer for his appropriate action and the City ENRO for his information.

APPROVED.

Adopted: February 21, 2012

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**WE HEREBY CERTIFY** to the correctness of the foregoing resolution.

**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**CECILIA VELUZ-DE ASIS**  
Acting City Vice Mayor &  
Presiding Officer

APPROVED:

**GABRIEL H. BORDADO, JR.**  
Acting City Mayor