

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON MARCH 25, 2019

PRESENT:

Vincent L. Rama,	(OIC-City Vice-Mayor & Temporary Presiding Officer), SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr. (OIC – City Mayor),
City Vice Mayor & Presiding Officer

ON LEAVE:

Eusebio Gerardo S. Penserga, SP Member
Jasper C. Yerro, Ex-Officio SP Member, Chapter President,
Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

RESOLUTION NO. 2019-072

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ, FOR AND ON BEHALF
OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-
ORMOC), TO ENTER INTO AND SIGN A DEED OF
ABSOLUTE SALE OF A PARCEL OF LAND
DENOMINATED AS LOT 13, BLOCK 5 AWARDED TO
MRS. LOURDES B. DEVILA AS BENEFICIARY OF THE
ORMOC CITY GOVERNMENT EMPLOYEES HOUSING
PROJECT LOCATED AT BARANGAY SAN ISIDRO,
ORMOC CITY.**

WHEREAS, this august Body was in receipt of an Indorsement from the Office of the City Mayor dated March 12, 2019 requesting therein for the issuance of a Resolution granting the City Mayor, for and in behalf of the Local Government Unit of Ormoc (LGU-ORMOC), the authority to enter into and sign a Deed of Absolute Sale with Mrs. Lourdes B. Devila as beneficiary of the Ormoc City Government Employees Housing Project at Brgy. San Isidro, Ormoc City, a photocopy of the Deed of Absolute Sale is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, the City Government of Ormoc is the owner of a parcel of land situated in Barangay San Isidro, Ormoc City, evidenced by Transfer Certificate of Title No. T-40046, issued by the Register of Deeds of Ormoc City, which is more particularly bounded and described as follows:

"A parcel of land (Lot 13, Block 5, of the subdivision plan, Pcs 08-000521-D, being a portion of Lot 5362-A, B & C (LRC) Psd-236950 and Lot 5362-D-2, Psd-08-006278 LRC Rec. No. 1750) situated in the Barangay of San Isidro, City of Ormoc, containing an area of TWO HUNDRED THIRTY FIVE (235) SQUARE METERS, more or less, XXXX-----XXX-----XXXX"

A copy of Transfer Certificate of Title No. T-40046 is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, the City Government of Ormoc has issued a Certificate of Award last December 08, 2001 to Mrs. Lourdes B. Devila as a bonafide beneficiary of the aforesaid lot under the Ormoc City Government Employees Housing Project, a copy of the Certificate of Award is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, through a Certification issued by the Office of the City Accountant dated August 23, 2018, Mrs. Lourdes B. Devila, has fully settled his lot loan obligation in the total amount of Forty Seven Thousand Philippine Pesos (PHP 47,000.00) as of December 2008, a copy of the said Certification is hereto attached as Annex "D" and made an integral part hereof;

WHEREAS, the Office of the City Legal Officer has issued a legal opinion dated March 11, 2019, relative to legal opinion issued of said office dated August 09, 2018, that upon examination of the supporting documents, Mrs. Lourdes B. Devila has already complied thereof thus, said office recommended that a Deed of Absolute Sale be executed by and between LGU-Ormoc City and Mrs. Devila. Furthermore, that the same be endorsed to the Sanggunian Panlungsod for the issuance of a Resolution granting the City Mayor or Acting Mayor to enter into and sign the Deed of Absolute Sale in behalf of LGU-Ormoc City pursuant to Section 22(c) in relation to Section 455(b)(vi) of R.A. No. 7160 (Local Government Code) , a copy of the said legal opinion is hereto attached as Annex "E" and made an integral part hereof;

WHEREAS, upon close and thorough review, this Sanggunian finds the Deed of Absolute Sale not contrary to law, contract, public policy and morals and that the beneficiary is found to have been fully compliant with the terms and conditions set forth under the Ormoc City Government Employees Housing Project, therefore, most deserving of this august Body's full support and affirmative action to the same;

WHEREFORE, on motion of SP Member Tomas R. Serafica, Chairman of the Committee on Ways and Means, Public Properties and Economic Enterprise, severally seconded by SP Members Mario M. Rodriguez, Benjamin S. Pongos, Jr., Gregorio G. Yrastorza III, Nolito M. Quilang and John Eulalio Nepomuceno O. Aparis II; be it

RESOLVED AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ, FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), TO ENTER INTO AND SIGN A DEED OF ABSOLUTE SALE OF A PARCEL OF LAND DENOMINATED AS LOT 13, BLOCK 5 AWARDED TO MRS. LOURDES B. DEVILA AS BENEFICIARY OF THE ORMOC CITY GOVERNMENT EMPLOYEES HOUSING PROJECT LOCATED AT BARANGAY SAN ISIDRO, ORMOC CITY;

ADOPTED, March 25, 2019.

RESOLVED, FURTHER, that a copy of the final notarized Deed of Absolute Sale be submitted to this Sanggunian for its information and files;

RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer; the Register of Deeds, Ormoc City; the City Assessor; COGEA President; Mrs. Lourdes B. Devila; the OIC-City Director, DILG; and other concerned offices for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


VINCENT L. RAMA
(OIC - City Vice-Mayor & Temporary Presiding Officer)
Majority Floor Leader
SP Member

DEED OF ABSOLUTE SALE**KNOW ALL MEN BY THESE PRESENTS:**

THE LOCAL GOVERNMENT UNIT OF ORMOC CITY, represented in this instance by its Honorable Mayor **RICHARD I. GOMEZ**, of legal age, Filipino, married and resident of Ormoc City, here known as the **VENDOR**, as authorized by the 14th Sangguniang Panlungsod of Ormoc City per Resolution No _____, for and in consideration of the sum of **FORTY SEVEN THOUSAND PESOS (Php 47,000.00)**, Philippine currency, receipt in full, as per Certification of Office of the City Accountant dated August 23, 2018, is hereby acknowledge, paid by **Mrs. Lourdes B. Devila**, of legal age, Filipino, married and a resident of, Ormoc City, Leyte, Philippines, by these presents, do hereby **SELL, CEDE, TRANSFER AND CONVEY** by way of an absolute sale, unto said. Lourdes B. Devila, his heirs, successor and assigns a certain parcel of land with all the improvements thereon, destined for and in actual use as a residential lot, situated in Lot 13, Block 5, Barangay San Isidro, Ormoc City, Leyte, Philippines, which is more particularly bounded and described as follows:

"A parcel of land (Lot 13, Block 5, of the subdivision plan Pcs 08-000521-D, being a portion of Lot 5362-A, B & C (LRC) Psd-236950 and Lot 5362-D-2, Psd-08-006278 LRC Rec. No. 1750) situated in Barangay San Isidro, City Ormoc, containing an area of 235 square meters, more or less, xxx---xxxx---xxxx"

That I have the perfect right to dispose and convey of the said proportion of land being my lawfully owned properly; that the property subject matter of this instrument is free from all liens and encumbrances; and that I will warrant and forever defend the ownership and title of the same unto the said Lourdes B. Devila, his heirs, successors, executors, administrators and assigns against any and all lawful claims of all persons whosoever.

That the property subject matter of this instrument has not been registered with act 496 not under the Spanish Mortgage Law, and the parties have agreed to register this instrument according to the provision of section 194 of the Revised Administrative Code as amended by Act 3344.

IN WITNESS WHEREOF, I here unto set my hand on this _____ day of _____ at Ormoc City, Philippines.

RICHARD I. GOMEZ, MBA
CITY GOVERNMENT OF ORMOC
Vendor

Signed in the presence of:

1. _____ 2. _____

Republic of the Philippines)
Province of Leyte) SS.
City of Ormoc)
X-----X

AFFIDAVIT OF UNDERTAKING

I, **LOURDES B. DEVILA**, of legal age, Filipino, married and resident of Brgy. San Isidro, Ormoc City, Philippines, after having been duly sworn to in accordance with law hereby depose and state:

1. That I am a regular employee of the Local Government Unit of Ormoc City, assigned at the City Social Welfare and Development Office;
2. That I am likewise the beneficiary of Lot No. 13, Block 5 of the Ormoc City Government Employees Housing Project located in Brgy. San Isidro and have fully paid for the same;
3. That I am presently requesting the City Government of Ormoc to execute a Deed of Absolute Sale and Acknowledgement Receipt in my favor;
4. That should my request be granted, I undertake to shoulder all taxes and fees necessary and/or incidental to the transfer of the title of the abovementioned property from the name of the City Government of Ormoc to myself;
5. That I am executing this Affidavit to attest to the truth of the foregoing statements and for whatever other legal purpose it may serve.

IN WITNESS WHEREOF, I have hereunto affixed my signature this OCT 04 2018 day of 2018 at ORMOC CITY, Philippines.

LOURDES B. DEVILA
LOURDES B. DEVILA
Affiant

OCT 04 2018
SUBSCRIBED AND SWORN TO before me this ____ day of ____ at ORMOC CITY, Philippines. Affiant exhibited to me her competent evidence of identity to wit: _____

Doc. No.
Page No.
Book No.
Series of 2018

ERWIN A. PEDROSA
ERWIN A. PEDROSA
Prosecutor II

No. 6520940

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY ORMOG CITY

897

REGISTRY OF DEEDS FOR THE

Transfer Certificate of Title

00073-01775

R-10

No. T-40046

IT IS HEREBY CERTIFIED that certain land situated in the ORMOG CITY

bounded and described as follows:

A parcel of land (Lot 13, Block 5 of the subdivision plan, Pos-08-000521-D, being a portion of Lots 5362-A, B & C (LRO) Psd-236950 and Lot 5362-D-2, Psd-08-006278 LRO Rec. No. 1750), situated in the Barangay of San Isidro, City of Ormog Island of Leyte. Bounded on the NW., along line 1-2 by Lot 15, Block 5, on the NE., along line 2-3 by Lot 12, Block 5 of the subdivision plan; on the SE., along line 3-4 by Road; and on the SW., along line 4-1 by Lot 14, Block 5 of the subdivision plan. Beginning at a point marked "1" on plan, being S 30 deg. 10' E., 299.90 m. from B.L.L.M. No. 40, Ormog Cadastre; thence N 35 deg. 30' E., 11.78 m. to point 2; thence S 55 deg. 49' E., 20.01 m. to point 3; thence S 35 deg. 30' W., is registered in accordance with the provisions of the Property Registration Decree in the name of

CITY GOVERNMENT OF ORMOG

as owner thereof in fee simple, subject to such of the encumbrances mentioned in Section 44 of said Decree as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 30th day of September, in the year nineteen hundred and thirty nine, in the Registration Book of the Office of the Register of Deeds of Leyte, Volume 708585, page 25321, as Original Certificate of Title No. 25321, pursuant to Decree No. 708585 issued in L. R. C. Cadastre Record No. 1750, in the name of G. Samara

This certificate is a transfer from Samara Certificate of Title No. 24619, 24620, 24621 which is cancelled by virtue hereof in so far as the above described land is concerned. 24676

Entered at ORMOG CITY
Philippines, on the 26th day of February
in the year two thousand and Two
at 10:50 A.M.

ATTEST:

Ormog City, Philippines

(Owner's postal address)

ARTURO P. SUAREZ

(Register of Deeds)

*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman, state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.

MEMORANDUM OF ENCUMBRANCES

(When necessary use this page for the continuation of the technical description)

Entry No.

11.74 m. to point 4; thence N 55 deg. 55' W., 20.01 m. to point of beginning, containing an area of TWO HUNDRED THIRTY FIVE (235) SQUARE METERS, more or less. All points referred to are indicated on the plan and are marked on the ground by P.S. cyl. conc. mons. 15 x 40 cm.; Bearings True; Date of Original Survey, Aug. 1928-June 1935. Subdivision Survey executed by Geodetic Engineer Arthur C. Arcuino, Oct. 24-31, 1996 and approved by OIC, Regional Technical Director, DENR LMS, Region 08, Tac. City on Sept. 2, 1997.

ARTURO P. SUAREZ
Register of Deeds


CERTIFICATION

This is to certify that this is a true copy of OCT/TCT/CCT
EP/CLOA No. 7-40045 Book No. 2-3
Page No. 66 Entered in the name of C. F.

upon the written request of with address
by for
Checked by Verified by
Vault Keeper Records Officer
Registered Deputy Registrar of Deeds
Amount
No. 22-3556
5/21/11

(Memorandum of Encumbrances continued on Page -B
(Technical Description continued on Additional Sheet Page

Register

 Official Receipt of the Republic of the Philippines	
<h1 style="margin: 0;">NO. 1245974 Z</h1>	
Date <u>July 17, 2002</u>	Agency <u>PAYOR LIVING & SERVICE</u>
Fund _____	



Republic of the Philippines
OFFICE OF THE CITY ACCOUNTANT
Ormoc City

CERTIFICATION

TO WHOM IT MAY CONCERN:


THIS IS TO CERTIFY that according to our records on file, **Mrs. Lourdes B. Devila** of City Social Welfare Development Office, Ormoc City has the following remittances representing her amortization payment inclusive of the 3% penalty per month on the remaining unpaid balance of her Lot Loan (**Blk No. 5 Lot No. 13, 235 sq m.**) as provided in Sec. 4.1.2 of the IRR of SP Resolution No. 2001-065 with payment breakdown as follows:

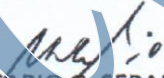
<u>AMOUNT</u>	<u>MONTH</u>
11,750.00	
587.50	Mar-03
587.50	Apr-03
587.50	May-03
587.50	Jun-03
587.50	Jul-03
587.50	Aug-03
587.50	Sep-03
587.50	Oct-03
587.50	Nov-03
587.50	Dec-03
587.50	Jan-04
587.50	Feb-04
587.50	Mar-04
587.50	Apr-04
587.50	May-04
587.50	Jun-04
587.50	Jul-04
587.50	Aug-04
587.50	Sep-04
587.50	Oct-04
587.50	Nov-04
587.50	Dec-04
587.50	Jan-05
587.50	Feb-05
587.50	Mar-05
587.50	Apr-05
587.50	May-05
587.50	Jun-05
587.50	Jul-05
587.50	Aug-05
587.50	Sep-05
587.50	Oct-05
587.50	Nov-05
587.50	Dec-05
587.50	Jan-06
587.50	Feb-06
587.50	Mar-06
587.50	Apr-06
587.50	May-06
587.50	Jun-06

<u>AMOUNT</u>	<u>MONTH</u>
587.50	Jul-06
587.50	Aug-06
587.50	Sep-06
587.50	Oct-06
587.50	Nov-06
587.50	Dec-06
587.50	Jan-07
587.50	Feb-07
587.50	Mar-07
587.50	Apr-07
587.50	May-07
587.50	Jun-07
587.50	Jul-07
587.50	Aug-07
550.00	Sep-07
550.00	Oct-07
550.00	Nov-07
550.00	Dec-07
550.00	Jan-08
550.00	Feb-08
550.00	Mar-08
(325.00)	Dec-08
TOTAL	<u>47,000.00</u>

This is to certify further that the Lot Loan has been FULLY PAID as of Dec. 2008.

Issued this 23rd day of August 2018 upon the request of Mrs. Lourdes Devila.


 Connie Candy P. Wenceslao
 Admin Aide VI

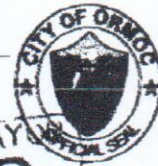
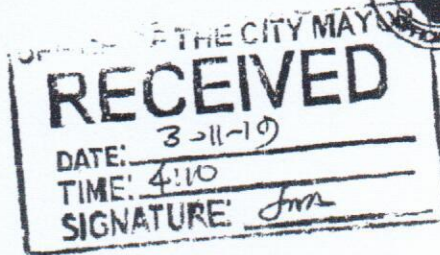

 ROSARIO S. SERAFICA
 City Accountant

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

11 March 2019

MAYOR RICHARD I. GOMEZ
Ormoc City



THRU: MA. VICTORIA LYRA P. DELA CERNA RRT, MBA-HA, MPA
City Gov't Asst. Dept. Head I, City Mayor's Office

Re: Review of the Request of Mrs. Lourdes B. Devila

- References:
- a. Referral Letter from CMO dated March 7, 2019;
 - b. Affidavit of Undertaking of Mrs. Lourdes B. Devila executed on October 4, 2018;
 - c. Certification from the City Accountant dated August 23, 2018;
 - d. Letter from CMO to Mrs. Devila dated August 20, 2018; and
 - e. Legal review by City Legal Office dated August 9, 2018 and its attachments.

Dear Ms. Dela Cerna,

1. This pertains to your request for legal review relative to the request of Mrs. Lourdes B. Devila for the release of title/ownership of Block 5, Lot 13 of the Government Housing Project located in Brgy. San Isidro, Ormoc City, awarded to her as city government employee.
2. It appears that this office has previously reviewed the request of Mrs. Devila but noted some lacking documents to be submitted, as follows:
 - a. Certification from City Accountant the payments made on the subject lot and certifying further that the same has been fully paid; and
 - b. Affidavit of Undertaking that she will shoulder taxes due on the property and on transfer of title.
3. Considering that records indicate that Mrs. Devila has already complied the lacking documents as noted by this office, it is recommended that a Deed of Absolute Sale be executed by and between LGU-Ormoc City and Mrs. Devila. Thereafter, the same be endorsed to SP for the issuance of a Resolution granting the City Mayor or Acting City Mayor to enter into and sign the Deed of Absolute Sale in behalf of LGU-Ormoc City pursuant to Sec 22 (c) in relation to Section 455 (b) (vi) of R.A. No. 7160 (Local Government Code).
4. This comment/opinion is hereby being rendered without prejudice to contrary opinion from competent authorities or ruling of proper court.

New Ormoc City Hall, Aunubing St., Cogon, Ormoc City
(053)255-7395 loc. 1010 ++ clo.ormoc@gmail.com

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

5. For consideration of the CMO.

Most Respectfully,

BURT J. PADES
Designate, Legal Office

WITH CONFORMITY:


JOSEPHINE A. MEJIA-ROMERO
City Legal Officer

DEMO COPY

New Ormoc City Hall, Aunubing St., Cogon, Ormoc City
(053)255-7395 loc. 1010 ++ clo.ormoc@gmail.com