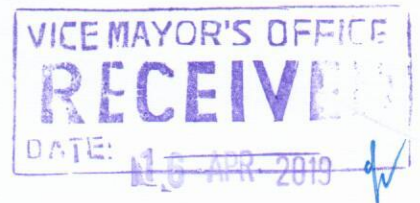


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 APRIL 15, 2019



PRESENT:

Leo Carmelo L. Locsin, Jr.
Vincent L. Rama,
Tomas R. Serafica,
Benjamin S. Pongos, Jr.,
Eusebio Gerardo S. Penserga,
Gregorio G. Yrastorza III,
Nolito M. Quilang,
Esteban V. Laurente,

City Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, Asst. Majority Floor Leader
SP Member
SP Member
SP Member
SP Member

Jasper C. Yerro,

Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Mario M. Rodriguez,
John Eulalio Nepomuceno O. Aparis II,

SP Member, Presiding Officer "Pro-Tempore"
SP Member

Lea Doris C. Villar,

Minority Floor Leader
SP Member, Asst. Minority Floor Leader

RESOLUTION NO. 2019-090

A RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE DEED OF USUFRUCT FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE LEYTE GULF CORPORATION OVER A PORTION OF LAND CONSISTING OF AN AREA OF ONE HUNDRED NINETEEN (119) SQUARE METERS, MORE OR LESS, OF LOT NO. 29, BLOCK 1 COVERED BY CERTIFICATE OF TITLE NO. 33960 LOCATED IN PACIFIC BAY SUBDIVISION, BARANGAY SAN PABLO, ORMOC CITY FOR THE INSTALLATION AND/OR CONSTRUCTION OF A WATER FACILITY.

WHEREAS, the City Mayor Richard I. Gomez through an Indorsement addressed to Vice Mayor Leo Carmelo L. Locsin, Jr., City Vice Mayor & Presiding Officer of the 14th Sangguniang Panlungsod ng Ormoc dated April 2, 2019 requested for the issuance of a Resolution authorizing the City Mayor to sign the Deed of Usufruct to be made and entered into by and between the Local Government Unit of Ormoc and Leyte Gulf Corporation, represented by Dr. Jessie Baltonado, for the installation and/or construction of a water facility at Pacific Bay Subdivision, Barangay San Pablo, Ormoc City, a copy of the final Deed of Usufruct is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, every Local Government Unit shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the improvement of the City's water system requires the re-drilling of existing water facilities within Pacific Bay Subdivision located at Barangay San Pablo, including the expansion of a water deep well, reservoir, pump station and pipe lines, which are all major components of the system;

WHEREAS, the Leyte Gulf Corporation, through Board Resolution No. 2018-01 dated September 16, 2018, approved the use of Lot 29, Block 1 at Pacific Bay Subdivision and further authorized the City Government of Ormoc through Ormoc City waterworks (OWO) to install/construct a water facility, a copy of said Resolution is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, LGU-Ormoc, in consideration of the owners' willingness to assist in providing a site for the project, shall cause the survey of the parcel of land of the owners to be used as construction site for a drilling station with the lot number and area affected, specifically a portion of Lot No. 29, Block 1 consisting of an area of One Hundred Nineteen (119) square meters more or less, which property is covered by Certificate of Title No. 33960 at Barangay San Pablo, Ormoc City, a copy of the Subdivision Scheme of Pacific Bay Subdivision is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, in a letter dated April 1, 2019, the City Legal Officer, Atty. Josephine Mejia-Romero, noted that the City Legal Office has reviewed the draft Deed of Usufruct and certified that based on records, there is nothing legally objectionable thereto, and further recommended the Deed of Usufruct be signed by the City Mayor subject to the issuance by the Sangguniang Panlungsod of the authority to do so, a copy of the said letter is hereto attached as Annex "D" and made an integral part hereof;

WHEREAS, cognizant of the need to have sufficient, safe and ample supply of water for the benefitted consumers, this Sanggunian finds the necessity to have the said water facility as the said network of pipelines and existence of the same could be of great help to the City Government's on-going rehabilitation and expansion of its water system, the same being a priority project of the City;

WHEREAS, upon close examination by this august Body, the Deed of Usufruct is found: to clearly and plainly encapsulate the terms and conditions of the agreement of the parties thereto, including their specific roles and obligations towards the attainment of the lofty ends of the same; to be not contrary to law, public policy and public order; and, lastly, to be advantageous to the City as it is entered into for the benefit of the water consumers and aid the City's projects in improving the water system of the City of Ormoc, and hence, deserving of this august Body's prompt and favorable action.

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Vincent L. Rama, Tomas R. Serafica, Gregorio G. Yrastorza III, Eusebio Gerardo S. Penserga, Nolito M. Quilang, Esteban V. Laurente and Jasper C. Yerro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE DEED OF USUFRUCT FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE LEYTE GULF CORPORATION OVER A PORTION OF LAND CONSISTING OF AN AREA OF ONE HUNDRED NINETEEN (119) SQUARE METERS, MORE OR LESS, OF LOT NO. 29, BLOCK 1 COVERED BY CERTIFICATE OF TITLE NO. 33960 LOCATED IN PACIFIC BAY SUBDIVISION, BARANGAY SAN PABLO, ORMOC CITY FOR THE INSTALLATION AND/OR CONSTRUCTION OF A WATER FACILITY;

ADOPTED, April 15, 2019.

RESOLVED, FURTHER, that a copy of the final and notarized Deed of Usufruct and its annexes be submitted to the Sangguniang Panlungsod ng Ormoc 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, Atty. Josephine Mejia-Romero; the the Register of Deeds, Ormoc City; Leyte Gulf Corporation; the City Local Government Operations Officer, DILG; and other concerned offices for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


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

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

Annex A =
Res. # 2019-090

DEED OF USUFRUCT

KNOW ALL MEN BY THESE PRESENTS:

This Deed of Usufruct executed by:

LEYTE GULF CORPORATION, with location of property at **Pacific Bay Subdivision, Brgy. San Pablo, Ormoc City**, represented by **Dr. JESSIE BALTONADO**, of legal age, Filipino, and resident of Doña Feliza Mejia, Ormoc City, hereinafter referred to as **OWNER**,

-AND-

LGU ORMOC CITY, herein represented by **CITY MAYOR RICHARD I. GOMEZ, MBA**, duly authorized to sign done by Sangguniang Panlungsod Resolution No. ___, of legal age, Filipino, and a resident of Barangay Can-adieng, Ormoc City, hereinafter called the **USUFRUCTUARY**,

WITNESSETH

WHEREAS, Republic Act 7160, otherwise known as the Local Government Code of 1991, mandates that every local government shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the Leyte Gulf Land Corporation executed Board Resolution No. 2018-01 dated September 16, 2018, approving the use of Blk. 01 Lot 29 located at Pacific Bay Subdivision, Brgy. San Pablo and authorizing the City Local Government of Ormoc thru Ormoc City Waterworks (OWO) to install/construct a water facility (one unit deep well, construct a new water tank and pipelines);

WHEREAS, the improvement of the City's water system requires the re-drilling of existing water facilities within Pacific Bay Subdivision, Brgy. San Pablo, expansion of a water deep well, reservoir, pump station & pipe lines, which are all major component of the system;

WHEREAS, the **OWNER** desire to assist the **USUFRUCTUARY** in providing the needed lot/location for the re-drilling of the water facilities;

WHEREAS, the **USUFRUCTUARY**, with concurrence of the Sangguniang Panlungsod, is amenable to the proposal of the **OWNERS-LEYTE GULF CORPORATION**;

WHEREAS, the **USUFRUCTUARY**, in consideration of the **OWNER-LEYTE GULF CORPORATION** willingness to assist the existing **WATER FACILITY** for re-drilling with the lot number and area affected, mainly a portion of Lot No. 29, Blk 1, Pacific Bay Subdivision, containing an area of One Hundred Nineteen (119) square meters more or less covered by Certificate of Title No. 33960 at Brgy. San Pablo, Ormoc City;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree on the following terms and conditions:

1. The **OWNER-LEYTE GULF CORPORATION** shall grant the use of the aforesaid parcel of land to the **USUFRUCTUARY** for the rehabilitation/re-drilling of the existing **WATER FACILITY** and consequently its operation and maintenance for a period of FIFTY (50) years from the date of the execution of this agreement;
2. The **OWNER-LEYTE GULF CORPORATION** shall be exempt from payment of water consumption on the premises up thirty (30) cubic meters per month water consumption in accordance with Section 4.1.9.2 of Ordinance No. 1 (Ormoc City Revenue Code of 1977);
3. The **USUFRUCTUARY** shall carry out the necessary improvement such as installation of pipelines of the said parcel of land and maintenance of the **WATER FACILITIES**;
4. The **USUFRUCTUARY** shall shoulder all the necessary restoration in the event of road and pavement damage during the installation of pipelines;

APPROVED
SEPARATE OPINION
Josephine Mejia, Ormoc City Legal Officer
BY: _____ DATE: 4/11/19

APPROVED
ORMOC CITY LEGAL OFFICE
REVIEWED

5. Both parties agree that the parcel of land with an existing **WATER FACILITIES** pursuant to this agreement shall not be for the use of the general public;
6. Pursuant to the immediately preceding paragraph, it is hereby mutually agreed that only **Ormoc Waterworks Office Personnel**, vehicles and equipment's and other concerned City Government Officials and employees shall be allowed to pass and/or make use of the **WATER FACILITIES** established and maintained under this agreement;
7. The **USUFRUCTUARY** shall have the right to assign personnel who shall serve as watchmen/tender of the area occupied by the **WATER FACILITIES** in that they are more familiar therewith and are in a better position to watch over;
8. The **USUFRUCTUARY** shall, and for the entire duration of this agreement, shoulder all real property taxes that may accrue on that portion of the property upon which the **WATER FACILITIES** shall be expanded and maintained;
9. Should the **USUFRUCTUARY** cease to operate the **WATER FACILITIES** for whatever reason not caused by or attributable to the **OWNER**, the area occupied thereby and subject of this agreement shall automatically revert to the full, functional and beneficial use of the **OWNER-LEYTE GULF CORPORATION**. In addition, the **WATER FACILITIES** and all accompanying and/or related structures on the above specified area incidental thereto shall accrue to the ownership of the **OWNER-LEYTE GULF CORPORATION** without obligation to reimburse the **USUFRUCTUARY**;
10. It is hereby agreed by the **PARTIES** that the management and operation of the **WATER FACILITIES** shall be exercised solely by the **USUFRUCTUARY** and not by private entities or other government agencies unless otherwise agreed in writing by both **PARTIES**. In the event such transfer is agreed upon by the **PARTIES**, the terms and conditions set forth in this agreement shall remain in force, more particularly the privileges given by the **USUFRUCTUARY** unto the **OWNER**, without prejudice to the adoption of supplemental or amended terms and conditions of the agreement in writing by both **PARTIES**;
11. This agreement shall commence upon the date of signing hereof.

IN WITNESS WHEREOF, the **OWNER-LEYTE GULF CORPORATION** and **USUFRUCTUARY** have hereunder subscribed their names this _____ day of _____ 2019 at Ormoc City, Leyte, Philippines.

LEYTE GULF CORPORATION
OWNER

Represented By:

Dr. **JESSIE M. BALTONADO, MD. EENT.**

LGU-ORMOC CITY
USUFRUCTUARY

RICHARD I. GOMEZ
City Mayor

WITNESSES:

ACKNOWLEDGEMENT

Republic of the Philippines)
City of Ormoc) S.S.

BEFORE ME, a notary for and in the City of Ormoc, personally appeared, the above named persons with their competent evidence of identity:

ORMOC CITY LEGAL OFFICE
APPROVED
SEPARATE OPINION
BY: Josephine Mejia Romero
Ormoc City Legal Officer
DATE: 4/11/19

RICHARD I. GOMEZ, MBA
Dr. JESSIE M. BALTONADO, MD. _____

Personally known to the witnesses, who are known to me to be the same persons who executed the foregoing Deed of Donation consisting of three (3) pages including this page and acknowledge to me that the same is their free and voluntary act and deed.

This instrument consisting of three (3) pages including this acknowledgement has been signed on the left margin on each and every page hereof by the parties herein and their witnesses and sealed with my notarial seal.

WITNESS MY HAND AND SEAL, on the date and place first above written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2019.

DEMO COPY

ORMOC CITY LEGAL OFFICE
☒ APPROVED
☐ SEPARATE OPINION
BY: Josephine Mejia Romero DATE: 4/1/15
Ormoc City Legal Officer

LEYTE GULF LAND CORPORATION
Ormoc City

EXCERPT FROM THE MINUTES OF THE BOARD MEETING HELD AT ORMOC CITY ON
SEPTEMBER 16, 2018.

PRESENT:

REYNALDO C. BALTONADO	-	President
JESSE BALTONADO	-	Secretary
LUZ B. LARRAZABAL	-	Treasurer

ABSENT:

None

RESOLUTION NO. 2018-01

A RESOLUTION AUTHORIZING THE LOCAL GOVERNMENT OF ORMOC THRU ORMOC CITY WORKS OFFICE (OWO) APPROVING THE USE OF LOT 29, BLOCK 1 LOCATED AT PACIFIC BAY SUBDIVISION TO INSTALL/CONSTRUCT A WATER FACILITY (ONE UNIT DEEP WELL, CONSTRUCT A NEW WATER TANK, AND PIPELINES).

WHEREAS, this Leyte Gulf Land Corporation is in receipt of letter from Ormoc City Waterworks Office, requesting for authority to install/construct a water facility and pipelines located at Pacific Bay Subdivision, Barangay San Pablo, this city, in favor of the City Government of Ormoc;

WHEREAS, the said network of pipelines and installation could be of great help to the City Government of Ormoc in its on-going rehabilitation and expansion of the water system which is a priority project of the city;

WHEREAS, this Body believes that the said request is reasonable hence, the same is accorded the necessary course of action;

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution AUTHORIZING THE LOCAL GOVERNMENT OF ORMOC THRU ORMOC CITY WATER WORKS OFFICE (OWO) APPROVING THE USE OF LOT 29, BLOCK 1 LOCATED AT PACIFIC BAY SUBDIVISION OWNED BY LEYTE GULF CORPORATION LOCATED AT BARANGAY SAN PABLO, THIS CITY.

ADOPTED, September 16, 2018.

RESOLVED, FURTHER to furnish copies of this resolution each to the City Mayor, the City Administrator, the Waterworks Superintendent, Engr. Fulton Emmanuel S. Manawatao, the City Planning and Development Coordinator, the City Engineer's Office and the General Services Officer;

NOT INCLUDED

COLOR CHART:



CNO

" Annex D "

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte



April 1, 2019

MAYOR RICHARD I. GOMEZ
Ormoc City

THRU: MA. VICTORIA LYRA P. DELA CERNA RRT, MBA-HA, MPA
City Govt. Asst. Dept Head I
City Mayor's Office
LGU – Ormoc City

References:

1. Transfer Certificate of Title No. 33960;
2. Tax Declaration No. 00076- 00463;
3. Board Resolution No. 2018-01.

Mayor Gomez:

This Office has reviewed the draft Deed of Usufruct and certifies that based on records, there is nothing legally objectionable thereto. It is recommended that the attached Deed of Usufruct be signed by the Honorable City Mayor subject to the issuance by the Sangguniang Panlungsod of the authority to do so.

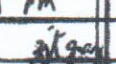
For the consideration of the CMO.

Most Respectfully,


JOSEPHINE A. MEJIA-ROMERO
City Legal Officer

JAMRR/HEA

OFFICE OF THE CITY MAYOR
RECEIVED

DATE: 4/1/19
TIME: 1:25 pm
SIGNATURE: 

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