

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 29, 2019

PRESENT:

Vincent L. Rama,	(Acting 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
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader

RESOLUTION NO. 2019-098

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR THE ACTING CITY
MAYOR, FOR AND ON BEHALF OF LOCAL
GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC),
AS VENDOR, TO SIGN THE DEED OF ABSOLUTE SALE
IN FAVOR OF MR. BERNARDO C. SAMSON, AS
VENDEE, FOR A PARCEL OF LAND DENOMINATED AS
LOT NO. 17, BLOCK 7, UNDER THE ORMOC CITY
GOVERNMENT EMPLOYEES HOUSING PROGRAM
LOCATED AT BARANGAY SAN ISIDRO, THIS CITY.**

WHEREAS, the City Mayor Richard I. Gomez through an Indorsement dated April 12, 2019, forwarded to this august Body for consideration the Deed of Absolute Sale of a specified parcel of real property under the Ormoc City Government Employees Housing Program located at Barangay San Isidro, Ormoc City, and further asking authority for the City Mayor Richard I. Gomez to sign the same, a copy of the final Deed of Absolute Sale is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, in a letter dated April 2, 2019 of Mr. Bernardo Samson to the Office of the City Mayor, he requested for the issuance of the Land Title under his name covering a parcel of land awarded to him as a beneficiary of the Ormoc City Government Employees Housing Project in Brgy. San Isidro, this City, a copy of said letter is hereto attached as Annex "B" 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-40245, issued by the Register of Deeds of Ormoc City, which is more particularly bounded and described as follows:

"A parcel of land (Lot Seventeen (17), Block 7, 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 ONE HUNDRED SIXTY EIGHT (168) SQUARE METERS, more or less, xxxx----xxx----xxxx"

WHEREAS, Mr. Samson is a former employee of the Local Government Unit of Ormoc City and had already retired from government service sometime in 2012;

WHEREAS, during the course of his employment with LGU Ormoc, Mr. Samson was given a Certificate of Award dated December 8, 2001 which states that the latter is a bonafide beneficiary of Lot No. 17, Block No. 7 of the Ormoc City Government Employees Housing Project, a copy of said Certificate is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, over the years, the vendee had fully paid for the value of the lot through salary deductions;

WHEREAS, through a Certification issued by the Office of the City Accountant dated March 29, 2019, Mr. Bernardo Samson, a bonafide beneficiary of said Housing Program, who was granted a Certificate of Award on December 8, 2001, has fully settled his lot loan obligation in the total amount of Thirty-Three Thousand Six Hundred Philippine Pesos (PHP 33,600.00);

WHEREAS, the Assistant City Legal Officer, Atty. Burt J. Pades, in a letter dated April 11, 2019, had rendered an opinion finding the request of Mr. Samson to be impressed with merit and recommended that a Deed of Absolute Sale be executed by and between the LGU Ormoc and Mr. Bernardo Samson, further recommending that the same be endorsed to this Sanggunian for authority of the City Mayor or the Acting City Mayor to enter into and sign the Deed of Absolute Sale pursuant to the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, copy of said letter is hereto attached as Annex "D" and made an integral part hereof;

WHEREAS, Section 22(c) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that no contract may be entered into by the local chief executive on behalf of the local government unit without prior authorization by the Sanggunian concerned;

WHEREAS, an authority for the City Mayor to enter into and sign the Deed of Absolute Sale for and on behalf of the Local Government Unit is not only necessary but also indispensable;

WHEREAS, upon close and thorough review, this Sanggunian finds that the Deed of Absolute Sale is not contrary to law, contract, public policy and morals and that the vendee is found to have been fully compliant with the submission of the supporting documents in relation to his request and so therefore, most deserving of this august Body's full support and affirmative action to the same;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr. Chairman, Committee on Laws and Ordinances, jointly seconded by SP Members Tomas R. Serafica and Nolito M. Quilang; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR, FOR AND ON BEHALF OF LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC), AS VENDOR, TO SIGN THE DEED OF ABSOLUTE SALE IN FAVOR OF MR. BERNARDO C. SAMSON, AS VENDEE, FOR A PARCEL OF LAND DENOMINATED AS LOT NO. 17, BLOCK 7, UNDER THE ORMOC CITY GOVERNMENT EMPLOYEES HOUSING PROGRAM LOCATED AT BARANGAY SAN ISIDRO, THIS CITY;

ADOPTED, April 29, 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, Atty. Josephine Mejia-Romero; the Register of Deeds, Ormoc City; the City Assessor; Mr. Bernardo Samson; COGEA; the City Local Government Operations Officer, DILG; and other concerned offices for their information and guidance.

CARRIED UNANIMOUSLY.

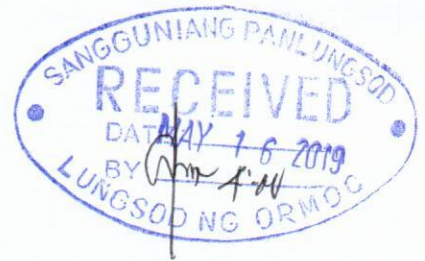
I HEREBY CERTIFY to the correctness of the above resolution.


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

ATTESTED:


VINCENT L. RAMA
(Acting 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.2019-098**, for and in consideration of the sum of **THIRTY THREE THOUSAND SIX HUNDRED PESOS (Php 33,600.00)**, Philippine currency, receipt in full, as per Certification of Office of the City Accountant dated March 29, 2019, is hereby acknowledge, paid by **Mr. Bernardo C. Samson**, 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. Bernardo C. Samson, 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 17, Block 7, Barangay San Isidro, Ormoc City, Leyte, Philippines, which is more particularly bounded and described as follows:

“A parcel of land (Lot 17, Block 7, 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 168 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 Bernardo C. Samson, 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 **MAY 15 2019** at Ormoc City, Philippines.

RICHARD I. GOMEZ, MBA
CITY GOVERNMENT OF ORMOC
Vendor

Signed in the presence of:

1. _____ 2. _____

ACKNOWLEDGMENT

Republic of the Philippines)
City of ORMOC CITY) S.S.

Before me, a Notary Public for the City of ORMOC CITY this MAY 15, 2019 day of _____ at ORMOC CITY, Philippines, personally appeared the following, with competent evidence of identity:

PARTY
RICHARD I. GOMEZ

COMPETENT EVIDENCE OF IDENTITY
UMID CRN-021-1628-7865-8

known to me to be the same persons who executed the foregoing Deed of Donation, consisting of two (2) pages including the page on which this Acknowledgment is written, and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, on the date and place above- written.

Doc. No. 416 ;
Page No. 83 ;
Book No. VII ;
Series of 2019.

ATTY. ADELITO M. SOMBAGA JR.
Notary Public for the City of Ormoc,
Municipalities of Kananga, Matag-ob,
Merida and Isabel.
NCH No. ORM-17-12-019 issued on 11/22/17
Valid until December 31, 2019
PTR No. 580454, 01/04/19, Ormoc City
IBP No. 070804124/19, Cebu City
Roll of Attorney No. 51625
TIN: 207-693-130
J. Navarro St., Ormoc City, Philippines

" Annex B =

April 2, 2019

City Government of Ormoc

To whom it may concern,

I, Bernardo Samson have fully fulfilled with the requirements of the Lot Loan for Lot 17, Block 7 of the Ormoc City Government Employees Housing Project located in Brgy. San Isidro Ormoc City and do hereby requesting your good office for the issuance of the Land Title under my name.

Hoping for your positive response.

Thank you and God bless!

Respectfully Yours,


BERNARDO SAMSON

Legio

09185966107

"Annex C"



Republic of the Philippines
CITY OF ORMOC


CERTIFICATE OF AWARD

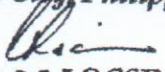
is hereby presented to

BERNARDO C. SAMSON

*as a bonafide beneficiary of Lot No. 17 Block 7 at the Ormoc City
Government Employees Housing Project at Barangay San Isidro,
Ormoc City.*

Given this 8th day of December, 2001, Ormoc City, Philippines.


ATTY. ARI G. LARRAZABAL
*Acting City Administrator
Chairman, Housing Committee*


CARMELO J. LOCSIN
City Mayor

DEMO COPY

Annex D

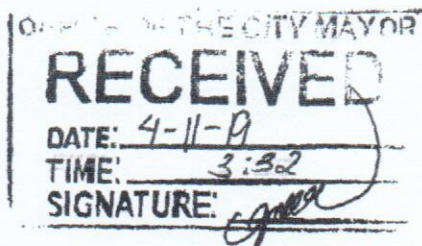
OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte



11 April 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 Mr. Bernardo C. Samson

References:

- a) Referral Letter from CMO dated April 2, 2019;
- b) Letter from Mr. Bernardo C. Samson to City Government of Ormoc dated April 2, 2019;
- c) Affidavit of Undertaking of Mr. Bernardo C. Samson executed on March 29, 2019;
- d) Certification from the City Accountant dated March 29, 2019;
- e) Tax Declaration No. 00073-01686 R-10 declared in the name of City Government of Ormoc indicating Bernardo C. Samson as Administrator of Cadastral Lot No. 17, Block 7;
- f) Certification from the Office of the City Assessor dated March 26, 2019;
- g) TCT No. 40245 of Lot 17, Block 7; and
- h) Ormoc City Government Subdivision Plan.

Dear Ms. Dela Cerna,

1. Referred to this Office for legal review is the request of Mr. Bernardo C. Samson for the issuance of land title in his name involving Lot 17, Block 7 of Mr. Bernardo C. Samson, awarded to him as then city government employee.
2. Records show that Mr. Samson was a former city government employee assigned with the City Engineering Office. He was a bonafide beneficiary of Lot No. 17, Block 7 of the Ormoc City Government Employees Housing Project located at Brgy. San Isidro, Ormoc City, while he was still in the government service. As of August 2009, he has paid in full his amortization payment of his lot loan. He retired from the government service of LGU-Ormoc City in 2012 and is now requesting that the subject lot be transferred in his name. He submitted the following supporting documents to support his request, as follows:

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

- a. Affidavit of Undertaking executed on March 29, 2019 that he will shoulder taxes due on the property and on transfer of title;
 - b. Certification from City Accountant the payments made on the subject lot and certifying further that the same has been fully paid;
 - c. Tax Declaration No. 00073-01686 R-10;
 - d. Certification from the Office of the City Assessor dated March 26, 2019;
 - e. TCT No. 40245 of Lot 17, Block 7; and
 - f. Ormoc City Government Subdivision Plan
3. Inasmuch as Mr. Samson has already paid in full the amortization payment of lot loan and it also appears that he submitted the necessary documents to support his request, this Office recommends that a Deed of Absolute Sale be executed by and between LGU-Ormoc City and Mr. Bernardo C. Samson. Thereafter, the same be endorsed to SP for the issuance of a Resolution granting the City Mayor or Acting City Mayor the authority 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 based on the documents presented without prejudice to contrary opinion from competent authorities or ruling of proper court.
5. For consideration of the CMO

Most Respectfully,


ATTY. BURT J. PADES
Assistant City Legal Officer

WITH CONFORMITY:


ATTY. JOSEPHINE A. MEJIA-ROMERO
City Legal Officer

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