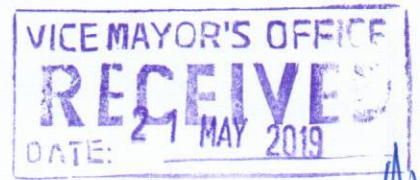


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 MAY 20, 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
Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc

ON LEAVE:

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

SP Member, Presiding Officer "Pro-Tempore"
SP Member
Minority Floor Leader

Lea Doris C. Villar,
Roiland H. Villasencio,
Jasper C. Yerro,

SP Member, Asst. Minority Floor Leader
SP Member

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

RESOLUTION NO. 2019-113

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ, TO SIGN THE CONTRACT
TO BUY AND SELL FOR AND ON BEHALF OF LOCAL
GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC),
AS VENDEE, WITH HEIRS OF SPOUSES MAMERTO
ESPINA AND FLOR PEÑARANDA, AS VENDORS, OVER
A PORTION OF A PARCEL OF LAND DESCRIBED AS
LOT NUMBER PSU-137086 COVERED BY TRANSFER
CERTIFICATE OF TITLE (TCT) NUMBER TH-246
EQUIVALENT TO FIFTY THOUSAND (50,000) SQUARE
METERS SITUATED AT BARANGAY LAKE DANA, O,
THIS CITY, TO BE USED FOR VARIOUS PROJECTS ON
HOUSING, EDUCATION AND OTHER PROGRAMS,
THEREBY SUPERSEDING SP RESOLUTION NO. 2019-
083 DATED APRIL 8, 2019.**

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 May 2, 2019, forwarded to this august Body a request for the authority of the undersigned to enter into and sign the attached Contract to Buy and Sell, by way of amendment to SP Resolution No. 2019-083 dated April 8, 2019, and further classifying the same as EXTREMELY URGENT, a copy of the Contract to Buy and Sell is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, to recall, this Sanggunian passed SP Resolution No. 2019-083 entitled: "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 VENDEE, TO ENTER INTO AND SIGN THE CONTRACT TO SELL WITH THE HEIRS OF SPOUSES MAMERTO ESPINA AND FLOR PEÑARANDA AS VENDORS OVER A PORTION OF A PARCEL OF LAND DESCRIBED AS LOT NUMBER PSU-137086 COVERED BY TRANSFER CERTIFICATE OF TITLE (TCT) NUMBER TH-246 EQUIVALENT TO FIFTY THOUSAND (50,000) SQUARE METERS, SITUATED AT BARANGAY LAKE DANAOS, ORMOC CITY, TO BE USED FOR VARIOUS PROJECTS ON HOUSING, EDUCATION AND OTHER PROGRAMS", which granted authority to Ormoc City Mayor Richard I. Gomez to enter into and sign the Contract to Sell with the Heirs of Sps. Mamerto Espina and Flor Peñaranda relative to the purchase of a parcel of land located in Brgy. Lake Danao, Ormoc City to be used for various projects of the City Government;

WHEREAS, in a letter dated January 25, 2019 from the City Legal Officer, Atty. Josephine Mejia-Romero, she forwarded to the Office of the City Mayor, the amended Contract to Sell proposed to be executed between the City Government and the Heirs of Mamerto Espina and Flor Peñaranda and that, upon review, the provisions contained therein are not contrary to law or public policy, further recommending that the same be executed upon an issuance by the Sangguniang Panlungsod of a resolution authorizing the City Mayor to do so, a copy of the said letter is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, it was found that certain provisions pertaining to the payment over the parcel of land needed to be amended in order to facilitate the swift transfer of the subject lot to the VENDEE;

WHEREAS, there is a need to correct the error in order to properly have the correct and final Contract to Buy and Sell be passed so as to expedite the purchase of the aforementioned parcel of land, among other lawful purposes, facilitates for the provision to the City's earthquake displaced inhabitants of decent and safe shelters and much needed educational facilities;

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 Contract to Buy and Sell for and on behalf of the Local Government Unit is not only necessary but also indispensable;

WHEREAS, this Sanggunian, after thorough examination of the aforementioned request by the City Mayor finds that the Contract to Sell is not contrary to law, existing contract, public policy, customs and morals and is to the best interest of the City and, finally, that the granting of the authority for the purchase of the aforementioned parcel of land, among other lawful purposes, facilitates for the provision to the City's earthquake displaced inhabitants of decent and safe shelters and much needed educational facilities, and henceforth, deserving of this august Body's prompt and favorable consideration;

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

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ, TO SIGN THE CONTRACT TO BUY AND SELL FOR AND ON BEHALF OF LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC), AS VENDEE, WITH HEIRS OF SPOUSES MAMERTO ESPINA AND FLOR PEÑARANDA, AS VENDORS, OVER A PORTION OF A PARCEL OF LAND DESCRIBED AS LOT NUMBER PSU-137086 COVERED BY TRANSFER CERTIFICATE OF TITLE (TCT) NUMBER TH-246 EQUIVALENT TO FIFTY THOUSAND (50,000) SQUARE METERS SITUATED AT BARANGAY LAKE DANA, THIS CITY, TO BE USED FOR VARIOUS PROJECTS ON HOUSING, EDUCATION AND OTHER PROGRAMS, THEREBY SUPERSEDING SP RESOLUTION NO. 2019-083 DATED APRIL 8, 2019;

ADOPTED, May 20, 2019.

RESOLVED, FURTHER, that a copy of the Notarized Contract to Buy and Sell 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; the Heirs of Spouses Mamerto Espina and Flor Peñaranda; 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

Ref. # 2019-113
" Annex A "

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This contract is made and entered into by and among:

REVIEWED
ORMOC CITY LEGAL OFFICE
APPROVED *not contrary to law*
SEPARATE OPINION
BY: Josephine Mejia Romero
DATE: 11/30/19

THE HEIRS OF SPOUSES MAMERTO ESPINA AND FLOR PENARANDA, namely: LEYMINDA ESPINA MANNING, MUTYA LUZ ESPINA GLOVER, SEFAMAR P. ESPINA, MARTIN P. ESPINA, GRACE ORMA ESPINA-YPIL, MAMERTO ESPINA JR. and FLORA MAY P. ESPINA, HEREIN REPRESENTED BY WINSTON RIZCENTE P. ESPINA (for himself and as their Attorney-in-Fact by virtue of a Special Power of Attorney, a copy of which is hereto attached and made part of this contract), Filipino, of legal age and resident of Cavity City, hereinafter referred to as the **VENDORS**;

LGU-ORMOC CITY, a juridical entity created and existing under and by virtue of the laws of the Philippines, represented by **RICHARD I. GOMEZ**, hereunder referred as the **VENDEE**;

Witnesseth, that:

WHEREAS, the City of Ormoc was struck by an earthquake on July 6, 2016 that caused the devastation and destruction of houses in Brgys. Gaas, Cabintan, Lake Danao, Tongonan, Cabaon-an, Milagro and other parts of Ormoc City;

WHEREAS, because of the destruction of houses, thousands of families were displaced and had to be evacuated;

WHEREAS, based on the assessment of the Philippine Institute of Volcanology and Seismology and the Mines and Geosciences Bureau of the Department of Environment and Natural Resources, there are areas in the aforesaid barangays that are considered danger zones and are therefore not suitable for human residence;

WHEREAS, the victims that can no longer return to their respective residences must be relocated by the City of Ormoc;

WHEREAS, the City of Ormoc is committed to assisting the Department of Education in the problems of shortage of classrooms and school facilities and intends to construct buildings that will guarantee the education and development of its youth;

WHEREAS, the City of Ormoc is also committed to efficiently providing basic services and build facilities that will aid in the implementation of its plans and programs;

WHEREAS, the **VENDORS** have offered to the **VENDEE** the sale of a portion parcel of land, to be used by the latter for its projects on housing, education and other programs, which offer has been accepted subject to the following terms and conditions:

1. The lot subject of the sale is hereunder identified as:
LOT No.: PSU- 137086
AREA: Fifty thousand (50,000) square meters
TRANSFER CERTIFICATE OF TITLE No.: TH- 246 (Registry of Deeds of Ormoc City)
LOCATION: Lake Danao, Ormoc City;
2. The Contract Price is TWO HUNDRED TWENTY PESOS (P220.00) per square meter net of capital gains tax, documentary stamp tax, transfer tax and registration fees, except for transfer costs on the tax declaration, and expenses and Real Property Tax due on the same, or a total of ELEVEN MILLION PESOS (Php 11,000,000.00);
3. Upon signing of this contract, the amount of THREE MILLION FOUR HUNDRED SEVENTY THOUSAND FIVE HUNDRED THIRTY THREE PESOS and 98 centavos

(Php3,475,533.98) shall be released in payment of real property taxes due on the property subject of this agreement;

The balance of SEVEN MILLION FIVE HUNDRED TWENTY FOUR THOUSAND FOUR HUNDRED SIXTY SIX PESOS and 2 centavos (Php 7,524,466.02) shall be paid in accordance with the following schedule:

- a.1. FIFTY PERCENT (50%) shall be released to the VENDORS upon the execution of this Contract;
 - a.2. The remaining fifty percent (50%) shall be paid by the VENDEE to the VENDOR upon the release of title in the name of the VENDEE;
 - a.2.b. VENDORS shall be charged with the processing and payment of estates taxes and securing the necessary clearance(s) on the estate tax(es) due on the property;
 - a.2.c. Upon presentation of the clearance from the Bureau of Internal Revenue (BIR) on the concerned estate taxes, the VENDORS shall execute a Deed of Absolute Sale over the property subject of this contract in favor of the VENDEE, and the acknowledgment receipt of total amount.
4. In accordance with the provision of related laws, the VENDEE shall pay for the account of the seller, the capitals gains tax as well as the documentary stamp tax, transfer tax and registration fees, without prejudice to securing an exemption from payment thereof from the BIR. Unpaid real property and transfer costs on the tax declaration shall be borne by the VENDORS.
 5. Upon signing of this Contract, the VENDEE shall process the disbursement vouchers for the release of the amount due under this contract and shall be entitled to enter and take possession of the property subject of this agreement.
 6. The VENDORS shall transmit to the VENDEE the Certificate Authorizing Registration evidencing payment of the estate taxes due on the estates of the decedents Mamerto Espina and Flor Peñaranda within FIFTEEN (15) months from the execution of this agreement.
 7. The VENDORS shall likewise secure the necessary documents and comply with all the requirements for the transfer of title to the name of the VENDEE.
 8. Upon receipt of the documents necessary to transfer title to its name, the VENDEE shall process the vouchers needed for the payment of taxes until payment of the remaining amount due to the VENDORS.
 9. Both parties shall perform their obligations in good faith and in compliance with applicable laws and regulations;

IN WITNESS WHEREOF, we have hereunto set our hands this _____, 2019 at Ormoc City, Philippines.

HEIRS OF
MAMERTO ESPINA AND FLOR PEÑARANDA
Vendor

LGU-ORMOC CITY

Vendee

By:
WINSTON RIZCENTE P. ESPINA
Representative

RICHARD I. GOMEZ
City Mayor

REVIEWED
ORMOC CITY LEGAL OFFICE
_____**APPROVED** *NOT CONTRARY TO LAWS*
_____**SEPARATE OPINION**
BY: Josephine M. Romero DATE: 4/30/19
Ormoc City Legal Officer

Signed in the presence of and Parties personally known to the witnesses:

ACKNOWLEDGMENT

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

Before me, this _____ day of _____ at _____, Philippines,
personally appeared the parties with competent evidence of identity:

PARTY	COMPETENT EVIDENCE OF IDENTITY
Winston Rizcente P. Espina	
Richard I. Gomez	

known to me to be the same persons who executed the foregoing Contract to Buy and Sell consisting of THREE (3) pages including the pages 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. _____;
Page No. _____;
Book No. _____;
Series of 2019.

REVIEWED
ORMOC CITY LEGAL OFFICE
APPROVED *not contrary to laws, etc.*
SEPARATE OPINION
BY: Josephine Melis Romero DATE: 4/25/19
Ormoc City Legal Officer

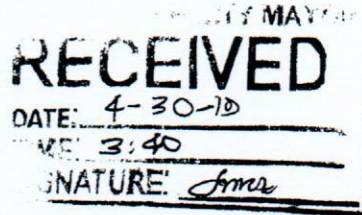
OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte



25 January 2019

MAYOR RICHARD I. GOMEZ
Ormoc City




Mayor Gomez:

Forwarding to your office, the amended Contract to Buy and Sell proposed to be executed between the City Government and the Heirs of Mamerto Espina and Flor Peñaranda. Upon review, this office finds that the provisions contained therein are not contrary to law or public policy, and recommends that the same be executed upon issuance by the Sangguniang Panlungsod of a resolution authorizing the Honorable City Mayor to do so.

For consideration.

Most Respectfully,


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