

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 JUNE 4, 2019 IN LIEU OF
JUNE 3, 2019



PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member, Minority Floor Leader
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President,
Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc	

ON OFFICIAL BUSINESS:

Tomas R. Serafica	(Acting-City Mayor), SP Member,
	Asst. Majority Floor Leader
Esteban V. Laurente,	(O.B. - Tacloban City) Ex-Officio SP Member,
	Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Nolito M. Quilang,	SP Member
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Roiland H. Villasencio	SP Member

RESOLUTION NO. 2019-116

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 IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), IN FAVOR OF THE SUPREME COURT OF THE PHILIPPINES RELATIVE TO THE LATTER'S INTENTION TO USE A PORTION OF A PARCEL OF LAND AND BUILDING LOCATED AT J. NAVARRO STREET, ORMOC CITY.

WHEREAS, the City Mayor Richard I. Gomez through an Indorsement dated May 22, 2019 forwarded to this august Body for consideration the Deed of Usufruct to be entered into by LGU-Ormoc with the Supreme Court of the Philippines, relative to the use of an area of approximately One Hundred Nine (109) Square Meters (10.9x10 sq.m.) located in J. Navarro St., Ormoc City, a copy of the final Deed of Usufruct is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, LGU - Ormoc is the owner in fee simple of a certain parcel of land, with a copy of the said Tax Declaration No. 01008-00009 with Property Index No. 155-04-0008-002-07, the technical description of said property is hereto attached as Annex "B" and made an integral part hereof;

LOCATION OF PROPERTY: J. Navarro St., Ormoc City
CADASTRAL LOT NO.: 34-Part
BOUNDARIES: North: Lot 34-Part
South: Aviles St.
East: William Bryant St.
West: Lot 36
AREA: SEVEN HUNDRED SIXTY THREE (763)
square meters

WHEREAS, in a letter dated May 2, 2019, Executive Judge Girlie M. Borrel-Yu forwarded a message addressing to the LGU – Ormoc, that the city property offered to them to locate the RTC Branch 47 offices and courtroom and the RTC-OCC notarial documents storage, a copy of the said letter is hereto attached as Annex “C” and made an integral part hereof;

WHEREAS, the LGU - Ormoc, offers the full right unto the Supreme Court of the Philippines, the possession, use and enjoyment of the said parcel of land for the benefit of the trial courts for such period of time that the said trial courts use the said land for the swift administration and dispensation of justice;

WHEREAS, said area is said to cover one hundred nine (109) square meters, a copy of the said sketch plan is hereto attached as Annex “D” and made an integral part hereof;

WHEREAS, the subject Deed of Usufruct clearly and plainly encapsulates 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, and this Sanggunian, after thorough examination of the aforementioned request by the City Mayor, finds that the same is entered into for the best interests of the City and her constituents and is but essential and necessary in order to carry out the swift administration of justice which will cater to the needs of the residents of the city as well as the neighboring local government units;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee Laws and Ordinances; jointly seconded by SP Members Vincent L. Rama and Gregorio G. Yrastorza III; 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 IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), IN FAVOR OF THE SUPREME COURT OF THE PHILIPPINES RELATIVE TO THE LATTER’S INTENTION TO USE A PORTION OF A PARCEL OF LAND AND BUILDING LOCATED AT J. NAVARRO STREET, ORMOC CITY;


ADOPTED, June 4, 2019.

RESOLVED, FURTHER, that a copy of the final and notarized Deed of Usufruct 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 Register of Deeds, Ormoc City; the Office of the Halls of Justice, Supreme Court of the Philippines; the Executive Judge of the Regional Trial Court of Ormoc City, Hon. Girlie M. Borrel-Yu, 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:


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

Res. # 2019-116
"Annex A"

DEED OF USUFRUCT

KNOW ALL MEN BY THESE PRESENTS:

REVIEWED
ORMOC CITY LEGAL OFFICE
APPROVED *Drafted by ds*
SEPARATE OPINION
Josephine Mijang
BY: *[Signature]* DATE: *5/23/19*
Ormoc City Legal Office

This Deed entered into by and between this ____ day of _____, 2019:

LOCAL GOVERNMENT UNIT OF ORMOC (LGU ORMOC) a local government unit existing and by virtue of the laws of the Republic of the Philippines and the powers bestowed by the 1991 Local Government Code (LGC), represented herein by its Local Chief Executive, **RICHARD I. GOMEZ, MBA**, duly authorized to enter into this Deed pursuant to Sangguniang Panglungsod Resolution No. _____, hereinafter referred to as the **"OWNER"**

and

The **SUPREME COURT OF THE PHILIPPINES**, a government agency of the Republic of the Philippines, with principal office at Padre Faura Street, Ermita, Manila, represented in this Deed by **Honorable _____**, hereinafter referred to as the **"USUFRUCTUARY"**

WITNESSETH:

WHEREAS, the **DONOR** is the owner in fee simple of a certain parcel of land with an area of five hectare, covered by Tax Declaration No. 01008- 00009 with Property Index No. 155-04-0008-002-07 with the following technical description:

LOCATION OF PROPERTY:	J. Navarro St., Ormoc City
CADASTRAL LOT NO.:	34- Part
BOUNDARIES:	North: Lot 34- Part
	South: Aviles St.
	East: William Bryant St.
	West: Lot 36
AREA:	SEVEN HUNDRED SIXTY THREE (763) square meters

WHEREAS, the LGU ORMOC _____ issued Sangguniang Panglungsod Resolution No. _____ which transfers and conveys by way of **USUFRUCT** a portion of the above parcel of land and the building thereon equivalent to an area of **one hundred nine (109) SQUARE METERS square meters** to the **USUFRUCTUARY** for use as storage of the records of the Hall of Justice of Ormoc;

WHEREAS, the **OWNER** expresses that it (i) is a registered owner in fee simple of the said lot subject of usufruct, (ii) the usufruct was not made with intent to defraud its creditors; (iii) it has reserved for itself sufficient area for the local government and for other appropriated government development projects; and, (iv) the land subject of usufruct is free from any liens and encumbrances;

WHEREAS, the **OWNER** grants unto the **USUFRUCTUARY**, full right to the possession, use and enjoyment of the said parcel of land for the benefit of the trial courts for such period of time that the said trial courts use the said land for the administration and dispensation of justice;

WHEREAS, it is the basic policy of the **USUFRUCTUARY** to ensure the efficient and effective delivery of judicial services to the public; and,

WHEREAS, the **OWNER** and the **USUFRUCTUARY** share a common vision to achieve speedy, adequate, quality administration of justice, as well as effective and efficient public service particularly to the locals of Ormoc City;

NOW THEREFORE, the **USUFRUCTUARY** do hereby **ACCEPTS** the usufruct in favor of the Supreme Court of the Philippines for the use and benefit of the trial courts of Ormoc City and expresses its gratitude for the liberality and generosity of the **OWNER**.

PARTIES agree that the following terms and conditions will be observed in the implementation of the usufruct:

1. The grant of usufructuary rights shall be for a period of ____ years starting from the date of execution of this Deed.
2. The duties and obligations of the **USUFRUCTUARY** as provided for in the relevant provisions of the New Civil Code of the Philippines are deemed part of the provisions of this Deed. In addition, the **GRANTEE** shall:
 - a. At its own expense, pay for the costs of general maintenance and upkeep of the Property and shall introduce all the needed repairs at all times.;
 - b. At its own expense, maintain the property in clean and sanitary condition free from noxious odors, disturbing noises or other nuisances. The **GRANTEE**, its employees, agents or representatives shall not in any manner damage or deface any part of the Property;
 - c. Dispose of all its garbage, waste, and other pollutants in accordance with the rules promulgated by the national or local government.

This Deed shall be binding between the parties, their respective assigns and successors-in-interest.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, 2019 at _____

**SUPREME COURT OF THE
PHILIPPINES**

RICHARD I. GONZALEZ, MBA
City Mayor

**LOCAL GOVERNMENT UNIT OF
ORMOC**

SIGNED IN THE PRESENCE OF:

REVIEWED
ORMOC CITY LEGAL OFFICE
APPROVED *Marked by us*
SEPARATE OPINION
BY: *Josephine Meja Romero* DATE: *5/20/19*
Ormoc City Legal Officer

ACKNOWLEDGEMENT

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

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

PARTY	COMPETENT EVIDENCE OF IDENTITY
RICHARD I. GOMEZ, MBA	

known to me to be the same persons who executed the foregoing consisting of THREE (3) pages including the page on which this Acknowledgment 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 *Marked by CLO*
SEPARATE OPINION
BY: Josephine Mejia Romero / DAY: 12/3/19
Ormoc City Legal Office

"Annex B =

CERTIFIED TRUE COPY OF
ORIGINAL IN THE RECORDS OF
THE COMPTON OFFICE


Josehina Majia Roman
ORMOC City Legal Officer

ORMOC CITY, PHILIPPINES

155-04-0008-002-07

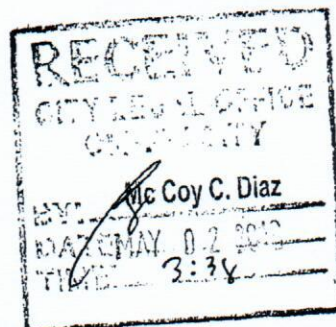
PROPERTY INDEX NO 13-04-001-19-029

DECLARATION OF REAL PROPERTY
(FILED UNDER PRESIDENTIAL DECREE NO. 460)

AB-410

Annex C

Republic of the Philippines
REGIONAL TRIAL COURT
8th Judicial Region
Ormoc City

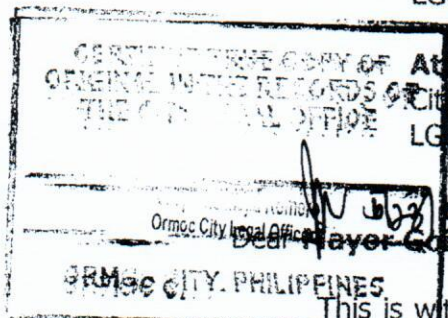


OFFICE OF THE EXECUTIVE JUDGE

May 2, 2019

Hon. RICHARD I. GOMEZ
City Mayor
Ormoc City

Thru: Ms. MARIA VICTORIA LYRA P. DELA CERNA
City Gov't Assistant Dept. Head I
LGU Ormoc City



Atty. JOSEPHINE A. MEJIA-ROMERO
City Legal Officer
LGU-Ormoc City

Dear Mayor Gomez:

This is with regard to the city property you offered to locate the RTC Branch 47 offices and courtroom and the RTC-OCC notarial documents storage.

In our last correspondence, we informed you that we will apprise the Office of the Halls of Justice (OHOJ) of the Supreme Court about the matters that have been discussed regarding the office and storage spaces.

In their reply, the OHOJ required us to submit the following documents as requirements for the execution of the respective Deeds of Usufruct, namely:

1. Sangguniang Panlungsod Resolution Authorizing the Local Chief Executive to Enter into and sign the Deed of Usufruct;
2. Tax declaration of the lots and the buildings (classification should be governmental/institutional);
3. Floor plans of the buildings.

Thus, may we respectfully request for the above-mentioned documents so we can comply with the instructions of the OHOJ.

Thank you very much.

Recommended to note to City Attorney's Office
as to request on classification of lots &
lot as Government/Industrial, and assistance
of correct tax declaration.

Respectfully yours,

GIRLIE M. BORREL-YU
Executive Judge

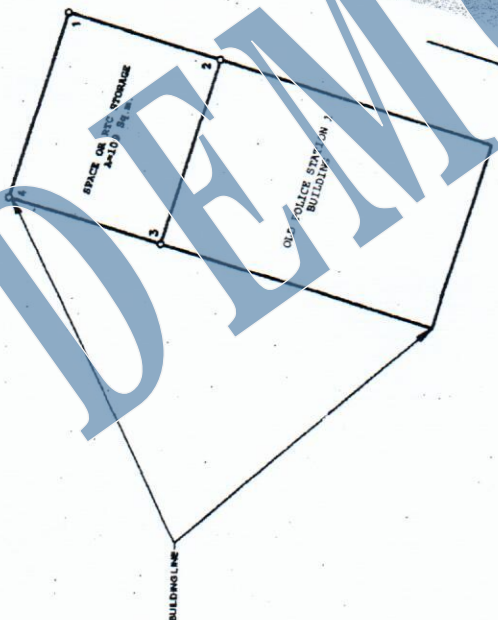
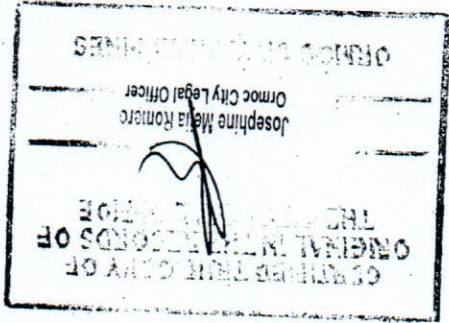
Copy furnished:

Hon. Jose Midas P. Marquez, Supreme Court
Hon. Jenny Lind R. Aldecoa-Delorino, Supreme Court
Atty. Raquel M. Ladrillano, Office of the Halls of Justice, Supreme Court
Hon. Maria Carazon B. Vargara-Naraja, RTC Branch 47, Ormoc City

Josephine Mejia
Ormoc City Legal Officer

Annex D =

TECHNICAL DESCRIPTIONS		
LINES	BEARINGS	DISTANCES
SPACE FOR RTC STORAGE		
TP 1	S 42°44' W	35.46 m.
1 2	S 16°25' W	9.42 m.
2 3	N 73°28' W	11.58 m.
3 4	N 16°25' E	9.42 m.
4 1	S 73°28' E	11.58 m.
TIE LINES from BLM No.1, CAD 256 ORMOC CADASTRE to corner "1"		



PARADISE PARK

AVILES STREET

ORMOC CITY MINT-FOREST

	Republic of the Philippines CITY GENERAL SERVICES OFFICE Ormoc City	Project Name & Location: PLAN OF OLD POLICE STATION 1 SUBDIVISION AND PROPOSED SPACE FOR RTC STORAGE Ormoc City	Surveyed by: Plotted by: ISIDRO C. SANTANA, JR. Engineer II	Submitted by: Recommending for Approval: Approved by: SHEET NO.
	MAY 7, 2019 SCALE 1: 400 M.			