

REPUBLIC OF THE PHILIPPINES
ORMOC CITY
Office of the Municipal Board



EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION HELD BY
THE MUNICIPAL BOARD OF ORMOC CITY, PHILIPPINES, IN ITS
SESSION HALL ON MAY 14, 1952

PRESENT:

His Honor, Lucilo A. Conui.....	Presiding Officer
Hon. Marcelo D. Bandalan.....	Vice Mayor
" Ifaki Larrasabal.....	City Councilor
" Victorino C. Teleron.....	" "
" Guillermo T. Parrilla.....	" "
" Esteban C. Conejos.....	" "
" Usualde F. Laguitan.....	" "
" Teotime Ocubillo.....	" "
" Alvaro I. Gutierrez.....	" "

ABSENT:

Hon. Jorge S. Tan.....City Councilor

RESOLUTION NO. 88

WHEREAS, be it known that on March 25, 1952 the Committee on Award of Bids held a public bidding for caterer of the prisoners of Ormoc City;

WHEREAS, Mr. Cresencio Eugenio and Mrs. Eduarda Tomada came out tie as the two lowest bidders;

WHEREAS, the Chairman of the Committee on Award of Bids awarded the bid to Mr. Cresencio Eugenio and rejected Mrs. Eduarda Tomada's bid;

WHEREAS, Councilor Victorino C. Teleron strongly suggested to respectfully request the Committee on Award of Bids to reconsider its decision-awarding the bid to Mr. Eugenio, and give the award to both Mr. Eugenio and Mrs. Tomada on an alternately one month basis each during the current year;

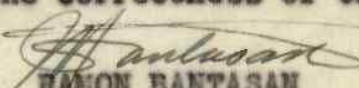
NOW THEREFORE, the Board, on motion of Councilor Victorino C. Teleron, seconded by Councilor Guillermo T. Parrilla;

BE IT RESOLVED, as is hereby resolved, to respectfully request the Committee on Award of Bids to reconsider its decision - awarding the bid for caterer of the prisoners of Ormoc City to Mr. Cresencio Eugenio - to give the award to both Mr. Cresencio Eugenio and Mrs. Eduarda Tomada, being the two lowest bidders;

RESOLVED FINALLY, to furnish copy of this resolution each to the Hon. City Mayor, Ormoc City; City Treasurer, Ormoc City; City Auditor, Ormoc City; Chief of Police, Ormoc City; Mr. Cresencio Eugenio, Ormoc City and Mrs. Eduarda Tomada, Ormoc City.

CARRIED.

I HEREBY CERTIFY to the correctness of the above quoted resolution.


RAMON BANTASAN
Secretary

APPROVED:

LUCILO A. CONUI
City Mayor
Presiding Officer

(over)

May 14, 1952
(Resolution No. 88, continued)

Page Two

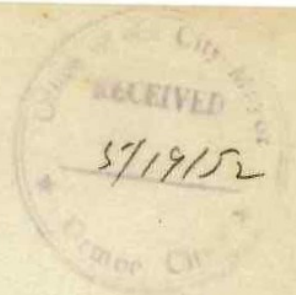
COPY FURNISHED:

The Hon. City Mayor, Ormoc City
The City Treasurer, Ormoc City
The City Auditor, Ormoc City
The Chief of Police, Ormoc City
Mr. Cresencio Eugenio, Ormoc City
Mrs. Eduarda Tomada, Ormoc City

ATTESTED:

PELAGIO P. CODILLA
Secretary to the City Mayor

7/ftc



DEMO COPY

Republic of the Philippines
ORMOC CITY
Office of the City Mayor

VETO OF RESOLUTION NO. 88 CURRENT
SERIES OF THE HONORABLE MUNI-
CIPAL BOARD, ORMOC CITY
PURSUANT TO REP.
ACT NO. 179

By virtue of the powers vested in me by Sec. 14, Art. 3, of Republic Act No. 179, otherwise known as the Charter of Ormoc City, the undersigned hereby vetoes Res. No. 88, current series, of the Honorable Municipal Board, this City, with the grounds stated hereunder:

1. It is an impairment of the obligation of contract:

a.- By virtue of the information given to this office by the City Treasurer as the Chairman on the Committee on Award, that the contract for the subsistence of prisoners was awarded to Mrs. Flora M. Eugenio for reasons stated by him and later reiterated in the 3rd Indorsement of the City Auditor dated May 27, 1952; of the 4th Indorsement of the Acting Chief of Police on May 27, 1952; and, of the 5th Indorsement of the City Treasurer dated May 27, 1952, the undersigned on the 3rd day of April, 1952, for and in behalf of the City Government, executed a contract with Mrs. Flora M. Eugenio in pursuance thereto, a copy of which is hereto attached for the information of the Honorable Municipal Board.

Par. 5 of the Contract and Agreement states: "That this contract and agreement shall be binding upon the contracting parties and that non-compliance with any of the terms and conditions herein stipulated by the Party of the First Part shall be considered sufficient ground for the recession hereof." It is clear that Res. No. 88 of the Hon. Municipal Board impairs, amends and abrogates the said consummated contract which is against the constitutional prohibition.

2. It is impracticable:

a.- The number of prisoners in any onemonth is not the same as other months. The more prisoners there are when the turn of either Mrs. Tomada or Mrs. Eugenio will take place will be disadvantageous to the caterer; on the otherhand, the less number of prisoners there are in a certain month, the more advantageous to the caterer. It is unfair and unjust to both Mrs. Eugenio and Mrs. Tomada when this inequality will exist;

b.- Both Mrs. Tomada and Mrs. Eugenio are paying their licenses for the whole quarter. Under the arrangement made in the Res. either Mrs. Tomada or Mrs. Eugenio will at most get two(2) months for one quarter, to their great detriment and prejudice;

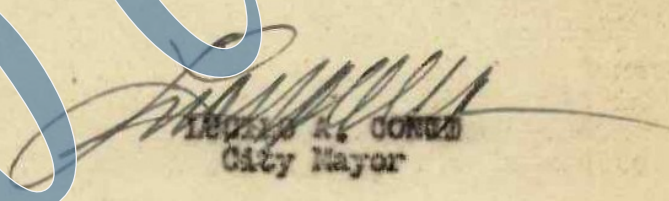
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(continued- Veto of Res. No. 88, current series, Mun. Board,
Ormoc City, pursuant to Rep. Act No 179)

- 2.- The resolution will give rise to ruinous competition, constant wranglings and misunderstandings to the detriment of the caterers and public service.
3. The resolution creates a bad precedent and undermines the morale and integrity of the Committee on Award:

Unless it is shown that there has been abuse of discretion, a gross misrepresentation of facts, or unjust discrimination there is no reason why the findings of the Committee on Award should be disturbed.

Done In the City Hall, Ormoc City, on this 28th day
of May, In the Year of Our Lord, Nineteen Hundred and Fifty-Two.


LEOPOLDO A. CONDE
City Mayor

LAC/900-