

REPUBLIKA NG PILIPINAS
LUNGSOD NG ORMOC
SANGGUNIANG PANLUNGSOD
TANGGAPAN NG KALIHIM

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF
THE SECOND SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT
ITS SESSION HALL ON JULY 6, 1982



PRESENT:

Hon. Jose C. Aviles, Vice-Mayor, Presiding Officer
Hon. Benjamin F. Tugonon, Kagawad, Floor Leader
Hon. Cristobal S. Mendola, Kagawad
Hon. Dionisio B. Torrevillas, Kagawad
Hon. Cesar S. Samson, Kagawad
Hon. Jose O. Bandalan, Kagawad
Hon. Dionisio S. Santiago, Kagawad
Hon. Romeo M. Hermosilla, ABC President, Kagawad

ABSENT:

Hon. Anastacio D. Besabella, Kagawad
One seat vacant.

RESOLUTION NO. 1182

A RESOLUTION TO RATIFY THE REPORT OF THE SPECIAL COMMITTEE ON
NEGOTIATIONS AND ADOPT THE SAME AS THE STAND OF THE SANGGUNIANG
PANLUNGSOD NG ORMOC IN THE MATTER OF THE ACQUISITION OF THE LOT
AND HOUSES OF THE PORCADILLA BROTHERS AT THE PROSPECTIVE SITE
OF THE ORMOC CITY MULTI-PURPOSE AUDITORIUM

Presented for consideration is the report of the Special Commit-
tee on Negotiations for the acquisition of the lot and houses of the
Porcadilla Brothers at the prospective site of the Ormoc City Multi-
Purpose Auditorium which is reproduced hereunder, to wit:

COMMITTEE REPORT

The aforesaid Special Negotiations Committee created
and organized to comply with the dispositive portion of
the DECISION OF THE CFI, Ormoc City, of the case entitled
- EMELIO CAMALLERE, ET AL., versus CITY GOVERNMENT OF OR-
MOC, represented by the City Mayor, et al., Civil Case No.
1595-0, which we beg to quote verbatim, the said disposi-
tive portions to wit:

"WHEREFORE, decision is hereby rendered,
making permanent the injunction heretofore is-
sued, against the removal of the houses of Eu-
frocino Codilla, Sr., Praxedes Benueza, and Atty.
Albino Porcadilla, pending acquisition of the same
by negotiated sale, or purchase, and dismissing
the case as to all other petitioners without pro-
nouncement as to costs."

The aforesaid decision was appealed by the petitioners
to the COURT OF APPEALS, through CERTIORARI AND ETC., iden-
tified as CA-G.R. NO. SP. 07703-R, but the appellate Court
in its resolution promulgated April 2, 1979, ruled, which we
quote:

"Thus, it will appear that when herein petitioners
filed their notice of appeal and paid its appeal
bond on September 15, and 16, 1977, respectively,
the decision dated April 27, 1977, of the Court
a quo had already become final."

"PREMISES CONSIDERED, we find this petition
to be without merit and the same is hereby DENIED.

"SO ORDERED.

Signed - Associate Justice

WE CONCUR:

SIGNED - ASSOCIATE JUSTICES"

The Committee notified Atty. Albino P. Porcadilla and his co-heirs of the titled property and house of the estate of the late CIRIACO PORCADILLA, last March 11, 1982, at the conference hall of the S.P. building. It was found out in that conference that the titled lot and house in the partition of the estate of the late Ciriaco Porcadilla and his wife, the said titled property with an area of 90 square meters and the house built thereon, were adjudicated to a brother of Atty. Porcadilla, in the person of Mr. Romulo Porcadilla.

Many hearings were held thereafter by the Committee negotiating for the purchase of the house of Atty. & Mrs. Porcadilla and the titled lot and house of Mr. Romulo Porcadilla. A member of the Committee in the person of Kagawad Dionisio S. Santiago, who used to be a building contractor, was asked by the Committee if he had the opportunity to inspect the house of Atty. Porcadilla and the old house of the late Ciriaco Porcadilla now owned by Mr. Romulo Porcadilla. Kagawad Santiago informed the body that during the lifetime of Engr. Placido C. Enecio, a member of this Body and then another building contractor, they have inspected the houses of Atty. Porcadilla and of the late Ciriaco Porcadilla. Kagawad Santiago told the Committee that as of this year, 1982, the prevailing cost, according to building contractors, as to the house of Atty. Porcadilla, is from P1,000.00 to P1,500.00 per square meter or, in short, the reasonable value of the house of Atty. Porcadilla with a floor area of 100 square meters will be P100,000.00 at present.

In one of their meetings the Committee proposed to Atty. Porcadilla, considering the circumstances attendant to his case and the prevailing cost of construction, that he and his wife be paid for their building the amount of P100,000.00 minus the depreciation of the building from the year it was constructed up to the execution of the deed of sale as provided for by pertinent laws. Also, considering the circumstances and facts attendant to the titled property and house of Mr. Romulo Porcadilla, the Committee proposed to him that he be paid the amount of P25,000.00.

On April 14, 1982, Atty. Porcadilla and his brother, Romulo, during the committee meeting made their counter-proposals as follows:

Atty. Porcadilla proposed to sell his house to the City Government at P150,000.00; and

Mr. Romulo Porcadilla proposed to sell his house and the titled lot to the City Government at P50,000.00.

After a painstaking deliberation on the facts and circumstances attendant to the said problems and on the law applicable in the instant cases, the Committee had agreed, as it does hereby agree, to recommend to the Honorable Sangguniang Panlungsod ng Ormoc to buy the said properties, through negotiated sale as follows:

(a) The house of Atty. & Mrs. Albino P. Porcadilla at P100,000.00, MINUS the depreciation of the said building from the time of its construction up to the date of the execution of the Deed of Sale as provided for by the pertinent provisions of existing laws or rules as to depreciation; and

well

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(b) The titled lot and house of Mr. Romulo Porcadilla at P40,000.00, MINUS the depreciation of the building from the year of its construction to the date of the execution of the Deed of Sale as provided, too, under pertinent existing laws or rules relevant to the depreciation in value of the property.

ORMOC CITY, June 21, 1982.

(SIGNED) ANASTACIO D. BESABELLA
Co-Chairman

(SGD) CRISTOBAL S. MENDOLA
Chairman

WE CONCUR:

(SGD) CESAR S. SAMSON
Vice-Chairman

(SGD) BENJAMIN F. TUGONON
Co-Vice-Chairman

(SGD) DIONISIO S. SANTIAGO (SGD) DIONISIO B. TORREVILLAS
Member Member

(SGD) DEMETRIO D. SARIT
(City Legal Officer)
Member

NOW, THEREFORE, on motion of Kagawad Mendola, seconded by Kagawad Torrevillas; be it

RESOLVED, to ratify the report of the Special Committee on Negotiations and do, as this Body hereby does, adopt the same to be the stand of the Sangguniang Panlungsod ng Ormoc in the matter of the acquisition of the house of Atty. Albino P. Porcadilla and the house and titled property of Mr. Romulo Porcadilla at the prospective site of the Ormoc City Multi-purpose Auditorium; and be it

RESOLVED, FURTHER, to furnish a copy of this resolution each to Atty. Albino P. Porcadilla and Mr. Romulo P. Porcadilla, the City Engineer, the City Assessor, and the City Legal Officer, all in the City of Ormoc;


CARRIED UNANIMOUSLY.

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I HEREBY CERTIFY to the correctness of the foregoing resolution.


JOSE C. AVILES
Vice-Mayor
Presiding Officer

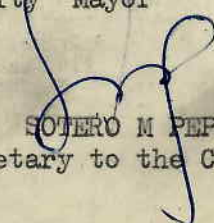
ATTESTED:


VICTORIANO L. DE LOYOLA
Kalihim
(Secretary)

APPROVED:


INAKI A. LARRAZABAL
City Mayor

ATTESTED AS APPROVED:


SOTERO M. PEPITO
Secretary to the City Mayor