

OFFICE OF THE VICE-MAYOR  
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02 AUG. 1996 1:50 PM  
ORMOC CITY

REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC

SANGGUNIANG PANLUNGSOD  
DATE OUT  
DATE: 8-2-96  
SENT BY: [Signature]  
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON AUGUST 1, 1996

SANGGUNIANG PANLUNGSOD  
RECEIVED  
DATE: 8/1/96  
BY: [Signature]  
LUNGSOD NG ORMOC

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal,	Asst. Majority Floor Leader, Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Sotero M. Pepito,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Manuel T. Fiel,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Gregorio A. Yrastorza, Jr.,	Kagawad
Hon. Mariano Y. Corro,	Minority Floor Leader, Kagawad
Hon. Fernando P. Parrilla,	Chapter Pres., Liga ng mga Barangay ng Ormoc, Ex-Officio, Kagawad
Hon. Chiqui B. Labagala,	SK Federation President, Ex-Officio, Kagawad

ABSENT:  
N O N E .

NOTE: One seat vacant - (By virtue of the resignation of Honorable Kagawad Jose B. Conejos.)

RESOLUTION NO. 96-121

A RESOLUTION GRANTING AUTHORITY TO THE HONORABLE CITY MAYOR OF ORMOC, EUFROCINO M. CODILLA, SR., TO SIGN, FOR AND IN BEHALF OF THE CITY GOVERNMENT OF ORMOC, TWO (2) DEEDS OF ABSOLUTE SALE COVERING FOUR (4) PARCELS OF LAND USED AS A ROAD-RIGHT-OF-WAY OWNED BY ESCOLASTICA VALLE CONSISTING OF 373 SQUARE METERS COVERED BY AND DESCRIBED IN TCT NO. 24974, AND 194 SQUARE METERS COVERED BY AND DESCRIBED IN TCT NO. 26657; AND BY SALUSTIANA VALLE CONSISTING OF 624 SQUARE METERS, COVERED BY AND DESCRIBED TCT NO. 21165, AND 715 SQUARE METERS, COVERED BY AND DESCRIBED IN TCT NO. 27941, ALL OF THE REGISTRY OF DEEDS OF ORMOC CITY, PROVIDED THAT THE BUYING PRICE SHALL NOT EXCEED P280.00 PER SQUARE METER, AND PROVIDED FURTHER, THAT ALL THE EXPENSES FOR THE EXECUTION AND THE REGISTRATION OF THE DEED OF ABSOLUTE SALE INCLUDING THE PAYMENT FOR THE CAPITAL GAINS TAX AND OTHER TAXES RELATIVE TO THE SALE SHALL BE FOR THE ACCOUNT OF THE VENDORS.

WHEREAS, this august Body is in receipt of a request from the City Legal Officer, Atty. Cleto L. Evangelista, Jr., "to pass a resolution authorizing HON. EUFROCINO M. CODILLA, SR., City Mayor to sign the Deed of Absolute Sale for and behalf of the City Government of Ormoc of Road-Right-of-Way (RROW) claimed by Salustiana Valle and Escolastica Valle";

WHEREAS, these parcels of land of Salustiana Valle and Escolastica Valle were appraised by the City Appraisal Committee at P320.00 per square meter;

[Handwritten signatures]

WHEREAS, the same City Appraisal Committee appraised the land of the Heirs of Jacinta Valle at ₱250.00 per square meter (please refer to Resolution No. 95-41, dated August 17, 1995 of this Sanggunian); the land of Diosdada Valle at ₱250.00 per square meter (please refer to Resolution No. 95-127, dated November 16, 1995 of this Sanggunian); and, the land of Delegario Valle at ₱280.00 per square meter (please refer to Resolution No. 29, dated March 16, 1995 of this Sanggunian);

WHEREAS, the Supreme Court in the case of TUASON & CO., INC. vs. LAND TENURE ADMINISTRATION, 31 SCRA 413, ruled that "Just compensation means the equivalent for the value of the property at the time of its taking. Anything beyond that is more and anything short of that is less, than just compensation. It means a fair and full equivalent for the loss sustained, which is the measure of the indemnity, not whatever gain would accrue to the expropriating entity." Furthermore, the Supreme Court defined "TAKING" as follows: "Taking under the power of eminent domain may be defined generally as entering upon private property for more than a momentary period, and, under the warrant or color of legal authority, devoting it to a public use, or otherwise informally appropriating or injuriously affecting it in such a way as substantially to oust the owner and deprived him of all beneficial enjoyment thereof." (REPUBLIC V. VDA DE CASTELLVI, 58 SCRA 336);

WHEREAS, these properties of Salustiana Valle and Escolastica Valle were taken by the City Government of Ormoc and used as a road right of way long before these were appraised by the City Appraisal Committee at ₱320.00 per square meter, on January 12, 1996;

WHEREAS, Article 35 par. (d), subpar. (1) of the RRILGC of 1991 provides: "Resolution of the sanggunian authorizing the local chief executive to enter into a contract of sale. The Resolution shall specify the terms and conditions to be embodied in the contract;

WHEREAS, the aforesaid Article 35, outlines the procedure to be followed in the "Offer to buy and Contract of Sale" in case of Eminent Domain;

WHEREFORE, foregoing premises considered, on motion duly presented by Kagawad Mariano Y. Corro, Chairman, Committee on Public Properties, severally seconded by mga Kagawad Claudio P. Larrazabal, Benjamin B. LLadoc and Alfredo F. Capahi; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution GRANTING AUTHORITY TO THE HONORABLE CITY MAYOR OF ORMOC, EUFROCINO M. CODILLA, SR., TO SIGN, FOR AND IN BEHALF OF THE CITY GOVERNMENT OF ORMOC, TWO (2) DEEDS OF ABSOLUTE SALE COVERING FOUR (4) PARCELS OF LAND USED AS A ROAD-RIGHT-OF-WAY OWNED BY ESCOLASTICA VALLE CONSISTING OF 373 SQUARE METERS COVERED BY AND DESCRIBED IN TCT NO. 24974, AND 194 SQUARE METERS COVERED BY AND DESCRIBED IN TCT NO. 26657; AND BY SALUSTIANA VALLE CONSISTING OF 624 SQUARE METERS, COVERED BY AND DESCRIBED TCT NO. 21165, AND 715 SQUARE METERS, COVERED BY AND DESCRIBED IN TCT NO. 27941, ALL OF THE REGISTRY OF DEEDS OF ORMOC CITY, PROVIDED THAT THE BUYING PRICE SHALL NOT EXCEED ₱280.00 PER SQUARE METER, AND PROVIDED FURTHER, THAT ALL THE EXPENSES FOR THE EXECUTION AND THE REGISTRATION OF THE DEED OF ABSOLUTE SALE INCLUDING THE PAYMENT FOR THE CAPITAL GAINS TAX AND OTHER TAXES RELATIVE TO THE SALE SHALL BE FOR THE ACCOUNT OF THE VENDORS;

ENACTED, August 1, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor of Ormoc, Eufrocino M. Codilla, Sr.; the City Legal Officer, Atty. Cleto M. Evangelista, Jr.; the Chairman, City Appraisal Committee, Mr. Briccio D. Supremo; the City Budget Officer, the City Treasurer, the Register of Deeds, Ms. Salustiana Valle, Ms. Escolastica Valle, all in Ormoc City, and other offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
OSCAR LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
BENJAMIN A. TUGONON  
Vice Mayor & Presiding Officer