



REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
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 15, 1996



PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
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. Chiqui B. Labagala,	SK Federation President, Ex-Officio, Kagawad

ABSENT:

Hon. Celso P. Adolfo, (Force Leave), Majority Floor Leader, Kagawad  
Hon. Fernando P. Parrilla, (Sick Leave), Chapter Pres., Liga ng  
Barangay ng Ormoc, Ex-Officio, Kagawad

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

RESOLUTION NO. 96-129

A RESOLUTION INFORMING WITH REGRETS MRS. BRENDA MONTES-CLAROS BANGOT THAT HER REQUEST THAT THIS SANGGUNIAN PASSES A RESOLUTION THAT "THE SAID LOT (ABANDONED RIVER BED) IS NO LONGER NEEDED BY THE GOVERNMENT FOR FUTURE USE", CANNOT BE ACTED FAVORABLY FOR THE REASON THAT UNDER ARTICLE 461 OF THE CIVIL CODE OF THE PHILIPPINES, "RIVER BEDS WHICH ARE ABANDONED THROUGH THE NATURAL CHANGE IN THE COURSE OF THE WATERS IPSO FACTO BELONG TO THE OWNERS WHOSE LANDS ARE OCCUPIED BY THE NEW COURSE IN PROPORTION TO THE AREA LOST", HOWEVER, THE OWNERS OF THE LANDS ADJOINING THE OLD BED SHALL HAVE THE RIGHT TO ACQUIRE THE SAME "BY PAYING THE VALUE THEREOF, WHICH VALUE SHALL NOT EXCEED THE VALUE OF THE AREA OCCUPIED BY THE NEW BED".

WHEREAS, a letter dated August 1, 1996 of Mrs. Brenda Montesclaros Bangot requesting this Sanggunian to pass a resolution that "the said lot (Abandoned river bed) is no longer needed by the Government for future use" was indorsed to this august Body by the Secretary to the City Mayor, Mr. Ruvinieu E. Mendola, for appropriate action;

WHEREAS, the aforecited letter of Mrs. Bangot mentioned that the lot she intends to acquire is an ABANDONED RIVER BED;

WHEREAS, Article 461 of the Civil Code of the Philippines anent abandoned river beds succinctly provides as follows:

"River beds which are abandoned through the natural changes in the course of the waters ipso facto belong to the owners whose lands are occupied by the new course in proper-



ties to the area lost. However, the owners of the lands adjoining the old bed shall have the right to acquire the same by paying the value thereof, which value shall not exceed the value of the area occupied by the new bed."

WHEREFORE, foregoing premises considered, on motion duly presented by Kagawad Mariano Y. Corro, Chairman, Committee on Public Properties, jointly seconded by mga Kagawad Benjamin B. Lladoc and Chiqui B. Labagala; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution informing with regrets Mrs. Brenda Montesclaros Bangot that her request that this Sanggunian passes a resolution that "the said lot (abandoned river bed) is no longer needed by the Government for future use", cannot be acted favorably for the reason that under Article 461 of the Civil Code of the Philippines, "River beds which are abandoned through the natural change in the course of the waters ipso facto belong to the owners whose lands are occupied by the new course in proportion to the area lost", however, the owners of the lands adjoining the old bed shall have the right to acquire the same "by paying the value thereof, which value shall not exceed the value of the area occupied by the new bed";

ENACTED, August 15, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to Mrs. Brenda Montesclaros Bangot; the Honorable City Mayor, Eufrocino M. Codilla, Sr.; the City Legal Officer, Atty. Cleto L. Evangelista, Jr.; CENRO, Ormoc City, and other Offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR L. LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

BENJAMIN B. TUGONON  
Vice Mayor & Presiding Officer