



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON OCTOBER 31, 1996

PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazarbal,	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

ABSENT:

Hon. Chiqui B. Labagala, (O.B. Tacloban), SK Federation Pres.,
Ex-Officio, Kagawad

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

RESOLUTION NO. 96-203

A RESOLUTION EXPRESSING STRONG OBJECTION TO THE FALLACIOUS RESOLUTION NO. 6R 696 OF THE SANGGUNIANG BAYAN OF KANANGA, LEYTE, ENTITLED: "A RESOLUTION FORMALLY ELEVATING WITH THE DEPARTMENT OF ENERGY THROUGH THE SECRETARY, HONORABLE FRANCISCO VIRAY, THE ENERGY INDUSTRY ADMINISTRATION BUREAU, MAKATI CITY, THROUGH DIRECTOR NEPTALI S. FRANCO, THE OFFICIAL AND LEGAL CLAIM OF THE MUNICIPALITY OF KANANGA OF ITS LAWFUL SHARE IN THE UTILIZATION AND DEVELOPMENT OF GEOTHERMAL ENERGY, SPECIFICALLY POWER PLANTS "A" 120 MW, AND, "B" 160 MW, IN SITIO MAHANAGDONG, AND, THE 231 MW IN SITIO MALITBOG, WHEN THESE POWER PLANTS BECOME OPERATIONAL CONSIDERING THAT SITIOS MAHANAGDONG AND MALITBOG ARE SITIOS OF BARANGAY TONGONAN, KANANGA, LEYTE, OF WHICH THE MUNICIPALITY OF KANANGA EXERCISED POLITICAL AND JURISDICTIONAL AUTHORITY SINCE ITS CREATION AS A MUNICIPALITY IN 1950 BY ACTS OF CONGRESS".

WHEREAS, on October 17, 1996, this august Body received a copy of Resolution No. 6R. 696 of the Sangguniang Bayan of Kananga, Leyte;

WHEREAS, last September 23, 1996, a copy of Resolution No. 6R. 691 of the Sangguniang Bayan of Kananga, Leyte, entitled: "A RESOLUTION EXPRESSING THE SUPPORT OF THE SANGGUNIANG BAYAN TO THE OBJECTION OF HIS HONOR, MAYOR EDUARDO V. NAPARI, TO THE BOUNDARY PLOTTING BY THE PNOC ENERGY DEVELOPMENT CORPORATION PUTTING SITIOS MAHANAGDONG AND MALITBOG, COMPONENT SITIOS OF BARANGAY TONGONAN, MUNICIPALITY OF KANANGA, LEYTE" was likewise received by this Sanggunian;

WHEREAS, aforementioned Resolutions of the Sangguniang Bayan of Kananga, Leyte were the off-shoot of our Resolution No. 96-130 dated August 15, 1996, entitled: "A RESOLUTION FORMALLY INFORMING THE DEPARTMENT OF ENERGY THROUGH DIRECTOR NEPTALI S. FRANCO, ENERGY INDUSTRY ADMINISTRATION BUREAU, MAKATI CITY, THAT THE CITY GOVERNMENT OF ORMOC, OFFICIALLY AND LEGALLY CLAIMS ITS RIGHTFUL SHARE OF THE NATURAL WEALTH, ONCE THEIR GEOTHERMAL POWER PLANTS SPECIFICALLY THE 231 MW MALITBOG POWER PLANT, THE 120 MW MAHANAGDONG "A" AND 60 MW MAHANAGDONG "B" POWER PLANT BECOME OPERATIONAL CONSIDERING THAT THESE GEOTHERMAL POWER PLANTS ARE LOCATED WITHIN THE BOUNDARY OF THE CITY OF ORMOC PER LETTER DATED MAY 20, 1996 OF GENERAL MANAGER SAMSON P. JAVELLANA, GEOTHERMAL DIVISION, PHOC ENERGY DEVELOPMENT CORPORATION ADDRESSED TO YOUR GOODSELF";

WHEREAS, as clearly stated in our Resolution No. 96-130, the basis for its adoption is the letter dated May 30, 1996 of Mr. Javellana to Director Neptali S. Franco, which categorically stated that "The 120 MW Mahanagdong "A" and 60 MW Mahanagdong "B" geothermal power plants are located within the city boundary of Ormoc" and "The 231 MW Malitbog geothermal power plant falls within the boundary of Ormoc City. X X X" (Underscoring supplied for emphasis). These asseverations of Mr. Javellana are supported and buttressed by an authentic and authoritative document which is a LAND CLASSIFICATION MAP (LC 2239) prepared in 1958 by the Bureau of Forestry of the then Department of Agriculture and Natural Resources showing the boundary lines between Ormoc City and Kananga including the neighboring municipalities of Capoocan, Carigara and Jaro, which map was obtained from the Offices of the Land Classification Administration, NAMRIA, and NOT "by the unauthorized and presumptuous award by a Mr. Samson P. Javellana" as stated in Resolution No. 6R. 696 of the Sangguniang Bayan of Kananga, Leyte;

WHEREAS, aforementioned Resolution No. 6R. 696 of the Sangguniang Bayan of Kananga, Leyte, states that "sitios Mahanagdong and Malitbog are sitios of Barangay Tongonan, Kananga, Leyte, of which the Municipality of Kananga exercised political and jurisdictional authority"; then it is most unfortunate for the Municipal Government of Kananga to be exercising "political and jurisdictional authority" over these places which in legal contemplation do not belong to them as shown in the Land Classification Map (2239) which as stated earlier was prepared in 1958, yet, by the Bureau of Forestry of the then Department of Agriculture and Natural Resources; hence, its claim over these areas can be considered that of a "usurper" and the exercise of its authority thereof can likewise be considered as mere tolerance on the part of the City Government of Ormoc, and therefore, can never ripen into a legal claim or ownership. Considering that the Municipal Government of Kananga is now made aware of its status over these areas claimed by them as asseverated by General Manager Samson P. Javellana based on Land Classification Map (LC2239), then it becomes incumbent upon them to show better proof or authentic document to support their claims over these areas, and not by mere assertions sans any documentary proof, otherwise, theirs is an exercise in futility;

FOREGOING PREMISES CONSIDERED, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Public Properties, severally seconded by mga Kagawad Sotero M. Pepito, Alfredo F. Capahi, Gregorio A. Yrastorza, Jr. and Jose C. Alfaro, Jr.; be it

RESOLVED, to pass a resolution EXPRESSING STRONG OBJECTION TO THE FALLACIOUS RESOLUTION NO. 6R 696 OF THE SANGGUNIAN BAYAN OF KANANGA, LEYTE, ENTITLED: "A RESOLUTION FORMALLY ELEVATING WITH THE DEPARTMENT OF ENERGY THROUGH THE SECRETARY, HONORABLE FRANCISCO VIRAY, THE ENERGY INDUSTRY ADMINISTRATION BUREAU, MAKATI CITY, THROUGH DIRECTOR NEPTALI S. FRANCO, THE OFFICIAL AND LEGAL CLAIM OF THE MUNICIPALITY OF KANANGA OF ITS LAWFUL SHARE IN THE UTILIZATION AND DEVELOPMENT OF GEOTHERMAL ENERGY, SPECIFICALLY POWER PLANTS "A" 120 MW, AND , "B" 160 MW, IN SITIO MAHANAGDONG, AND, THE 231 MW IN SITIO MALITBOG, WHEN THESE POWER PLANTS BECOME OPERATIONAL CONSIDERING THAT SITIOS MAHANAGDONG AND MALITBOG ARE SITIOS OF BARANGAY TONGONAN, KANANGA, LEYTE, OF WHICH THE MUNICIPALITY OF KANANGA EXERCISED POLITICAL AND JURISDICTIONAL AUTHORITY SINCE ITS CREATION AS A MUNICIPALITY IN 1950 BY ACTS OF CONGRESS";

ENACTED, October 31, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to: the Secretary of the Department of Energy, Honorable Francisco Viray; Director, Energy Resource Development Bureau of the Department of Energy, Hon. Griselda J. G. Bausa; Project Manager Carl M. Recio, Leyte Geothermal Power Project, PNOG Energy Development Corporation; Engr. Wilfredo N. Algopera, Resident Manager, Leyte Geothermal Power Project, PNOG Energy Development Corporation; the Regional Executive Director, Department of Environment and Natural Resources, Tacloban City; the Regional Technical Director, Land Management Services, DENR, Tacloban City; the Honorable City Mayor of Ormoc, Hon. Eufrocino M. Codilla, Sr.; the City Legal Officer, Atty. Cleto L. Evangelista, Jr.; the Honorable Municipal Mayor of Kananga, Eduardo V. Napari; the Honorable Members of the Sangguniang Bayan of Kananga, through the Presiding Officer, Honorable Vice Mayor Manuel P. Tan, and other Offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR L. LARSA
Secretary to the
Sangguniang Panlungsod

ATTESTED:

BENJAMIN F. JUGONON
Vice Mayor & Presiding Officer

APPROVED:

EUFROCINO M. CODILLA, SR.
City Mayor

11/15/96
(Date)