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SANGGUNIANG PANLUNGSOD
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SANGGUNIANG PANLUNGSOD

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 MAY 8, 1997

PRESENT:

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,	Kagawad
Hon. Fernando P. Parrilla,	Minority Floor Leader, Kagawad
	Chapter Pres., Liga ng mga Barangay ng
	Ormoc, Ex-Officio, Kagawad
Hon. Chiqui B. Labagala,	SK Federation President, Ex-Officio,
	Kagawad
Hon. Deborah Robin B. Conejos,	(Appointed in lieu of Hon. Jose B.
	Conejos who resigned), Kagawad

ABSENT:

(NONE)

RESOLUTION NO. 97-79

A RESOLUTION DEFINING THE POSITION OF THE SANGGUNIANG
PANLUNGSOD NG ORMOC RELATIVE TO THE LETTER DATED APRIL
11, 1997, OF OIC, REGIONAL TECHNICAL DIRECTOR, ESTER P.
RASCO, ANENT THE PENDING BOUNDARY CONFLICT BETWEEN THE
CITY OF ORMOC AND THE MUNICIPALITY OF KANANGA, LEYTE.

WHEREAS, on April 30, 1997, this Sanggunian received a copy of the
letter dated April 11, 1997, of OIC, Regional Technical Director, Ester
P. Rasco, addressed to "The Honorable Mayors of the City of Ormoc and
the Municipality of Kananga", anent the pending boundary conflict
between the City of Ormoc and the Municipality of Kananga, Leyte;

WHEREAS, to put things in their proper and correct perspective
anent said boundary conflict, it becomes imperative that certain facts
and information relative thereto be brought to the attention of OIC,
Regional Technical Director, Ester P. Rasco, especially that she is new
in her present assignment;

WHEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman, Commit-
tee on Public Properties, severally seconded by mga Kagawad Fernando P.
Parrilla, Benjamin B. Lladoc, Celso P. Adolfo, Sotero M. Pepito and
Manuel T. Fiel; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution DEFINING
THE POSITION OF THE SANGGUNIANG PANLUNGSOD NG ORMOC RELATIVE TO THE
LETTER DATED APRIL 11, 1997, OF OIC, REGIONAL TECHNICAL DIRECTOR, ESTER
P. RASCO, ANENT THE PENDING BOUNDARY CONFLICT BETWEEN THE CITY OF ORMOC
AND THE MUNICIPALITY OF KANANGA, LEYTE, to wit:

1. That the Municipality of Kananga was created on June 17, 1950 by virtue of Republic Act 542, and Section 1, thereof, provides: "The barrios of Lonoy, Kananga, Rizal, Tugbong, Montebello, Aguiting, Agayayan, Montealegre, Libongao, Naghalin and Masarayao in the CITY OF ORMOC are separated from the said CITY and constituted into a new municipality to be known as the MUNICIPALITY OF KANANGA, with the seat of government at the present site of the BARRIO OF KANANGA"; (Emphasis supplied; attached certified photocopy of Republic Act 542, marked as ANNEX "A" hereof)
2. That long before World War II, a cadastral survey (Cad. 256, Ormoc Cadastre) was conducted in the then Municipality of Ormoc in which the boundaries of the different barrios were defined and established by the posting of monuments (BBM) which are still intact and existing particularly at the original barrios (now barangays) which comprise the Municipality of Kananga, adjoining the City of Ormoc; (See attached photocopy of Memorandum dated November 10, 1993 of Engr. III, Nicerato A. Ermac of CENRO, Ormoc City, marked as ANNEX "B" hereof)
3. That based on the aforementioned Cadastral Survey, the political boundary between the City of Ormoc and the Municipality of Kananga can be easily delineated by merely relocating the Barrio Boundary Monuments (BBM) which were placed by the Cadastral Survey Team on the affected barrios (barangays);
4. That in 1993 the City Government of Ormoc engaged the services of Geodetic Engineer Venancio G. Besavilla, who is an accredited Deputized Surveyor of the then Land Management Bureau, to relocate the political boundary between the City of Ormoc and the Municipality of Kananga. However, the Municipal Officials of Kananga objected to the Field Report on the Relocation Survey on the political boundary of the City of Ormoc and the Municipality of Kananga; (Attached photocopy of the Field Report on the Relocation Survey of Political Boundary between the Municipal of Kananga and the City of Ormoc, marked as ANNEX "C", hereof)
5. That later, SOLAR conducted a survey which was supposed to delineate the political boundary between the City of Ormoc and the Municipality of Kananga which survey is pending approval at the Office of the Regional Technical Director which should now be resolved whether to approve or disapprove, considering that this is the subject of a petition by the Municipality of Kananga with the City of Ormoc, as the oppositor;
6. That the members of the 7th Sangguniang Panlungsod ng Ormoc are aware that DENR has no jurisdiction over the settlement of boundary disputes of LGUs; but if this controversy has reached DENR, this is but part of the amicable process which the Local Government Code of 1991 encourages in the settlement of boundary disputes, as provided for in Article 15 of the RRILGC of 1991; and even then Regional Technical Director, Felipe S. Sison in his letter of February 17, 1994 in part stated: "We may nevertheless be able to assist in the settlement of the boundary conflict between your City and the Municipality of

Kananga by the end of April 1994 when by then the on-going political boundary survey of Kananga shall have been completed and submitted to this Office." (Attached photocopy of said letter, marked as "D", hereof)

7. That we beg to disagree with the observation of OIC, Regional Technical Director, Ester P. Rasco, that "it is the Sangguniang Panlalawigan of Leyte who has the jurisdiction over the settlement of the said dispute (Rule III, Art. 16 (b) Rules and Regulations Implementing the Local Government Code of 1991)" as aforequoted provision refers to boundary disputes involving two (2) or more MUNICIPALITIES with the same province, and fortunately, ORMOC is not a municipality but an INDEPENDENT COMPONENT CITY, and per opinion of the Department of Legal Counsel, DILG, Director Jacob P. Montesa, "That boundary dispute between Ormoc City (independent component city) and the municipality of Kananga could be jointly referred for settlement to the respective sanggunians of the parties" pursuant to paragraph (d) of Section 113 of RA 7160." (Photocopy of said Opinion hereto attached and marked as ANNEX "E", hereof)
8. That since in the letter of OIC, Regional Technical Director, Ester P. Rasco, she suggested that this boundary dispute be settled under the procedure outlined in Article 17 of the RRILGC of 1991, may we respectfully request that she furnish us a certified map of the City of Ormoc, as this is one of the documents required to be attached to the Petition, as provided for in the aforementioned Article 17, par. (c) subpar. (2);

ADOPTED, May 8, 1997.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to OIC, Regional Technical Director, Ester P. Rasco, DENR, Tacloban City; The Regional Executive Director, DENR, Tacloban City; The Honorable Secretary of the Department of Environment and Natural Resources, Metro Manila; The Honorable City Mayor of Ormoc, Eufrocino M. Codilla, Sr.; The City Legal Officer of Ormoc, Atty. Cleto L. Evangelista, Jr.; The Honorable Municipal Mayor of Kananga, Eduardo V. Napari; The Sangguniang Bayan of Kananga, Leyte; Atty. Luz Mabale Polistico, Counsel for the Municipality of Kananga, 2nd Floor, Ayala Life Bldg., Tacloban City, and other Offices concerned, -in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

BENJAMIN F. TUGONON
Vice Mayor & Presiding Officer