

VICE MAYOR'S OFFICE
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REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE TENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON AUGUST 05, 2004

PRESENT:

Hon. Nepomuceno P. Aparis I,	Vice Mayor & Presiding Officer
Hon. Dennis Y. Capuyan,	City Councilor, Majority Floor Leader
Hon. Manuel T. Fiel,	City Councilor, Assist. Minority Floor Leader
Hon. Claudio P. Larrazabal,	City Councilor, Assist. Majority Floor Leader
Hon. Mariano Y. Corro,	City Councilor
Hon. Fe S. Lladoc,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor
Hon. Sotero M. Pepito,	City Councilor
Hon. Jose C. Alfaro, Jr.,	City Councilor
Hon. Emeterio Y. Larrazabal, Jr.,	Ex-Officio City Councilor,
	Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Cheryl L. Alfar,	Ex-Officio City Councilor,
	SK Federation President

ABSENT:

Hon. Jose S. Serafica,	(Vacation Leave),	City Councilor,
		Minority Floor Leader
Hon. Eduardo P. Tan,	(Sick Leave),	City Councilor

RESOLUTION NO. 2004-030

A RESOLUTION AUTHORIZING THE HONORABLE CITY MAYOR, ERIC C. CODILLA TO COMMUNICATE WITH PNOC TO STOP THE RELEASE TO THE MUNICIPALITY OF KANANGA, LEYTE THE ROYALTY SHARE OUT OF THE PRODUCING WELLS WITHIN THE 325 HECTARES GIVEN UP BY ORMOC TO KANANGA AS A RESULT OF THE AMICABLE SETTLEMENT WITH THE LATTER MUNICIPALITY, FURTHER TO AUTHORIZE THE MAYOR TO TAKE THE NECESSARY LEGAL STEPS TO PROTECT THE INTEREST OF ORMOC AND THE ORMOCANONS ANENT THESE MATTERS.

WHEREAS, the 9th Sanggunian passed Resolution No. 2003-034 dated 27 February 2003, entitled: "A RESOLUTION AUTHORIZING THE HONORABLE CITY MAYOR CARMELO J. LOCSIN, TO ENTER INTO AN "AMICABLE SETTLEMENT" WITH REGARDS TO THE BOUNDARY DISPUTE INVOLVING THE CITY OF ORMOC AND THE MUNICIPALITY OF KANANGA, LEYTE, SUBJECT TO THE TERMS AND CONDITIONS HEREIN SETFORTH";

WHEREAS, an amicable settlement was entered into by and between the City of Ormoc and the Municipality of Kananga, one of the terms and conditions set forth states that the City of Ormoc shall waive whatever rights it may have over an area estimated to be THREE HUNDRED TWENTY FIVE (325) hectares more or less it has ceded to the Municipality of Kananga;

WHEREAS, a condition in the aforementioned resolution, states: "That the MUNICIPALITY OF KANANGA, LEYTE, represented by Hon. Municipal Mayor Giovanni Ed Napari, shall also waive whatever claims it may have over the area within the territorial boundary of Ormoc City, other than the area describe in the preceding paragraph";

WHEREAS, a provision in the Amicable Settlement states that: "With regard to the Malitbog Power Plant, all income derived from the two (2) units supplied from wells situated in Kananga, Leyte shall pertain to the Municipality of Kananga while all income derived from the one (1) unit supplied from the well situated in Ormoc City shall pertain to the City of Ormoc". X X X X;

WHEREAS, another provision in the said Amicable Settlement further states that: "After the execution of this agreement, all income derived from the respective areas of the parties shall respectively pertain to each of them to the exclusion of the other";

WHEREAS, letter (a) of the conditions set forth in the said resolution also states: "That it is hereby agreed that the CITY OF ORMOC, represented by Hon. City Mayor Carmelo J. Locsin, shall waive whatever rights it may have over an area estimated to be Three Hundred Twenty Five (325) hectares, more or less, based on an aerial map hereto attached as Annex "A" and made an integral part hereof subject to existing laws, rules and regulations." X X X (UNDERSCORING SUPPLIED)

WHEREAS, similar proviso also appears in the Amicable Settlement;

WHEREAS, Sec. 10 of the Local Government Code of 1991 provides that:

"Sec. 10. Plebiscite Requirement. - No creation, division, merger, abolition, or substantial alteration of boundaries of local government units shall take effect unless approved by a majority of the votes cast in a plebiscite called for the purpose in the political unit or units directly affected. Said plebiscite shall be conducted by the Commission of Elections (COMELEC) within one hundred twenty (120) days from the date of effectivity of the law or ordinance effecting such actions, unless said law or ordinance fixes another date";
(UNDERSCORING SUPPLIED).

WHEREAS, this august Body believes that the said royalty shares from the 325 hectares ceded by Ormoc City to the Municipality of Kananga be protested to, for the benefit of the Ormocanons of this generation and the generation to come;

WHEREFORE, foregoing premises considered, on motion of City Councilor Jose C. Alfaro, Jr., Chairman, Committee on Natural Resources and Environmental Control, duly seconded by City Councilor Dennis Y. Capuyan; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution AUTHORIZING THE HONORABLE CITY MAYOR, ERIC C. CODILLA TO COMMUNICATE WITH PNOC TO STOP THE RELEASE TO THE MUNICIPALITY OF KANANGA, LEYTE THE ROYALTY SHARE OUT OF THE PRODUCING WELLS WITHIN THE 325 HECTARES GIVEN-UP BY ORMOC TO KANANGA AS A RESULT OF THE AMICABLE SETTLEMENT WITH THE LATTER MUNICIPALITY, FURTHER TO AUTHORIZE THE MAYOR TO TAKE THE NECESSARY LEGAL STEPS TO PROTECT THE INTEREST OF ORMOC AND THE ORMOCANONS ANENT THESE MATTERS;

ADOPTED, August 05, 2004.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the Manager, PNO, Tongonan, Leyte; the Honorable Municipal Mayor of Kananga, Leyte and others concerned, -in Ormoc City;

CARRIED UNANIMOUSLY

I HEREBY CERTIFY to the correctness of the foregoing resolution.


OSCAR P. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:


NEPOMUCENO R. APARIS I
Vice Mayor & Presiding Officer