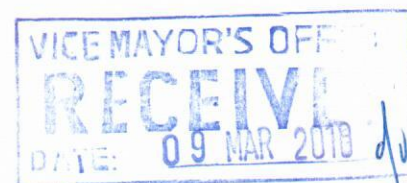


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON MARCH 8, 2018

PRESENT:

Leo Carmelo L. Locsin, Jr.,	Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Tomas R. Serafica, (Acting City Mayor), SP Member

ON LEAVE:

Rolando M. Villasencio, SP Member, Majority Floor Leader

RESOLUTION NO. 2018-062

**A RESOLUTION CHOOSING SANGGUNIAN MEMBER
BENJAMIN S. PONGOS, JR. AS A MEMBER OF THE
ARBITRATION COMMITTEE IN ACCORDANCE WITH
SECTION XX OF THE MEMORANDUM OF AGREEMENT
(MOA) DATED DECEMBER 8, 1995 BETWEEN TAI-PAN
DEVELOPMENT INC. AND THE CITY GOVERNMENT OF
ORMOC RELATIVE TO THE ORMOC CITY SHOPPING MALL.**

WHEREAS, this Fourteenth Sangguniang Panlungsod was in receipt of an Endorsement dated March 6, 2018 from the Office of the City Mayor, respectfully allowing the withdrawal of the request for the issuance of an authority to sign the Notice of Termination to the Gaisano Capital Group (Tai-Pan Development Corporation), and requesting further for the issuance of a Resolution for the designation of a member from the august Body who will represent the Arbitration in the matter related thereto, both subject to the provisions of existing contracts, agreements and laws related thereto;

WHEREAS, a Memorandum of Agreement (MOA) was entered into by and between the City Government of Ormoc (as Owner) and TAI-PAN Development Incorporated (as Operator) dated December 8, 1995 relative to the lease and operation of the Ormoc City Shopping Mall;

WHEREAS, at approximately one (1:00) o'clock in the morning of July 23, 2017, a fire broke out within the premises of Gaisano Capital Ormoc and thereafter, caused massive damage to the building;

WHEREAS, to recall, a first Endorsement dated September 18, 2017 from the Office of the City Mayor was received by this august Body requesting for the granting of authority for the City Mayor to sign an attached "Notice of Termination of Memorandum of Agreement" relative to the mentioned fire incident;

WHEREAS, the Committee on Laws and Ordinances (Committee) whereby said Endorsement was referred, conducted the corresponding committee meeting to thoroughly study the same, whereupon a decision was reached that the "Notice of Termination of Memorandum of Agreement" attachment shall be amended to include amounts for claims for damages properly due to Local Government Unit of Ormoc City (LGU-Ormoc) from Tai-Pan Development, Inc.;

WHEREAS, in response to mentioned Committee decision, a second Endorsement dated December 4, 2017 with an attachment described as "Notice of Termination of Memorandum of Agreement with Demand of Indemnification" was thereafter received by this august Body, whereupon the corresponding resolution draft was presented for passage by the Committee Chairman before the plenary in Regular Session on March 1, 2018;

WHEREAS, in said Regular Session, however, this august Body, in lieu of opting to grant the requested authority of the City Mayor, decided to take cognizance and resort to the disputes settlement avenue of arbitration provided for Section XX of the MOA instead, particularly on disputes relating to the MOA provisions;

WHEREAS, in view of the immediately foregoing, the mentioned Endorsement dated March 6, 2018 was as a response by the City Mayor submitted to this august Body therefore;

WHEREAS, a perusal of Section XX of the aforementioned MOA specifically provides that in the event of a dispute during the effectivity of the Owner (City Government of Ormoc) and Operator (Tai-Pan Development, Inc.), the same shall be referred to the Arbitration Committee composed of the City Mayor or his representative, the Operator or his representative, a representative of the Sangguniang Panlungsod, a representative of a Non-Governmental Organization (NGO) and the City Legal Officer as Chairman;

WHEREAS, in a letter dated March 6, 2018, the City Legal Officer, Atty. Jasper M. Lucero, stated that the SP members had opined that arbitration pursuant to the MOA between the City Government and Tai-Pan Development Corporation (Gaisano Capital Group) was a more preferable action on the part of the City, a photocopy of the said letter is hereto attached and made an integral part hereof;

WHEREAS, upon close and thorough review of the same, this Sanggunian finds that the last Endorsement's request for the designation of a member from the august Body who will be a member of the Arbitration Committee in the matter related to the failure of the Operator to comply with the aforementioned provision of the MOA, among other grounds, warranting, therefore, the convening of the Arbitration Committee as provided for in the MOA, is certainly deserving of this august Body's prompt and affirmative consideration and action;

WHEREFORE, on motion of SP Member Benjamin S. Pongos Jr., Chairman, Committee on Laws and Ordinances, jointly seconded by SP Member Vincent L. Rama and Eusebio Gerardo S. Penserga; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION CHOOSING SANGGUNIAN MEMBER BENJAMIN S. PONGOS, JR. AS A MEMBER OF THE ARBITRATION COMMITTEE IN ACCORDANCE WITH SECTION XX OF THE MEMORANDUM OF AGREEMENT (MOA) DATED DECEMBER 8, 1995 BETWEEN TAI-PAN DEVELOPMENT INC. AND THE CITY GOVERNMENT OF ORMOC RELATIVE TO THE ORMOC CITY SHOPPING MALL;

ADOPTED, March 8, 2018.

RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez, the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Jasper M. Lucero; the City Treasurer, Mrs. Delia C. Vilbar; the TAI-PAN Development Inc., Gaisano Capital Group; the OIC-City Director, DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer



Republic of the Philippines
OFFICE OF THE CITY LEGAL OFFICER
Ormoc City, Leyte

OFFICE	YOR
DATE: 3-6-18	
TIME: 9:25	
SIGNATURE: [Signature]	

06 March 2018

MA. VICTORIA LYRA P. DELA CERNA

City Govt. Asst. Dept. Head I
City Mayor's Office
LGU-Ormoc City

Re: Withdrawal of Notice of Termination of MOA with Demand for Indemnification between LGU Ormoc and Tai-Pan Development Corp

Dear Ms. Dela Cerna:

The SP opted to defer action on the request of this Office and the CMO to authorize the Mayor to sign a Notice of Termination of MOA with Demand for Indemnification against Tai-Pan Development Corp (Gaisano Capital Group). It was opined by the SP members that resort to arbitration pursuant to the MOA may be a more preferable action on the part of the City.

The undersigned acquiesces to the decision of the SP and hereby recommends that the CMO withdraw the request to authorize the Mayor to sign the aforementioned Notice. Further, the undersigned recommends that the CMO request a Resolution from the SP designating therein the member who shall represent that august body in the Arbitration Committee as provided for in Section XX of the MOA.

For the consideration of the CMO.

Thank you.

Very Truly Yours,

ATTY. JASPER M. LUCERO
City Legal Officer