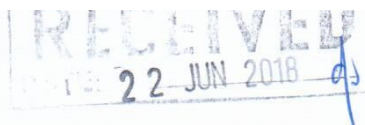


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 JUNE 21, 2018

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Rolando M. Villasencio,	SP Member, Majority Floor Leader
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
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

RESOLUTION NO. 2018-145

A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR, FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC), AS VENDEE, TO PURCHASE AND SIGN THE CONTRACT TO SELL WITH ABRAHAM P. PEREZ AND ARLEEN MAY P. PEREZ-FIGURASIN, AS VENDORS, OVER PARCELS OF LAND WITH AN AGGREGATE AREA EQUIVALENT TO ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED FIFTY TWO (170,952) SQUARE METERS, MORE OR LESS, SITUATED AT BARANGAY DOLORES, THIS CITY, TO BE USED AS A RELOCATION SITE FOR THE IDENTIFIED BENEFICIARIES OF THE VICTIMS OF THE JULY 06, 2017 EARTHQUAKE AND FOR OTHER NECESSARY AND LAWFUL PURPOSES AS WELL.

WHEREAS, the Acting City Mayor Leo Carmelo L. Locsin, Jr. through an Indorsement dated June 6, 2018 forwarded to this august Body for consideration the Contracts to Sell to be entered into by and among the Local Government Unit of Ormoc City with Abraham Perez and Arlene May Perez relative to the purchase of parcels of land located in Brgy. Dolores, Ormoc City to be used as relocation sites for the identified beneficiaries of the victims of the July 06, 2017 earthquake that struck the City, a copy of the Contract to Sell is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, Section 16 of the Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that every Local Government Unit (LGU) shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, to recall, on or about four o'clock (4:00) in the afternoon of July 6, 2017, the City of Ormoc was struck by a 6.5 Magnitude Earthquake causing not only massive damage to its infrastructure but also displacing families as well particularly in Brgys. Gaas, Cabintan, Tongonan, Cabaon-an, Milagro and other parts of Ormoc City;

WHEREAS, during the conduct of the Community-based Disaster Risk Assessment (CDRA) for all Barangays in Ormoc City, there are areas in the aforementioned Barangays that have been found and identified to be highly susceptible to earthquake and rainfall-induced landslides;

WHEREAS, furthermore, in an assessment by the Philippine Institute of Volcanology and Seismology (PHIVOLCS) and the Mines and Geosciences Bureau (MGB) of the Department of Environment and Natural Resources (DENR), certain areas in the aforesaid Barangays are considered to be danger zones and not suitable for habitation;

WHEREAS, this Sanggunian believes that these families who had constructed their dwelling houses along the mountainous barangays and have had their houses damaged in the recent 6.5 magnitude earthquake are entitled to a proper and orderly resettlement in a decent relocation site, within the City;

WHEREAS, as cited in the Contract to Sell, the Vendors have offered to the Vendee to sell their land for various purposes, including relocations sites for the identified beneficiaries and for other necessary and lawful purposes as well, for the price of One Hundred Fifty Philippine Pesos (PHP150.00) per square meter or equivalent to TWENTY FIVE MILLION SIX HUNDRED FORTY TWO THOUSAND EIGHT HUNDRED PHILIPPINE PESOS (PHP 25,642,800.00) for the entire ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED FIFTY TWO (170,952) Square Meters, more or less, consisting of THREE (3) parcels of land more particularly described as follows:

Parcel 1

"A parcel of registered land, Lot No. 7505-A of the subdivision plan, Psd-08-004056, being a portion of Lot 7505, Ormoc Cadastre. Situated in Brgy. Dolores, Ormoc City, containing an area of SEVENTY EIGHT THOUSAND NINE HUNDRED SIXTY (78,960) SQUARE METERS covered by TCT No. 21620 of the Register of Deeds for Ormoc City, registered under the name of Abraham P. Perez."

Parcel 2

"A parcel of registered land, Lot No. 7505, Ormoc Cadastre, situated in Brgy. Dolores, Ormoc City, containing an area of SEVENTY EIGHT THOUSAND NINE HUNDRED SIXTY ONE (78,961) SQUARE METERS and covered by TCT No. 21621 of the Register of Deeds for Ormoc City, registered under the name of Arleen May P. Figurasin."

Parcel 3

"A parcel of land known as Lot No. 7507, situated in Brgy. Dolores, Ormoc City, Leyte, covered by Transfer Certificate of Title No. 21515 issued by the Registry of Deeds for the City of Ormoc, with an area of THIRTEEN THOUSAND AND THIRTY-ONE (13,031) SQUARE METERS, more or less, registered under the name of Lourdes Pongos-Perez. The ownership of the sellers are evidenced by Deed of Extrajudicial Settlement and Partition executed on April 12, 2018 which was entered as Doc. No. 48, Page No. 11, Book No. XCVIII and series of 2018 in the notarial register of Atty. Adelito M. Solibaga Jr., Notary Public."

WHEREAS, the said purchased properties shall be considered as forming part of City properties for public use pursuant to the applicable provisions of the Civil Code;

WHEREAS, an Appraisal Committee, composed of the City Administrator, City Legal Officer and the City Assessor, had submitted a comprehensive Appraisal Report dated September 19, 2017 recommending an appraised value of not more than FIVE HUNDRED PHILIPPINE PESOS (Php500.00) PER SQUARE METER for said sites, and therefore, establishing and supporting a conclusion that the purchased price of the lots in the subject Contract to Sell is just, fair and reasonable, a copy of the appraisal report is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, additionally, a Government Financial Institution, particularly the Development Bank of the Philippines, has also made an Appraisal Valuation of the said sites dated May 24, 2018 (Barangay Milagro is indicated therein as the subject sites are located in the boundaries of said Barangay and Barangay Dolores), indicating that the subject properties are currently valued from ONE HUNDRED TO FIVE HUNDRED PHILIPPINE PESOS (Php100.00 – Php500.00), again establishing and supporting a conclusion that the purchase price of the lots in the subject Contract to Sell is just, fair and reasonable, a copy of the appraisal valuation is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, the Mines and Geosciences Bureau (MGB) of the Department of Environment and Natural Resources (DENR) Regional Office No. VIII had issued a Geohazard Certification addressed to Atty. Jasper M. Lucero, the City Legal Officer, dated January 10, 2018 stating that the Proposed Relocation Site is situated on a flat terrain and is classified as having Low Landslide Susceptibility and Low Flood Susceptibility, along with some notable recommendations for further safety, a copy of the same is hereto attached as Annex "D" and made an integral part hereof;

WHEREAS, the City Planning and Development Office (CPDO), had issued a Certification dated June 14, 2018, stating that the properties subject of the Contract to Sell are classified as Agricultural Land but are found to be physically suitable for residential purposes, a copy of the same is hereto attached as Annex "E" and made an integral part hereof;

WHEREAS, the National Housing Authority (NHA) Regional Office VIII had issued a Site Inspection Report dated December 5, 2017 with a finding that the subject properties were found to be physically suitable for permanent housing under the NHA Yolanda Permanent Housing Program, with some recommendations, a copy of the same is hereto attached as Annex "F" and made an integral part hereof;

WHEREAS, finally, City Legal Officer Atty. Jasper M. Lucero in an Opinion dated June 20, 2018 had stated that the subject Contract to Sell is a due exercise of the power of the LGU to promote the general welfare of the people and that the terms therein, are not detrimental to the interest of the city, not contrary to law, morals and public policy, a copy of the same is hereto attached as Annex "G" and made an integral part hereof;

WHEREAS, this Sanggunian, after thorough examination of the aforementioned request by the City Mayor finds that the Contract to Sell is not contrary to law, existing contract, public policy, customs and morals, that the same is entered into for the best interests of the City, most especially for the intended qualified NHA housing beneficiaries by providing them with decent and safe housing units, and therefore, is most deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr. Chairman, Committee Zoning, Housing and Land Use, severally seconded by SP Members Nolito M. Quilang, Tomas R. Serafica, Mario M. Rodriguez, Vincent L. Rama, Gregorio G. Yrastorza III and Mariano Y. Corro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR, FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC), AS VENDEE, TO PURCHASE AND SIGN THE CONTRACT TO SELL WITH ABRAHAM P. PEREZ AND ARLEEN MAY P. PEREZ-FIGURASIN, AS VENDORS, OVER PARCELS OF LAND WITH AN AGGREGATE AREA EQUIVALENT TO ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED FIFTY TWO (170,952) SQUARE METERS, MORE OR LESS, SITUATED AT BARANGAY DOLORES, THIS CITY, TO BE USED AS A RELOCATION SITE FOR THE IDENTIFIED BENEFICIARIES OF THE VICTIMS OF THE JULY 06, 2017 EARTHQUAKE AND FOR OTHER NECESSARY AND LAWFUL PURPOSES AS WELL;

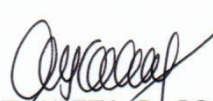
ADOPTED, June 21, 2018.

RESOLVED, FURTHER, that a copy of the final notarized Contract to Sell be submitted to this Sanggunian for its information and files;

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 Lucero; the City Budget Officer; the OIC-City Accountant; the City Treasurer; the Register of Deeds, Ormoc City; the City Assessor; Ms. Arleen May P. Perez-Figurasin; Mr. Abraham P. Perez; the OIC-City Director, DILG; and other concerned offices 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.
City Vice Mayor & Presiding Officer



Republic of the Philippines
CITY PLANNING AND DEVELOPMENT OFFICE
Ormoc City

CERTIFICATION

THIS IS TO CERTIFY that the following properties hereunder described:

1. Lot No. 7505-A of the subdivision plan, Psd-08-004056, being a portion of Lot 7505, Ormoc Cadastre, situated in Barangay Dolores, Ormoc City, covered by TCT No. 21620 of the Register of Deeds of Ormoc City;
2. Lot No. 7505-B of the subdivision plan Psd-08-004056, situated in Barangay Dolores and covered by TCT No. 21621 of the Register of Deeds of Ormoc City;
3. Lot No. 7506, Ormoc Cadastre, situated in Barangay Dolores, Ormoc City and covered by the TCT No. 121-24414 of the Register of Deeds of Ormoc City; and
4. Lot No. 7507, Ormoc Cadastre, situated in Barangay Dolores and covered by the TCT No. 21515 of the Register of Deeds of Ormoc City;

are classified as Agricultural Land but are found to be physically suitable for residential purposes.

THIS CERTIFICATION is issued for whatever legal purpose it may serve.

GIVEN THIS 14th day of June, 2018 at Ormoc City, Leyte, Philippines.


RAOUL E. CAM, CE, EnP, MPA
City Planning & Dev't. Coordinator

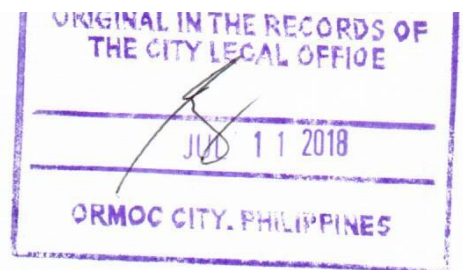
Cc: File

6/21/18

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This contract is made and entered into by and among:



ARLEEN MAY P. PEREZ and **ABRAHAM PEREZ** who is herein represented by his sister, **ARLEEN MAY P. PEREZ** per special power of per Special Power of Attorney executed on March 23, 2018 before Vice Consul Noel L. Rodriguez of the Embassy of the Republic of the Philippines in Riyadh, Saudi Arabia and entered as Doc. No. 822; Svc. No. 556; O.R. No. 858364; and Series of 2018, Filipinos, of legal ages, and residents of 147 Real St., Cantubo, Ormoc City, hereinafter referred to as the **VENDOR**;

-and-

LGU-ORMOC CITY, a municipal corporation created under the laws of the Philippines, represented by the Mayor, **RICHARD I. GOMEZ, M.B.A.**, hereunder referred as the **VENDEE**.

Witnesseth;

WHEREAS, the City of Ormoc was struck by an earthquake on July 6, 2016 that caused the devastation and destruction of houses in Brgys. Gaas, Cabintan, Tongonan, Cabaonan, Milagro and other parts of Ormoc City.

WHEREAS, because of the destruction of houses, thousands of families were displaced and had to be evacuated.

WHEREAS, based on the assessment of the Philippine Institute of Volcanology and Seismology and the Mines and Geoscience Bureau of the Department of Environment and Natural Resources, there are areas in the aforesaid barangays that are considered danger zones and are therefore not suitable for human residences.

WHEREAS, the victims that can no longer return to their respective residences must be relocated by the City of Ormoc and provided with houses **under the Socialized Housing Program** in cooperation with the NHA.

WHEREAS, the **VENDOR** offered to the **VENDEE**, to sell their land to be used by the latter for the implementation of the socialized housing project for the identified beneficiaries, which the latter accepted the following terms and conditions:

1. THAT the lots subject of the sale is hereunder described to wit:

Parcel 1

"A parcel of registered land, Lot No. 7505-A of the subdivision plan, Psd-08-004056, being a portion of Lot 7505, Ormoc Cadastre. Situated in Brgy. Dolores, Ormoc City, containing an area of Seventy Eight Thousand Nine Hundred Sixty (78,960) Square Meters covered by TCT No. 21620 of the Register of Deeds for Ormoc City, registered under the name of Abraham P. Perez."

Parcel 2

"A parcel of registered land, Lot No. 7505, Ormoc Cadastre, situated in Brgy. Dolores, Ormoc City, containing an area of Seventy Eight Thousand Nine Hundred Sixty One (78,961) Square Meters and covered by TCT No. 21621 of the Register of Deeds for Ormoc City, registered under the name of Arleen May P. Figurasin."

Parcel 3

"A parcel of land known as Lot No. 7507, situated in Brgy. Dolores, Ormoc City, Leyte, covered by Transfer Certificate of Title No. 21515 issued by the Registry of Deeds for the City of Ormoc, with an area of THIRTEEN THOUSAND AND THIRTY-ONE (13,031) square meters, more or less, registered under the name of Lourdes Pongos Perez. The ownership of the sellers are evidenced by Deed of Extrajudicial Settlement and Partition executed on April 12, 2018 which was entered as Doc. No. 48, Page No. 11, Book No. XCVIII and series of 2018 in the notarial register of Atty. Adelito M. Solibaga Jr., Notary Public."

2. THAT the contract price is ONE HUNDRED FIFTY PESOS (PhP 150.00) per square meter or equivalent to TWENTY FIVE MILLION SIX HUNDRED FORTY TWO THOUSAND EIGHT HUNDRED PESOS (PhP 25,624,800.00) for the entire ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED FIFTY TWO (170, 952) Square Meters.
3. THAT the **VENDOR** hereby agrees to SELL to the **VENDEE** the property subject of this contract which the **VENDEE** accepted.
4. THAT upon signing of this contract, the **VENDEE** shall process the disbursement voucher for the release of the aforesaid amount and the latter is also authorized to enter and take possession into the property subject of the sale.
5. That upon receipt of the Fifty Percent (50%) of the selling price of the amount of TWELVE MILLION EIGHT HUNDRED TWENTY ONE THOUSAND AND FOUR HUNDRED PESOS (PhP 12, 821, 400.00) BY THE vendor, the latter shall sign a DEED OF ABSOLUTE SALE over the property subject of this contract in favor of the **VENDEE** and acknowledgement receipt of the total amount.
6. THAT **VENDEE** shall retain Fifty Percent (50%) of the purchase of price which shall be used to serve as security and shall be released as soon as the title is transferred to the name of the **VENDOR** and the **VENDEE** shall deliver to the **VENDOR** the difference, if any remains.
7. THAT it is obligation of the **VENDOR** to pay all taxes and notarial fees due on the sale of the properties.
8. THAT it is obligation of the **VENDEE** to defray all necessary and incidental expenses for the registration of the title to the name of the **VENDEE**.
9. THAT it is the obligation of the **VENDORS** to cause the cancellation of all the annotation that are found on the copies of the titles of the land.

IN WITNESS WHEREOF, the parties have executed this Contract to sell on June 3, 2018, at Ormoc City, Philippines.

ABRAHAM PEREZ
Vendor

ARLEEN MAY P. PEREZ
Vendor

By: **ARLEEN MAY P. PEREZ**
(Attorney-in-fact)

LGU-ORMOC CITY

Vendee

By:

RICHARD I. GOMEZ, M.B.A.

City Mayor

As per SP Resolution No. 2018-145

Signed in the presence of and Parties personally known to the witnesses:

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
ORMOC CITY) SS.

BEFORE ME, a Notary Public for and in the City of Ormoc, personally appeared:

Name
ARLEEN MAY P. PEREZ
RICHARD I. GOMEZ

Valid ID
COMELEC VIN 5802-0251A-E2362APF20001-6
TIN #: 135-202-695

known to me and to me known to be the same persons who executed the foregoing contract to sell over a parcel of land, which instrument consists of two (2) pages including the page on which this acknowledgment is written, and signed at the left margin of each and every page by the party executing this instrument and their witnesses, and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on JUL 23 2018, Ormoc City, Philippines.

Doc. No. 99 ;
Page No. 20 ;
Book No. 6 ;
Series of 2018

ATTY. ADELITO M. SOLIBAGA, JR.
Notary Public for the City of Ormoc,
Municipalities of Sananga, Matig-oo,
Merida and Isabel
NCMA Order No. 12-019 issued on 12/22/17
Valid until December 31, 2019
PTR No. 3450117, 21/02/18, Ormoc City
ID No. 1067473, 12/19/17, Cebu City
Roll of Attorney No. 51525
TIN 207-693-100
J. Navarro St., Ormoc City



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

20 June 2018

ATTY. BENJAMIN S. PONGOS JR.
Sangguniang Panlungsod Member
LGU-Ormoc

Re: Legal Opinion on the Contract to Sell for the Purchase of Lands located in Brgy. Dolores, Ormoc City, to be used a relocation site for the victims of the July 6, 2017 earthquake victims.

Dear Atty. Pongos:

As we all know, the July 6, 2017 earthquake made a devastating effect that displaced hundreds of families living in Brgys. Gaas, Lake Danao, Milgro, Cabaon-an and Tongonan. Most of these families could no longer return to their homes because it is found to be within the danger area as reported by the Philvocs and the Mines and Geosciences Bureau. It is therefore imperative upon the Local Government Unit of Ormoc City to look for relocation sites as speedily as possible for the victims to settle as the LGU is given the power under the law for its efficient and effective governance, essential to the promotion of the general welfare. Therefore, the government is empowered by law to promote the general welfare of the people. This is in support of the long hailed legal maxim "salus populi est suprema lex" meaning "the welfare of the people is the supreme law".

The welfare of these victims demands that they should be relocated as early as possible because for them to continue living in tents and shanties under subhuman condition is against the very meaning of the word "welfare".

In as much as the LGU wants to relocate the victims immediately, there are inherent limitations to this in order to serve the purpose. First limitation is that the relocation site must in a safe zone, and second, it must be socially acceptable to the intended beneficiaries. This is the reason why it took a while for the government to locate a suitable site.

Fortunately, the Perez Family who owns, three (3) parcels of land located in Brgy. Dolores, Ormoc City, described in the draft contract to sell hereto attached, offered their lands for sale to the government. Upon verification from the MGB, City Planning, and NHA, the same is found to be suitable for residential purposes. It is also personally verified by the undersigned that the titles of the lands are clean. For ready reference hereto attached is a copy of the MGB report.

The undersigned also exerted so much effort in complying with some regulatory measures such as the issuance of the appraisal report and the acquisition of appraisal from the DBP on the area so that the agreed price is within the appraised value. The undersigned honestly believe that all other regulations have been complied but should there be any that is not yet complied, it cannot supersede the paramount consideration of the people's general welfare which is considered in all legal parlance as the supreme law,

Therefore, in view of the aforesaid predicament, the draft contract to sell hereto attached is a due exercise of the power of the LGU to promote the general welfare of the people and the terms therein is not detrimental to the interest of the city, not contrary to law, morals and public policy.

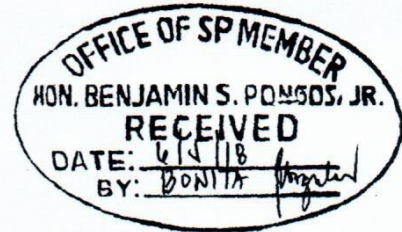
For your consideration.

Very Truly Yours,


ATTY. JASPER M. LUCERO
City Legal Officer



Development Bank of the Philippines



May 24, 2018

ATTY. JASPER LUCERO
City Legal Officer
LGU-Ormoc City

Atty:

This refers to your letter dated May 11, 2018, requesting data on appraisal value of the real estate properties in **Brgy. Milagro, Ormoc City**.

Below are the values available based on our land data file/opinion, to wit:

Land Classification	VALUE PER SQ.M.
Residential / Commercial Lot	P 1,000 to P 3,000
Agricultural Lot	P 100 to P 400

Thank you.

MGR. LINA G. ELIAS-HIPE
Head, Credit and Appraisal Field Team – Eastern Visayas



Republic of the Philippines
Department of Environment and Natural Resources
MINES AND GEOSCIENCES BUREAU
Regional Office No. VIII
MacArthur Park, Candahug, Palo, Leyte 6501
Tel. No. (+63 53) 832-4214; E-mail: region8@mgb.gov.ph; Website: www.mgb8.ph

MGB GEO Ref. No. 2018- 01-015
January 10, 2018

ATTY. JASPER M. LUCERO
CITY LEGAL OFFICER
OFFICE OF THE CITY LEGAL OFFICER
ORMOC CITY, LEYTE.

MINES AND GEOSCIENCES BUREAU	
REGION 8, CANDAHUG, PALO, LEYTE	
RELEASED	
DATE: 6/19/18	TIME: 11:00
THRU: [Signature]	
BY: [Signature]	

Dear Atty. Lucero,

We are furnishing you a copy of Geohazard Certification for the **Proposed Relocation Site** located at Barangay Dolores, Ormoc City, Leyte. Based on the 1: 10,000 Geohazard Map and site verification, the site is situated on a flat terrain and is classified as having **Low Landslide Susceptibility** and **Low Flood Susceptibility**.

Attach herewith is the copy of the Geohazard Certification.

Very truly yours,


RAUL A. LAPUT
OIC, Regional Director

REGION 8	
OFFICE OF THE CITY LEGAL OFFICER	
ORMOC CITY	
DATE: JUN 19 2018	TIME: 4:31 pm



REPUBLIC OF THE PHILIPPINES
ORMOC CITY

MEMORANDUM:

FOR: **HON. RICHARD I. GOMEZ**
City Mayor

FROM: **APPRAISAL COMMITTEE**
Composed of City Administrator, City Legal Officer and City Assessor

SUBJECT: Appraisal Report of a portion of TCT 21620 of Abraham Perez situated in Brgy. Dolores, Ormoc City.

DATE: 19 September 2017

I. GENERAL

The term **Fair Market Value** is defined as the estimated amount for which property should exchange on the date of valuation between a willing buyer and a willing seller in an arms-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion.

In this definition it is assumed that any transaction shall be based on cash or its equivalent consideration. The price which the property would fetch if offered for sale in the open market would undoubtedly be affected, should the sale be on terms, whether favorable or unfavorable.

It is further assumed that the titles to the property are good, marketable and free from liens and encumbrances, and that fee simple ownership is transferable.

The rights appraised in this report are the property rights in fee simple, free and clear. Fee Simple is defined as the absolute fee without limitation to any particular class of heirs or restrictions but subject to the limitations of eminent domain, escheat, police power and taxation.

II. SCOPE AND PURPOSE OF APPRAISAL

This Appraisal Committee was constituted pursuant to Executive Order No. 46 s-2017. It is tasked with the duty to determine the appraised value of a portion of a real property owned by Aileen May P. Perez sought to be used by the City for the implementation of a socialized housing project for the victims of the 06 July 2017 earthquake.

III. PROPERTY IDENTIFICATION, LOCATION AND OWNERSHIP

The above subject property has been surveyed to be adjacent to each other and is identified as:

Site 1:

"A parcel of registered land , Lot No. 7505-A of the subdivision plan, Psd-08-004056, being a portion of lot 7505, Ormoc Cadastre, situated in Brgy. Dolores, Ormoc City, containing an area of SEVENTY EIGHT THOUSAND NINE HUNDRED SIXTY (78,960) SQUARE METERS and covered by the TCT No. 21620 of the Register of Deeds of Ormoc City.

It is registered in the name of Abraham Perez the landowner.

Site 2:

"A Parcel of registered land, Lot No.7505-B, Psd-08-004056, situated in Brangay Dolores, Containing an area of SEVENTY EIGHT THOUSAND NINE HUNDRED SIXTY ONE (78,961) SQUARE METERS and covered by TCT No.21621 of the Registered of Deeds for Ormoc City

It is registered in the name of Aileen May Perez the landowner.

Site 3:

"A parcel of registered land Lot No. 7506 Ormoc Cadastre, situated in Brgy. Dolores, Ormoc City, containing an area of FOURTEEN THOUSAND ONE HUNDRED NINETY FIVE (14,195) SQUARE METERS and covered by the TCT No.121-24414 of the Register of Deeds of Ormoc City.

It is registered in the name of Isidro Recusana and Juana Cates, which was bought by Lourdes Pongos, the mother of Abraham and Aileen May Perez.

Site 4:

"A parcel of land Lot No. 7507, Ormoc Cadastre, situated in Barangay Dolores containing an area of THIRTEEN THOUSAND AND THIRTY ONE (13,031) SQUARE METERS and covered by the TCT No. 21515 of the Register of Deeds of Ormoc City

It is registered in the name of Lourdes M. Pongos, the mother of Aileen May and Abraham Perez subject of their Extrajudicial Partition.

IV. LAND CLASSIFICATION, IMPROVEMENTS AND GENERAL CONDITION

The above subject property is classified as agricultural land and is in the interior portion. A concrete road however is present from the provincial/city road to the sites but it only reaches halfway hence only a private road continues to the site for around 600 meters.

There are transmission lines of the NGCP that cuts across the site. At present the sites are planted with sugarcane and with coconut trees.

V. NEIGHBOURHOOD DATA

The property is located in an area where land development is of mixed use, specifically, residential, industrial and agricultural.

Generally, the road going to the site is half across and one has to use a four wheel drive or a truck to get to the site.

Near the sites are the solar farm and the administrative building of the NGCP. There are also big residential houses in going to the site and in fact there is a subdivision of Ceasar Into that has beautiful residential buildings.

VI. COMMUNITY FACILITIES AND UTILITIES

Electric power facilities are available within the vicinity of the site. However, water supply has to be drawn from the nearby residential areas in order to get to the site or a main water line along the city road must be tapped to get to the sites. Another recommendation is the construction of production well on the sites to provide water to the future residents.

Public transportation connecting to the City Proper and upland barangays is available along the provincial/city road that is around one kilometer from the site. The sites can be readily accessed by motorcycles (habal-habal) or private motor vehicles.

VII. GOVERNMENT ASSESSMENT

BIR Zonal Valuation of Real Properties within Ormoc City as per Department Order No. 22-02, effective 28 December 2002, provides:

Street Name	Classification	1 st REV ZONAL VALUE/SQ.M
Brangay Road:		
Residential Land	RR	200.00
Commercial and	CR	480.00
Industrial Land	I	480.00
Weather Road	RR	260.00
Dirt Road	RR	160.00
All Others Lots		
Irrig. Rice Land	A1	20.00
Unrig Rice Land	A2	20.00
Coco and	A4	20.00
Fishpond	A6	20.00
Nipa Land	A8	10.00
Abaca Land	A11	10.00
Pineapple Land	A13	10.00
Pasture Land	A15	10.00
Corn Land	A16	20.00
Sugar Land	A17	20.00
Camote/Cassava	A25	10.00
Peanut Land	A27	20.00

Mineral Land	A31	10.00
Non-Mettalic/Timber Land	A32	10.00
Forest Land/ Timber Land	A36	10.00
Sandy/Stoney	A41	20.00
Ipil-Ipil	A44	10.00
Other Agricultural Land	A50	20.00

HIGHEST AND BEST USE

Taking into consideration the location, size, actual use and the land use of neighboring properties, the highest and the best use of the lot is for residential purposes.

VIII. LAND APPRAISAL

The committee in the appraisal of the property has taken foremost consideration the comparative approach in determining the value thereof.

It is found out that there are deeds of sale over lands located near the site. Therefore, after careful analysis, the Committee adopted and set the market value of the area as follows:

Listing 1:

A Deed of Absolute Sale dated August 22, 2013 made and executed by and between Heirs of Cesar Into represented by Fe P. Into as the vendors and the National Transmission Corporation represented by Atty. Noel Z. De Leon General Counsel, as the vendee whereby the Vendors sold a parcel of land in favor of the vendee covering Lot 7470-B, located in Brgy. Dolores, Ormoc City, for the amount of FIVE HUNDRED PESOS (Php500.00) per sq. m. A copy of the deed of sale is hereto attached.

Listing 2:

The Deed of Absolute Sale dated October 2017 made and executed by and between the Development of Bank of the Philippines, as a government financial institution as vendor and Rikardo K. Ogario, married to Zelda V. Ogario as vendee whereby the Vendor sold two parcels of land with an aggregate area of 9, 967 sq. m. covered by TCT Nos. 54025 and 54026, both located at Brgy. Dolores, Ormoc City Leyte for a consideration of Hph7, 700, 000.00 including the residential house or Php772.00 per sq. m..

Listing 3:

The Deed of Absolute Sale dated March 22, 2017, made by Raymund P. Tan married and resident of Brgy Dayhagan, Ormoc City as Attorney-in-fact of Gregorio P. Tan as vendors in favor of Sps Rayan N. Padilla & Medina C. Padilla resident of Brgy Bagong Ormoc City as vendee covering a portion of Lot No. 7490-D-2-F with an area of TWO HUNDRED (200) square meters for a consideration of Php100, 000.00 or Php500.00 per sq. m.

HENCE:

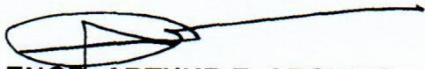
$$772 + 500 + 500 / 3 = 590.6$$

IX. RECOMMENDED APPRAISED VALUE

Due to the presence of some negative factors, it is recommended that the appraised value of sites 1, 2, 3 & 4 should **not be more than Php 500.00 per sq. m.**

Prepared by:

APPRAISAL COMMITTEE



ENGR. ARTHUR E. ARCUINO
City Assessor



ATTY. JASPER M. LUCERO
City Legal Officer



VINCENTE P. PALLAS
City Administrator
Chairman, Appraisal Committee

Recommending Approval:



HON. RICHARD I. GOMEZ
City Mayor

SITE INSPECTION REPORT

Project Name PROPOSED ORMOC RESETTLEMENT HOUSING PROJECT
Location BRGY. MILAGRO, ORMOC CITY
Date Inspection DECEMBER 5, 2017

I. Basic Information

A. Ownership

Landowner ABRAHAM PEREZ
Address ORMOC CITY, LEYTE
TCT Nos. 2 1 6 2 0 **Total Land Area** 73,960 SQM
Status of TCT

☐ Clean

☒ With encumbrances/ Claims

Specify : **NEED TO PROVIDE A COPY OF THE UPDATED TCT STATING THAT SEC. 4 RULE 74 HAS BEEN CANCELLED ALREADY**

Landowner AILEEN MAY P. PEREZ
Address ORMOC CITY, LEYTE
TCT Nos. 2 1 6 2 1 **Total Land Area** 73,961 SQM
Status of TCT

☐ Clean

☒ With encumbrances/ Claims

Specify : **NEED TO PROVIDE A COPY OF THE UPDATED TCT STATING THAT SEC. 4 RULE 74 HAS BEEN CANCELLED ALREADY**

Landowner LOURDES M. PONGOS
Address ORMOC CITY, LEYTE
TCT Nos. 2 1 5 1 5 **Total Land Area** 13,031 SQM.

☒ Clean

☐ With encumbrances/ Claims

Specify : **NEED TO PROVIDE A COPY OF THE UPDATED TCT STATING THAT SEC. 4 RULE 74 HAS BEEN CANCELLED ALREADY**

Landowner SPOUSES ISIDRO RECUSANA AND JUANA CATES
Address BARRIO OF DOLORES, MUNICIPALITY OF ORMOC
TCT Nos. 1 2 1 - 2 4 4 1 4 **Total Land Area** 14,195 SQM
Status of TCT

☐ Clean

☒ With encumbrances/ Claims

Specify : **NEED TO SETTLE ADVANCE CLAIM, SEE ENTRY NO.2817 UNDER MEMORANDUM OF ENCUMBRANCES.**

B. Selling Price

Offered Selling Price _____ per sq.m.

Total Selling Price _____

Prevailing Market Value of Lots in the area _____ per sq.m.

C. Existing Land Use Classification

Classification	Actual Land Use	Approve Zoning	Declared Use (Tax Declaration)
<input type="checkbox"/> Residential			
<input checked="" type="checkbox"/> Agricultural			
<input type="checkbox"/> With DAR conversion			
<input checked="" type="checkbox"/> Without DAR conversion			
<input type="checkbox"/> Other			

II. Physically Suitability

A. The Site

1. Lot Shape

☐ Regular Describe _____

☒ Irregular _____

2. Soil

a. Soil & Subsoil Condition

☐ Stable

☐ Swampy/marshland

☐ Sandy, loam

☐ With adobe base

☐ Mixed with lime

☒ Others : MUDDY

b. Soil Type/Class : MUD

3. Slope/Terrain

Topography

☐ Relatively flat

☒ Gently rolling

☐ Above street level

☐ Rolling

☐ Steep

☐ Street Level

☐ Below street level

4. Biological Environment

Birds & Other
Wildlife

Trees & Other Important
Vegetation

Fishery
Resources

a. BANANA

b. COCONUT

c. CASSAVA

5. Water
 a. Water Table Depth in meters _____
 b. Waterways:

Type/Description of Water Body Location
RIVER ALONG THE PROPERTY LINE

6. General Elevation % of Total Area
- | | |
|----------------------------------|--|
| < 100 meters above sea level | |
| 100 – 300 meters above sea level | |
| 301 – 500 meters above sea level | |
| 501–1000 meters above sea level | |
| 1000–1500 meters above sea level | |
| > 1500 meters above sea level | |

Total 100%

7. Use of Existing Bodies of Water
- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Bathing | <input checked="" type="checkbox"/> Washing | <input checked="" type="checkbox"/> Fishing |
| <input type="checkbox"/> Source of drinking water | | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Others (please specify) _____ | | |

8. Other characteristics
- | |
|---|
| <input checked="" type="checkbox"/> Presence of river/creek/canal |
| <input type="checkbox"/> Prone to flooding |
| <input type="checkbox"/> Traces of mudflow/lava |
| <input type="checkbox"/> Within earthquake belt |
| <input type="checkbox"/> Traversed by transmission lines/irrigation canal/bodies of water |
| <input type="checkbox"/> Other _____ |

9. Socio-Economic Environment
- | | |
|--|--|
| <input checked="" type="checkbox"/> Vacant | Type/number _____ |
| <input type="checkbox"/> With structures | |
| <input type="checkbox"/> With occupants | |
| Number of Tenants | _____ |
| Number of informal Settlers | _____ |
| Number of Families | _____ Ave. Family Size _____ |
| Source of livelihood: | <input type="checkbox"/> Employment _____ |
| | <input type="checkbox"/> Self-employed _____ |
| Existing Local Organizations | _____ |
| Total population of the barangay/s covered by the project: _____ | |

10. Existing Development
- | | |
|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Roadworks(complete/partial) |
| <input type="checkbox"/> Earthwork (complete/partial) | <input checked="" type="checkbox"/> Power (complete/partial) |
| <input checked="" type="checkbox"/> Water distribution (complete/partial) | <input type="checkbox"/> Housing (complete/partial) |
| <input type="checkbox"/> Drainage (complete/partial) | <input type="checkbox"/> others (complete/partial) |

B. Adjacent/Surrounding Areas

1. Status of Development

- ☐ Developed
- ☐ Semi-developed
- ☐ Blighted, sparse
- ☒ Undeveloped

Describe _____

2. Status of Development

- ☐ Vacant/Idle
- ☐ Residential/Subdivision
- ☐ Commercial
- ☒ Agricultural
- ☐ Others _____

3. Peace and Order Situation

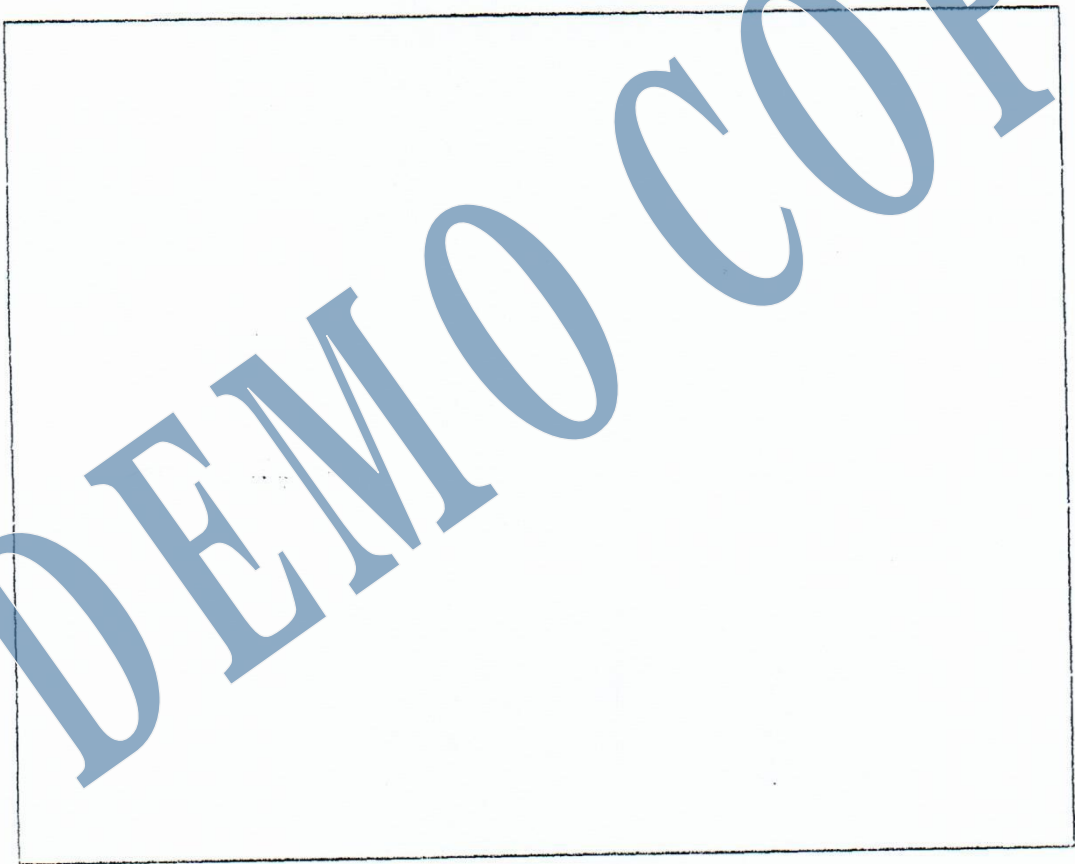
- ☒ Stable
- ☐ Unstable

Qualify _____

C. Sketch of Lot/Vicinity

(Attach photocopy of lot plan/vicinity map signed and sealed by Geodetic Engineer)

(Attach actual site photos with descriptions)



SITE PICTURES:



III. Accessibility

A. Types of Access Roads Servicing the Area

- ☐ Well-paved, cemented or asphalted road
- ☐ Cemented or asphalted road, not maintained
- ☒ Dirt or unsurfaced road

B. Distance to Main Transportation Line

- ☐ Along main transportation line
- ☐ 1.0 km. from line
- ☒ 2.0-3.0 kms. From line
- ☐ above 3.0 kms. From line____kms.

C. Availability of Public Utility Vehicles (to and from site)

Public Utilities	Route	Frequency of trips	Fare
<input type="checkbox"/> Buses			
<input type="checkbox"/> Jeepneys			
<input checked="" type="checkbox"/> Tricycles			
<input type="checkbox"/> Others			

IV. Availability of Utilities and Facilities

A. Existing Utilities

1. Water Supply

- ☐ Direct line to waterworks system
 - ☒ Indirect line to waterworks system Specify distance **1-2 KM**
 - ☐ Deepwell Approx. depth
 - ☐ With Plans on local water utility company
- Specify : **SIZE OF PIPE IS NOT SUFFICIENT TO SUPPLY ADDITIONAL HOUSEHOLDS**

2. Power Supply

Specify service provider : **LEYTE ELECTRIC COOPERATIVE Inc. (LEYECO V)**

3. Telecommunication and Internet

Specify service provider : **GLOBE & SMART**

B. Existing Community Facilities

Facilities/Services	1.0-3.5 kms. Specify name and distance	4.0 kms and above Specify name and distance
<input type="checkbox"/> Schools <ul style="list-style-type: none"><input checked="" type="checkbox"/> Elementary<input checked="" type="checkbox"/> High School<input checked="" type="checkbox"/> College		
Facilities/Services	1.0-3.5 kms. Specify name and distance	4.0 kms and above Specify name and distance
<input checked="" type="checkbox"/> Day Care Centers		
<input checked="" type="checkbox"/> Health Centers/ Hospitals Municipal/City/Provincial Halls/Barangay Centers		
<input checked="" type="checkbox"/> Police Detachment		
<input checked="" type="checkbox"/> Churches		
<input checked="" type="checkbox"/> Recreational Facilities/ Playgrounds		
<input type="checkbox"/> Livelihood Production Centers		
<input type="checkbox"/> Other Facilities		

C. Existing Commercial and Industrial Areas

Facilities/Services	1.0-3.5 kms. Specify name and distance	4.0 kms and above Specify name and distance
<input checked="" type="checkbox"/> Market/Talipapa		
<input checked="" type="checkbox"/> Dept. Stores/Groceries		
<input checked="" type="checkbox"/> Industrial/Manufacturing Centers		
<input type="checkbox"/> Other Facilities		

V. Investigation Results

A. Predicated and Assessed Impacts

1. Pre-Construction/Construction Phase

- Access road is a private lot, need to secure documents pertaining to the LGU use of the said access road.
- The soil condition of the access road leading to the site may cause delay during mobilization stage especially during rainy days as equipment may find it difficult entering the site.
- Access road is also narrow which will make difficult for 2 vehicle to pass.

2. Project Operation Phase

- Due to access road issue, high cost of mobilization may affect the project operation.

B. Proposed Enhancement/ Mitigating Measures

1. Pre-Construction/Construction Phase

- LGU needs to repair / develop the access road leading to the site.
- Proper setback / easement in the transmission line as recommended by NGCP.

2. Project Operation Phase

- Proper easement or provision of grouted riprap along the river.

C. Findings

- TCT has an advance claim.
- Access to the proposed site is narrow and not well pave.
- Existing water line is not enough to supply the Proposed Housing Unit.
- Transmission line pass along the Proposed Housing site.
- Access to the site will pass thru several private properties.

D. Recommendation

The aforementioned property identified by the LGU was found to be physically suitable for residential housing development. However, with the foregoing findings, utilization of the identified site for permanent housing project under the NHA Yolanda Permanent Housing Program is recommended only subject to the following:

- Need to settle advance claim, see entry no.2817 under memorandum of encumbrances.
- Need to provide a copy of the updated TCT stating that sec. 4 rule 74 has been cancelled already
- Submitted land titles must be reviewed further to clear ownership.
- The issue on the accessibility to the site needs to be addressed by the LGU thru the provision of perpetual R.O.W.
- The LGU should provide a 10m Road Right of Way & must be repair / develop before the start of construction.
- The LGU should settle the private lot within the proposed 10m RROW.
- Proper Setback / easement for the transmission line as per recommended by NGCP.
- LGU needs to address the supply of potable & domestic water to the proposed site considering the additional demand for water when the project is completed.

Subject to further assessment by the relevant agencies such as but not limited to DENR- EMB, MGB, PHILVOLCS and to permits and clearances from the LGU/HLURB.

Prepared by:

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