

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 SEPTEMBER 13, 2018



PRESENT:

Vincent L. Rama,	(Acting City Vice-Mayor & Temporary Presiding Officer), SP Member, Majority Floor Leader
Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
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
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr. (Acting City Mayor),  
City Vice Mayor & Presiding Officer

ON LEAVE:

Mario M. Rodriguez, SP Member, Presiding Officer "Pro-Tempore"

**RESOLUTION NO. 2018-232**

**A RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE DEED OF USUFRUCT FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), IN FAVOR OF THE COAST GUARD STATION WESTERN LEYTE (CGS WESTERN LEYTE) OVER A CITY GOVERNMENT-OWNED PROPERTY CONTAINING AN AREA OF APPROXIMATELY FOUR HUNDRED (400) SQUARE METERS LOCATED IN BARANGAY ALEGRIA, ORMOC CITY FOR THE CONSTRUCTION OF A TWO (2) STOREY BUILDING FOR THE CGS WESTERN LEYTE BARRACKS AND EQUIPMENT STORAGE AND THEREBY, SUPERSEDING SANGGUNIANG PANLUNGSOD (SP) RESOLUTION NO. 2017-166 DATED JULY 27, 2017.**

WHEREAS, the City Mayor Richard I. Gomez through an Indorsement dated June 01, 2018 forwarded to this august Body for consideration the Deed of Usufruct to be entered into by LGU-Ormoc with the Coast Guard Station Western Leyte (CGS Western Leyte), relative to the use of a City Government-owned property with an area of approximately Four Hundred (400) Square Meters located in Brgy. Alegria, Ormoc City for the construction of a two (2) storey building for the CGS Western Leyte personnel barracks, and equipment storage, copies of the final Deed of Usufruct and sketch map of the area subject herein are hereto attached as Annexes "A" and "B" and made integral parts hereof;



WHEREAS, Philippine Coast Guard (PCG) is an armed and uniformed service tasked primarily with enforcing laws within Philippine waters, conducting maritime security operations, safeguarding life and property at sea, and protecting marine environment and resources;

WHEREAS, Coast Guard Station Western Leyte (CGS Western Leyte), a sub-unit of the PCG, is mandated to perform the mandated functions of the PCG within its Area of Responsibility covering the Western part of Leyte;

WHEREAS, the CGS had requested from LGU-Ormoc for the use of the latter's property for the establishment of a building by the former to be used as office space and area for personnel barracks and equipment storage;

WHEREAS, LGU-Ormoc affirmatively responded to said request as it acknowledges CGS's functions as essential and beneficial to the City as afore-described, whereby, SP Resolution No. 2017-166 was passed on July 27, 2017 allowing the CGS Western Leyte to use a City-Government owned property containing an area of six hundred (600) square meters;

WHEREAS, however, it was later discovered that said area was not fully available anymore for the desired purpose and as a consequence, the Deed of Usufruct subject of said Resolution had to be cancelled, hence, herein action of superseding said Resolution;

WHEREAS, LGU-Ormoc was able to find a suitable area to accommodate the CGS Western Leyte, which is now the object of the Deed of Usufruct subject herein;

WHEREAS, the Deed of Usufruct herein allows the CGS Western Leyte to use the subject property which has now an area of four hundred (400) square meters for a period of twenty-five (25) years, renewable at the discretion of LGU Ormoc as owner and CGS Western Leyte as usufructuary;

WHEREAS, the City Legal Officer, in a letter dated May 28, 2018, has expressed an opinion that the said Deed of Usufruct is in accordance with law, not detrimental to the interest of the city, not contrary to law, moral and public policy and furthermore, recommends that an SP Resolution be secured for the authority of the City Mayor to sign the same, a copy of said letter is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, upon close examination by this Sanggunian, it is found that the subject Deed of Usufruct clearly and plainly encapsulates the terms and conditions of the agreement of the parties thereto, including their specific roles and obligations towards the attainment of the lofty ends of the same, and this august Body additionally finds that the same is entered into for the best interests of the City and her constituents as it seeks to render much-needed assistance in the delivery by the usufructuary of the vital public service it is tasked with, and in carrying out effectively its mandate as the frontline services of the PCG, and therefore, making it worthy and deserving of this august Body's prompt and favorable action;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee Laws and Ordinances, severally seconded by SP Members Tomas R. Serafica, Gregorio G. Yrastorza III, Nolito M. Quilang, John Eulalio Nepomuceno O. Aparis II, Esteban V. Laurente and Jasper C. Yerro; be it



RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE DEED OF USUFRUCT FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), IN FAVOR OF THE COAST GUARD STATION WESTERN LEYTE (CGS WESTERN LEYTE) OVER A CITY GOVERNMENT-OWNED PROPERTY CONTAINING AN AREA OF APPROXIMATELY FOUR HUNDRED (400) SQUARE METERS LOCATED IN BARANGAY ALEGRIA, ORMOC CITY FOR THE CONSTRUCTION OF A TWO (2) STOREY BUILDING FOR THE CGS WESTERN LEYTE BARRACKS AND EQUIPMENT STORAGE AND THEREBY, SUPERSEDING SANGGUNIAN PANLUNGSOD (SP) RESOLUTION NO. 2017-166 DATED JULY 27, 2017;

ADOPTED, September 13, 2018.

RESOLVED, FURTHER, that a copy of the final and notarized Deed of Usufruct be submitted to the Sangguniang Panlungsod ng Ormoc 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. Ermas; the City Legal Officer, Atty. Jasper Lucero; the Register of Deeds, Ormoc City; Philippine Coast Guard; 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:

  
VINCENT L. RAMA  
(Acting City Vice-Mayor & Temporary Presiding Officer)  
Majority Floor Leader  
SR Member



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

28 May 2018

**MA. VICTORIA LYRA P. DELA CERNA RRT, MBA-HA, MPA**  
City Govt. Asst. Dept. Head I  
City Mayor's Office  
LGU-Ormoc City

Re: Review of Deed of Usufruct between LGU Ormoc and Coast Guard  
Station Western Leyte

Dear Ms. Dela Cerna:

The undersigned has reviewed the above draft Deed of Usufruct and herein finds nothing legally objectionable thereto. The same is likewise found to be in order, not detrimental to the interests of the City, not contrary to law, morals and public policy.

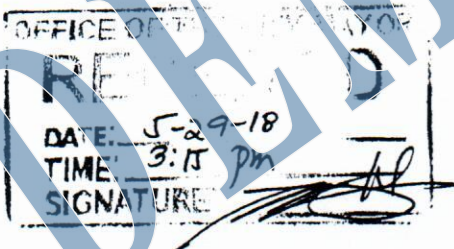
The undersigned further recommends that an SP Resolution be secured for the Authority of the Mayor to sign the same.

For the consideration of the CMO.

Thank you.

Very Truly Yours,

  
**ATTY. JASPER M. LUCERO**  
City Legal Officer



CERTIFIED TRUE COPY

  
**JERNELLE CELINE P. MAOLASANG**  
ADMINISTRATIVE AIDE I



## DEED OF USUFRUCT

### KNOW ALL MEN BY THESE PRESENTS:

This **DEED** is made and executed by and between:

The **CITY GOVERNMENT OF ORMOC**, a government political subdivision, created under the laws of the Republic of the Philippines, with office address at the New Ormoc City Hall, Aunubing St., Brgy. Cogon, Ormoc City, represented in this instance by the **HON. RICHARD I. GOMEZ**, City Mayor, hereinafter referred to as the "**OWNER**";

-and-

The **COAST GUARD STATION WESTERN LEYTE (CGS WESTERN LEYTE)**, a government sub-unit of the **PHILIPPINE COAST GUARD**, created under the laws of the Republic of the Philippines, with office address at Ebony St., Port Area, Ormoc City, represented in this instance by its Station Commander **CDR EDUARDO P. DE LUNA JR (DCS) PCG**, hereinafter referred to as the "**USUFRUCTUARY**".

### WITNESSETH:

**WHEREAS**; the **PCG**, a maritime law enforcement agency, is mandated under R.A. No. 9993, to perform Maritime Safety, Maritime Search and Rescue, Marine Environmental Protection, Maritime Security and Law Enforcement Functions within the Maritime Jurisdiction of the Philippines;

**WHEREAS**; the **CGS WESTERN LEYTE**, is a sub-unit of the **PCG**, under the control and supervision of the **COAST GUARD DISTRICT ESTERN VISAYAS (CGDEV)**, is mandated to perform the mandated functions of the **PCG** within its Area of Responsibility (AOR) covering the Western part of Leyte, respectively;

**WHEREAS**; the **COAST GUARD STATION WESTERN LEYTE**, is occupying a building located at Port Area, Ebony Street District 2, Ormoc City, Leyte, as its office and accommodation for its personnel, however the said building was devastated by Super Typhoon Yolanda on 08 November 2013;

**WHEREAS**; the **CGS WESTERN LEYTE**, requested the **OWNER** of an area of approximately **FOUR HUNDRED (400) SQUARE METERS (40x10 sq. m.)** for the construction of a **TWO (2) STOREY BUILDING** for the **CGS WESTERN LEYTE** personnel barracks, and equipment storage;

**WHEREAS**; the **OWNER** by these presents has agreed and offers for the use of the **USUFRUCTUARY** the allocation of a lot at Bagsakan Complex, Brgy. Alegria, Ormoc City, Leyte, covering an aggregate area of approximately **FOUR HUNDRED (400) SQUARE METERS (40x10 sq. m.)** for the construction of a new building to be used as office space, **CGS WESTERN LEYTE** personnel barracks and equipment storage. (A copy of the Sketch Plan with the technical description and the exact location of the site is hereto attached as **Annex "A"** to form part hereof);



**WHEREAS;** the **USUFRUCTUARY** humbly accepts the above-stated offer of the **OWNER** with deep sense of gratitude and appreciation.

**WHEREAS;** pursuant to Resolution No. \_\_\_\_\_, dated \_\_\_\_\_ of the Sangguniang Panlungsod, City Government of Ormoc, **HON. RICHARD I. GOMEZ**, City Mayor of Ormoc, has been authorized to **SIGN, EXECUTE** and **DELIVER** this Deed of Usufruct for and in behalf of the City Government of Ormoc;

**WHEREAS;** Station Commander, **CGS WESTERN LEYTE, CDR EDUARDO P. DE LUNA JR (DCS) PCG**, is authorized to **ENTER INTO, SIGN** and **ACCEPT** this Deed of Usufruct;

**NOW THEREFORE,** for and in consideration of the foregoing premises and of the mutual covenants hereinafter contained, the parties hereby agree to the following terms and conditions:

1. **TERM** - The term of this **USUFRUCT** shall be for a period of **TWENTY FIVE (25) YEARS**, renewable at the discretion of the **OWNER** and the **USUFRUCTUARY**. The **USUFRUCTUARY** is hereby given the privilege to use an area of approximately **FOUR HUNDRED (400) SQUARE METERS (40x10 sq. m.)** for the construction of a new building to be used as additional office space, **CGS WESTERN LEYTE** personnel barracks and equipment storage, and to provide facility which will enhance the efficiency and productivity of **CGS WESTERN LEYTE** personnel in attending to the concerns of its maritime stakeholders.

2. **OWNERSHIP** - While the **USUFRUCT** or the beneficial use of the lot is transferred to **USUFRUCTUARY**, the ownership and title of the lot continues to be and remains to be in the name of the **OWNER**. Upon the expiration or non-renewal of this Contract, improvements introduced therein shall accrue to the City Government of Ormoc.

3. **INTRODUCTION OF INFRASTRUCTURES, FACILITIES AND IMPROVEMENTS.** - The **USUFRUCTUARY** is hereby given the right to introduce and maintain infrastructures, facilities and improvements in the area subject of this Contract and shall make the site sustainable and viable for the intended use of the area.

4. **MAINTENANCE OF CLEANLINESS AND PEACE AND ORDER** - The **USUFRUCTUARY** shall maintain the cleanliness and peace and order within and around the perimeters of the area subject of the Contract;

5. **OTHER TERMS AND CONDITIONS:**

5.1 The **USUFRUCTUARY** shall use the lot in accordance with the agreed purpose. Any utilization of the area subject of this Contract contrary to what was agreed upon shall cause the immediate termination of this Contract and all improvements thereon that cannot be removed without destroying the premises shall accrue to the City Government of Ormoc.

5.2 The **USUFRUCTUARY** shall construct and maintain its buildings, infrastructures, facilities and improvements in the area subject of this Contract in

accordance with the local ordinances, and relevant national laws on environmental safety, maintenance and preservation.

IN WITNESS WHEREOF, the herein parties have set their hands this \_\_ day of September 2018 at Ormoc City, Leyte, Philippines.

**CITY GOVERNMENT OF ORMOC**

**COAST GUARD STATION WESTERN LEYTE**

Represented by:

Represented by:

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

**CDR EDUARDO P. DE LUNA JR (DSC) PCG**  
Station Commander

Signed in the Presence of:

\_\_\_\_\_  
witness

**CAPT GIOVANNI G. BERCANTIN (DSC) PCG**  
witness



ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)  
CITY OF ORMOC.....) S.S.  
X-----X

BEFORE ME, Notary Public, this \_\_\_\_ day of September 2018, at Ormoc City, Leyte, Philippines, personally appeared the following persons, to wit:

Name	CTC No./ID No.	Date and Place Issued
HON. RICHARD I. GOMEZ		
CDR EDUARDO P. DE LUNA JR (DCS) PCG		

Known to me to be the same persons who executed the foregoing Deed and who acknowledged to me that the same is their free and voluntary act and deed of the entities that they represent in this instance.

This Deed, consisting of three (3) pages, including the page on which this Acknowledgement is written, signed by the Parties and their instrumental witnesses, refers to a Deed of Usufruct of a parcel of land.

WITNESS MY HAND AND SEAL at the place and on the date first above-written.

Doc. No. \_\_\_\_\_;  
Page No. \_\_\_\_\_;  
Book No. \_\_\_\_\_;  
Series of 2018.

Notary Public



