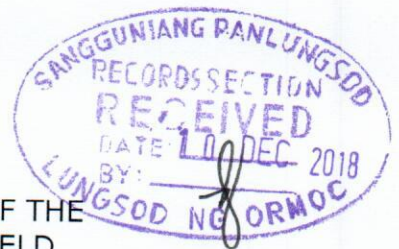


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 DECEMBER 04, 2018 IN LIEU OF
DECEMBER 06, 2018

PRESENT:

Vincent L. Rama,	(Excused), SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	(OIC-City Vice Mayor),
	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. (OIC-City Mayor),
City Vice Mayor & Presiding Officer

RESOLUTION NO. 2018-310

A RESOLUTION GRANTING OMNIBUS AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR, FOR AND ON BEHALF OF LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC) AS VENDEE, TO ENTER INTO AND SIGN THE CONTRACTS TO SELL WITH THE FOLLOWING VENDORS: (1) MARIA ELENITA A. ALMADEN AS VENDOR OVER A PARCEL OF LAND EQUIVALENT TO SIX HUNDRED SIXTY-SEVEN (667) SQUARE METERS; (2) DAYLINDA A. ALMADEN AS VENDOR OVER A PARCEL OF LAND EQUIVALENT TO SEVEN HUNDRED EIGHTY-EIGHT (788) SQUARE METERS; AND, (3) MA. FELISA INTO NEJUDNE, NORMAN P. INTO, CESAR P. INTO, JR., ERWIN P. INTO, AND MARISTELA P. INTO AS VENDORS OVER PARCELS OF LAND EQUIVALENT TO THREE THOUSAND NINE HUNDRED NINETY-FIVE (3,995) SQUARE METERS AND ONE THOUSAND FOUR HUNDRED SIXTY (1,460) SQUARE METERS, ALL SITUATED AT BARANGAY MILAGRO, ORMOC CITY, TO BE USED AS ROAD RIGHT OF WAY (RROW) FOR THE SOCIALIZED HOUSING PROJECT OF ITS INTENDED BENEFICIARIES AFFECTED BY THE JULY 6, 2017 EARTHQUAKE AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City Mayor Richard I. Gomez through an Indorsement dated September 25, 2018 in response to a prior Indorsement dated September 21, 2018 from City Legal Officer Atty. Jasper M. Lucero forwarded to this august Body a request for an issuance of a Resolution granting the City Mayor the authority to sign the attached Contract to Sell to be entered into by and between LGU-Ormoc as vendee and Maria Elenita A. Almaden as vendor for Road Right of Way (RROW) for the Socialized Housing Project intended for the Identified Beneficiaries of the July 6, 2017 Earthquake in Ormoc City, further requesting that the matter be treated as EXTREMELY URGENT, a copy of the said Contract to Sell is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, in another Indorsement dated September 17, 2018, the City Mayor Richard I. Gomez forwarded to this august Body a request for an issuance of a Resolution granting the City Mayor the authority to sign the attached Contract to Sell to be entered into by and between LGU-Ormoc as vendee and Daylinda A. Almaden as vendor for RROW for the Socialized Housing Project intended for the Identified Beneficiaries of the July 6, 2017 Earthquake in Ormoc City, a copy of the said Contract to Sell is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, another Indorsement was also forwarded to this august Body from the City Mayor Richard I. Gomez dated September 25, 2018 in response to a prior Indorsement dated September 21, 2018 from City Legal Officer Atty. Jasper M. Lucero a request for an issuance of a Resolution granting the City Mayor the authority to sign the attached Contract to Sell to be entered into by and between LGU-Ormoc as vendee and Fe P. Into, Ma. Felisa Into-Nejudne, Norman Into, Cesar P. Into, Erwin P. Into and Maristela P. Into as vendors for RROW for the Socialized Housing Project intended for the Identified Beneficiaries of the July 6, 2017 Earthquake in Ormoc City, further requesting that the matter be treated as EXTREMELY URGENT, a copy of the said Contract to Sell is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, in an Indorsement forwarded to this august Body from the City Mayor Richard I. Gomez dated September 25, 2018 in response to a prior Indorsement dated September 21, 2018 from City Legal Officer Atty. Jasper M. Lucero a request for an issuance of a Resolution granting the City Mayor the authority to sign the attached Contract to Sell to be entered into by and between LGU-Ormoc as vendee and Fe P. Into, Ma. Felisa Into-Nejudne, Norman Into, Cesar P. Into, Erwin P. Into and Maristela P. Into as vendors for RROW for the Socialized Housing Project intended for the Identified Beneficiaries of the July 6, 2017 Earthquake in Ormoc City, further requesting that the matter be treated as EXTREMELY URGENT, a copy of the said Contract to Sell is hereto attached as Annex "D" 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 massive damage not only to its infrastructure but displacing families as well particularly in Brgys. Gaas, Cabintan, Tongonan, Cabaon-an, Milagro and other parts of Ormoc City;

WHEREAS, 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 passed Sangguniang Panlungsod (SP) Resolution No. 2018-249 on October 4, 2018 entitled: "A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR, FOR AND ON BEHALF OF LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC) AS VENDEE, TO SIGN THE AMENDMENT OF CONTRACT TO SELL WITH ABRAHAM P. PEREZ AND ARLEEN MAY P. PEREZ-FIGURASIN, AS VENDORS, FOR THE PURCHASE OF PARCELS OF LAND WITH AN AGGREGATE AREA EQUIVALENT TO ONE HUNDRED FIFTY-NINE THOUSAND ONE HUNDRED FIFTY-TWO (159,152) SQUARE METERS, MORE OR LESS, SITUATED AT BARANGAY DOLORES, THIS CITY, AMENDING SANGGUNIANG PANLUNGSOD (SP) RESOLUTION NO. 2018-145 DATED JUNE 21, 2018 AND THE CONTRACT TO SELL ATTACHED THERETO;"

WHEREAS, to recall, thru said SP Resolution this Sanggunian approved the purchase by LGU-Ormoc of land located in Barangay Milagro for use of a housing project for the intended beneficiaries of the mentioned earthquake and for other lawful purposes as well, and a RROW for the provision of a decent and viable access road to and fro said land is much needed therefore, hence, the herein subject Contracts to Sell for said purpose;

WHEREAS, as cited in the attached Contracts to Sell, the Vendors have offered to the Vendee to sell their land to be used by the latter as ROAD RIGHT OF WAY for the socialized housing project of its intended beneficiary affected by the July 6, 2017 earthquake, and for other purposes as well at the price of Three Hundred Fifty Philippine Pesos (PHP350.00) per square meter, as follows:

Lot No.	TCT No.	Land Owner	Lot Area (Sq. m.)	Area Affected (Sq.m.)
1	13665	MARIA ELENITA A. ALMADEN	7,498	667
2	13666	DAYLINDA A. ALMADEN	7,498	788
7471	35130	MA. FELISA INTO, ET. AL.	86,295	3,995
7469-B	29712	MA. FELISA INTO, ET. AL.	20,615	1,460

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, in a Memorandum issued by the Appraisal Committee dated September 19, 2017, the recommended appraised value of parcel of land of the subject sites should not be more than Five Hundred Philippine Pesos (Php500.00) per Square Meter, a copy of said Memorandum is hereto attached as Annex "E" and made an integral part hereof;

WHEREAS, in an appraisal report issued by the Development Bank of the Philippines dated May 24, 2018, the appraised value of parcels of land located in Barangay Milagro are described as follows, a copy of said appraisal report is hereto attached as Annex "F" and made an integral part hereof:

Classification	Value per Square Meter
Residential/Commercial Lot	PHP 1,000.00 to 3,000.00
Agricultural Lot	PHP 100.00 to 400.00

WHEREAS, upon a close examination of the two immediately succeeding paragraphs which provide for the bases for the determination of the fairness and reasonability of the price of the subject lands, the price indicated on the Contracts to Sell is clearly shown to be within the stated appraisal range and is, therefore, determined to be just, fair and reasonable;

WHEREAS, the City General Services Office (CGSO) has forwarded a copy of the Sketch Plan showing the Lot Plan of the affected plots for the proposed RROW to the National Housing Authority (NHA) Permanent Housing Relocation Site at Barangay Milagro, Ormoc City, a copy of the said Sketch Plan 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, in addition to finding the price on the Contracts to Sell as just, fair and reasonable, additionally finds that: the same are not contrary to law, existing contract, public policy, customs and morals; the road network on the sketch plan is reasonable and in order; the same are entered into for the best interests of the City; and, finally, that the granting of the authority for the purchase of the aforementioned parcels of land, among other lawful purposes, facilitates for the provision to the City's earthquake displaced inhabitants of decent and safe shelters and much needed road access, and henceforth, deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee Laws and Ordinances, duly seconded by SP Member Tomas R. Serafica; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION GRANTING OMNIBUS AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR, FOR AND ON BEHALF OF LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC) AS VENDEE, TO ENTER INTO AND SIGN THE CONTRACTS TO SELL WITH THE FOLLOWING VENDORS: (1) MARIA ELENITA A. ALMADEN AS VENDOR OVER A PARCEL OF LAND EQUIVALENT TO SIX HUNDRED SIXTY-SEVEN (667) SQUARE METERS; (2) DAYLINDA A. ALMADEN AS VENDOR OVER A PARCEL OF LAND EQUIVALENT TO SEVEN HUNDRED EIGHTY-EIGHT (788) SQUARE METERS; AND, (3) MA. FELISA INTO NEJUDNE, NORMAN P. INTO, CESAR P. INTO, JR., ERWIN P. INTO, AND MARISTELA P. INTO AS VENDORS OVER PARCELS OF LAND EQUIVALENT TO THREE THOUSAND NINE HUNDRED NINETY-FIVE (3,995) SQUARE METERS AND ONE THOUSAND FOUR HUNDRED SIXTY (1,460) SQUARE METERS, ALL SITUATED AT BARANGAY MILAGRO, ORMOC CITY, TO BE USED AS ROAD RIGHT OF WAY (RROW) FOR THE SOCIALIZED HOUSING PROJECT OF ITS INTENDED BENEFICIARIES AFFECTED BY THE JULY 06, 2017 EARTHQUAKE AND FOR OTHER LAWFUL PURPOSES;

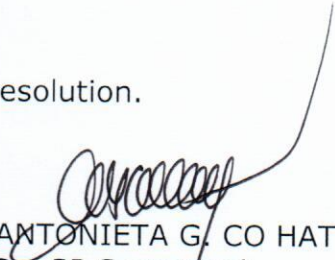
ADOPTED, December 04, 2018.

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

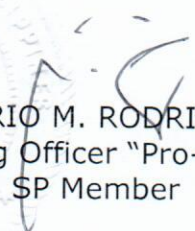
RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez, the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; the Register of Deeds, Ormoc City; the City Assessor; Maria Elenita A. Almaden; Daylinda A. Almaden; Ma. Felisa Into, et. al.; the OIC-City Director, DILG; and other concerned offices for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


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

ATTESTED:


MARIO M. RODRIGUEZ
Presiding Officer "Pro-Tempore"
SP Member

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

MARIA ELENITA A. ALMADEN, Filipino, of legal age, married to Esteve Downstat and a resident of Olongapo City, hereinafter referred to as the **VENDOR**;

- AND -

THE LOCAL GOVERNMENT UNIT OF ORMOC, a municipal corporation created and existing under Philippine laws, with address at Aunubing Street, Brgy. Cogon, Ormoc City, represented by Mayor **RICHARD I. GOMEZ**, hereunder referred to as the **VENDEE**;

WITNESSETH, that:

WHEREAS, the City of Ormoc was struck by an earthquake on 6 July 2017 that caused devastation and destruction of houses in Brgys. Gaas, Cabintan, Tongonan, Cabaon-an, 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 Geosciences 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 habitation;

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

WHEREAS, the VENDEE has purchased a piece of land owned by the Perez family located in the interior portions and the intended beneficiaries need to pass through the land of the VENDOR;

WHEREAS, the VENDOR has offered to sell a portion of her property to the VENDEE in an area of **SIX HUNDRED SIXTY SEVEN (667) SQUARE METERS** to be used by the latter as **ROAD RIGHT OF WAY** for the socialized housing project of its intended beneficiary affected by the 6 July 2017 earthquake, which the latter has accepted under the following terms and conditions:

1. That the lot subject of the sale is hereunder identified as:

Lot No.: 1;

Area: SEVEN THOUSAND FOUR HUNDRED NINETY EIGHT (7,498) square meters;

Transfer Certificate of Title No. 13665;

Location: Milagro, Ormoc City.

2. That the Contract Price is **THREE HUNDRED FIFTY PESOS (P350.00)** per square meter net of capital gains tax, documentary stamp tax, transfer tax and registration fees, except for transfer costs on the tax declaration, and expenses or a total of **TWO HUNDRED THIRTY THREE THOUSAND FOUR HUNDRED FIFTY PESOS (Php 233,450.00)**;

In accordance with the provision of related laws, the VENDEE shall pay for the account of the seller, the capitals gains tax as well as the documentary stamp tax, transfer tax and registration fees, without prejudice to securing an exemption from payment thereof from

the BIR. Unpaid real property and transfer costs on the tax declaration shall be borne by the VENDOR, if any.

3. That the VENDOR agrees to SELL to the VENDEE a portion of the property subject of this Contract equivalent to **SIX HUNDRED SIXTY SEVEN (667) SQUARE METERS**.
4. That upon signing of this Contract, the VENDEE shall process the disbursement voucher for the release of the amount due under this contract and shall be entitled to enter and take and possession of the property subject of this agreement.
5. That upon receipt of FIFTY PERCENT (50%) of the Contract Price, the VENDOR shall sign and execute a Deed of Absolute Sale over the property subject of this contract in favor of the VENDEE, and the acknowledgment receipt of total amount.
6. That the VENDOR shall secure the necessary documents and comply with all the necessary requirement for the transfer of title to the name of the VENDEE.
7. That after title is transferred to the name of the VENDEE, the latter shall release the remaining FIFTY PERCENT (50%) in favor of the VENDOR.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ in Ormoc City.

MARIA ELENITA A. ALMADEN

With my marital consent:

Esteve Downstat

LOCAL GOVERNMENT UNIT OF ORMOC, REPRESENTED BY:

RICHARD I. GOMEZ, MBA

WITNESSED BY (PRINT NAME AND SIGN):

ACKNOWLEDGMENT

Republic of the Philippines)
City of Ormoc) S.S.

Before me, this _____ at Ormoc City, Philippines, personally appeared the following with competent evidence of identity:

PARTY	COMPETENT EVIDENCE OF IDENTITY
Maria Elenita A. Almaden	
Esteve Downstat	
Richard I. Gomez	

all known to me to be the same persons who executed the foregoing Contract to Sell consisting of TWO (2) pages, including the page on which this Acknowledgment is written and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, on the date and place above- written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2018.

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

DAYLINDA A. ALMADEN, Filipino, of legal age, single and a resident of Olongapo City, hereinafter referred to as the **VENDOR**;

- AND -

THE LOCAL GOVERNMENT UNIT OF ORMOC, a municipal corporation created and existing under Philippine laws, with address at Aunubing Street, Brgy. Cogon, Ormoc City, represented by **Mayor RICHARD I. GOMEZ**, hereunder referred to as the **VENDEE**;

WITNESSETH, that:

WHEREAS, the City of Ormoc was struck by an earthquake on 6 July 2017 that caused devastation and destruction of houses in Brgys. Gaas, Cabintan, Tongonan, Cabaon-an, 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 Geosciences 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 habitation;

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

WHEREAS, the **VENDEE** has purchased a piece of land owned by the Perez family located in the interior portions and the intended beneficiaries need to pass through the land of the **VENDOR**;

WHEREAS, the **VENDOR** has offered to sell a portion of her property to the **VENDEE** in an area of **SEVEN HUNDRED EIGHTY-EIGHT (788) SQUARE METERS** to be used by the latter as **ROAD RIGHT OF WAY** for the socialized housing project of its intended beneficiary affected by the 6 July 2017 earthquake, which the latter has accepted under the following terms and conditions:

1. That the lot subject of the sale is hereunder identified as:

Lot No.: 2;

Area: SEVEN THOUSAND FOUR HUNDRED NINETY EIGHT (7,498) square meters;

Transfer Certificate of Title No. 13666;

Location: Milagro, Ormoc City.

2. That the Contract Price is **THREE HUNDRED FIFTY PESOS (P350.00)** per square meters net of capital gains tax, documentary stamp tax, transfer tax and registration fees, except for transfer costs on the tax declaration, and expenses or a total of **TWO HUNDRED SEVENTY-FIVE THOUSAND EIGHT HUNDRED PESOS ONLY (Php 275,800.00)**;

In accordance with the provision of related laws, the **VENDEE** shall pay for the account of the seller, the capitals gains tax as well as the documentary stamp tax, transfer tax and

registration fees, without prejudice to securing an exemption from payment thereof from the BIR. Unpaid real property and transfer costs on the tax declaration shall be borne by the VENDOR, if any.

3. That the VENDOR agrees to SELL to the VENDEE a portion of the property subject of this Contract equivalent to **SEVEN HUNDRED EIGHTY-EIGHT (788) SQUARE METERS**.
4. That upon signing of this Contract, the VENDEE shall process the disbursement voucher for the release of the amount due under this contract and shall be entitled to enter and take and possession of the property subject of this agreement.
5. That upon receipt of FIFTY PERCENT (50%) of the Contract Price, the VENDOR shall sign and execute a Deed of Absolute Sale over the property subject of this contract in favor of the VENDEE, and the acknowledgment receipt of total amount.
6. That the VENDOR shall secure the necessary documents and comply with all the necessary requirement for the transfer of title to the name of the VENDEE.
7. That after title is transferred to the name of the VENDEE, the latter shall release the remaining FIFTY PERCENT (50%) in favor of the VENDOR.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ in Ormoc City.

DAYLINDA A. ALMADEN

LOCAL GOVERNMENT UNIT OF ORMOC, REPRESENTED BY:

RICHARD I. GOMEZ, MBA

WITNESSED BY (PRINT NAME AND SIGN):

ACKNOWLEDGMENT

Republic of the Philippines)
City of Ormoc) S.S.

Before me, this _____ at Ormoc City, Philippines, personally appeared the following with competent evidence of identity:

PARTY	COMPETENT EVIDENCE OF IDENTITY
Daylinda A. Almaden	
Richard I. Gomez	

all known to me to be the same persons who executed the foregoing Contract to Sell consisting of TWO (2) pages, including the page on which this Acknowledgment is written and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and place above- written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2018.

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

MA. FELISA INTO NEDJUNE, Filipino, of legal age, married to Paul S. Nejudne and a resident of Andres Ancajas St., Mabolo, Cebu City; **NORMAN P. INTO**, Filipino, of legal age, married to Annabelle P. Into, and a resident of Brgy. Milagro, Ormoc City; **CESAR P. INTO, JR.**, Filipino, of legal age, single and a resident of Brgy. Milagro, Ormoc City; **ERWIN P. INTO**, Filipino, of legal age, single and a resident of Brgy. Milagro, Ormoc City; and **MARISTELA P. INTO**, Filipino, of legal age, single and a resident of Brgy. Milagro, Ormoc City, hereinafter herein represented by **PAUL S. NEJUDNE**, under a Special of Attorney dated March 14, 2018, attached hereto as Annex "A" and made an integral part of this agreement;

All of whom are collectively referred to as the **VENDORS**;

- AND -

THE LOCAL GOVERNMENT UNIT OF ORMOC, a municipal corporation created and existing under Philippine laws, with address at Aunubing Street, Brgy. Cogon, Ormoc City, represented by Mayor **RICHARD I. GOMEZ**, hereunder referred to as the **VENDEE**;

WITNESSETH, that:

WHEREAS, the City of Ormoc was struck by an earthquake on 6 July 2017 that caused devastation and destruction of houses in Brgys. Gaas, Cabintan, Tongonan, Cabaon-an, 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 Geosciences 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 habitation;

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

WHEREAS, the VENDEE has purchased a piece of land owned by the Perez family located in the interior portions and the intended beneficiaries need to pass through the land of the VENDORS;

WHEREAS, the VENDORS have offered to sell a portion of their property to the VENDEE equivalent to an area of **THREE THOUSAND NINE HUNDRED NINETY-FIVE (3,995) SQUARE METERS**, to be used by the latter as ROAD RIGHT OF WAY for the socialized housing project of its intended beneficiary affected by the 6 July 2017 earthquake, which the latter has accepted under the following terms and conditions:

1. That the lot subject of the sale is hereunder identified as:

Lot No.: 7471

Area: EIGHTY SIX THOUSAND TWO HUNDRED NINETY FIVE (86,295) square meters;

Transfer Certificate of Title No. T- 35130 and Tax Declaration No. 00060- 00085

Location: Milagro, Ormoc City.

2. That the Contract Price is **THREE HUNDRED FIFTY PESOS (P350.00)** per square meters net of capital gains tax, documentary stamp tax, transfer tax and registration fees, except

for transfer costs on the tax declaration, and expenses or a total of **ONE MILLION THREE HUNDRED NINETY-EIGHT THOUSAND TWO HUNDRED FIFTY PESOS (Php 1,398,250.00)**.

In accordance with the provision of related laws, the VENDEE shall pay for the account of the seller, the capitals gains tax as well as the documentary stamp tax, transfer tax and registration fees, without prejudice to securing an exemption from payment thereof from the BIR. Unpaid real property and transfer costs on the tax declaration shall be borne by the VENDORS, if any.

3. That the VENDORS agree to SELL to the VENDEE the property subject of this Contract equivalent to **THREE THOUSAND NINE HUNDRED NINETY-FIVE (3,995) SQUARE METERS**.
4. That upon signing of this Contract, the VENDEE shall process the disbursement voucher for the release of the amount due under this contract and shall be entitled to enter and take and possession of the property subject of this agreement.
5. That upon receipt of FIFTY PERCENT (50%) of the Contract Price, the VENDORS shall sign and execute a Deed of Absolute Sale over the property subject of this contract in favor of the VENDEE, and the acknowledgment receipt of total amount.
6. That the VENDORS shall secure the necessary documents and comply with all the necessary requirement for the transfer of title to the name of the VENDEE.
7. That after title is transferred to the name of the VENDEE, the latter shall release the remaining FIFTY PERCENT (50%) in favor of the VENDORS.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ in Ormoc City.

MA. FELISA INTO NEDJUNE

NORMAN P. INTO

CESAR P. INTO, JR.

ERWIN P. INTO

MARISTELA P. INTO, REPRESENTED BY:

PAUL S. NEJUDNE

LOCAL GOVERNMENT UNIT OF ORMOC, REPRESENTED BY:

RICHARD I. GOMEZ, MBA

WITNESSED BY (PRINT NAME AND SIGN):

ACKNOWLEDGMENT

Republic of the Philippines)
City of Ormoc) S.S.

Before me, this _____ at Ormoc City, Philippines, personally appeared the following with competent evidence of identity:

PARTY	COMPETENT EVIDENCE OF IDENTITY
Ma. Felisa I. Nejudne	
Norman P. Into	
Cesar P. Into, Jr.	
Erwin P. Into	
Paul S. Nejudne	
Richard I. Gomez	

all known to me to be the same persons who executed the foregoing Contract to Sell consisting of TWO (2) pages, including the page on which this Acknowledgment is written and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, on the date and place above- written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2018.

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

FE P. INTO, Filipino, of legal age, widow and a resident of Brgy. Milagro, Ormoc City;
MA. FELISA INTO NEDJUNE, Filipino, of legal age, married to Paul S. Nejudne and a resident of Andres Ancajas St., Mabolo, Cebu City;
NORMAN P. INTO, Filipino, of legal age, married to Annabelle P. Into, and a resident of Brgy. Milagro, Ormoc City;
CESAR P. INTO, JR., Filipino, of legal age, single and a resident of Brgy. Milagro, Ormoc City;
ERWIN P. INTO, Filipino, of legal age, single and a resident of Brgy. Milagro, Ormoc City; and
MARISTELA P. INTO, Filipino, of legal age, single and a resident of Brgy. Milagro, Ormoc City;
 hereinafter referred to as the **VENDOR(s)**, all of whom are herein represented by **PAUL S. NEJUDNE**, under a Special of Attorney dated _____, attached hereto as Annex "A" and made an integral part of this agreement;

- AND -

THE LOCAL GOVERNMENT UNIT OF ORMOC, a municipal corporation created and existing under Philippine laws, with address at Aunubing Street, Brgy. Cogon, Ormoc City, represented by **Mayor RICHARD I. GOMEZ**, hereunder referred to as the **VENDEE**;

WITNESSETH, that:

WHEREAS, the City of Ormoc was struck by an earthquake on 6 July 2017 that caused devastation and destruction of houses in Brgys. Gaas, Cabintan, Tongonan, Cabaon-an, 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 Geosciences 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 habitation;

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

WHEREAS, the VENDEE has purchased a piece of land owned by the Perez family located in the interior portions and the intended beneficiaries need to pass through the land of the VENDORS;

WHEREAS, the VENDORS have offered to sell their property to the VENDEE equivalent to an area of **ONE THOUSAND FOUR HUNDRED SIXTY (1,460) square meters**, to be used by the latter as ROAD RIGHT OF WAY for the socialized housing project of its intended beneficiary affected by the 6 July 2017 earthquake, which the latter has accepted under the following terms and conditions:

1. That the lot subject of the sale is hereunder identified as:

Lot No.: 7469- B;

Area: TWENTY THOUSAND SIX HUNDRED FIFTEEN (20,615) square meters;

Transfer Certificate of Title No. 121-2014000116 and Tax Declaration No.: 00060- 00805;

Location: Milagro, Ormoc City.

2. That the Contract Price is THREE HUNDRED FIFTY PESOS (P350.00) per square meters net of capital gains tax, documentary stamp tax, transfer tax and registration fees, except for transfer costs on the tax declaration, and expenses or a total of FIVE HUNDRED ELEVEN THOUSAND PESOS (Php 511,000.00).

In accordance with the provision of related laws, the VENDEE shall pay for the account of the seller, the capitals gains tax as well as the documentary stamp tax, transfer tax and registration fees, without prejudice to securing an exemption from payment thereof from the BIR. Unpaid real property and transfer costs on the tax declaration shall be borne by the VENDORS, if any.

3. That the VENDORS agree to SELL to the VENDEE the property subject of this Contract.
4. That upon signing of this Contract, the VENDEE shall process the disbursement voucher for the release of the amount due under this contract and shall be entitled to enter and take and possession of the property subject of this agreement.
5. That upon receipt of FIFTY PERCENT (50%) of the Contract Price, the VENDORS shall sign and execute a Deed of Absolute Sale over the property subject of this contract in favor of the VENDEE, and the acknowledgment receipt of total amount.
6. That the VENDORS shall secure the necessary documents and comply with all the necessary requirement for the transfer of title to the name of the VENDEE.
7. That after title is transferred to the name of the VENDEE, the latter shall release the remaining FIFTY PERCENT (50%) in favor of the VENDORS.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ in Ormoc City.

**FE P. INTO, MA. FELISA INTO NEDJUNE, NORMAN P. INTO, CESAR P. INTO, JR.
ERWIN P. INTO and MARISTELA P. INTO, REPRESENTED BY:**

PAUL S. NEJUDNE

LOCAL GOVERNMENT UNIT OF ORMOC, REPRESENTED BY:

RICHARD I. GOMEZ, MBA

WITNESSED BY (PRINT NAME AND SIGN):

ACKNOWLEDGMENT

Republic of the Philippines)
City of Ormoc) S.S.

Before me, this _____ at Ormoc City, Philippines, personally appeared the following with competent evidence of identity:

PARTY	COMPETENT EVIDENCE OF IDENTITY
Paul S. Nejudne	
Richard I. Gomez	

all known to me to be the same persons who executed the foregoing Contract to Sell consisting of TWO (2) pages, including the page on which this Acknowledgment is written and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, on the date and place above- written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2018.

DEMO COPY

"Annex E"



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 Portions of –

1. TCT No. 121-2014000116 in the name of Fe P. Into et al;
2. TCT No. 30455 in the name of Enecito M. Caritan;
3. TCT No. T-35130 in the name of Ma. Felisa Into, et al;
4. TCT No. 6092 in the name of the Heirs of Zacarias Alicando;
5. TCT No. 13665 in the name of Maria Elenita A. Almaden;
6. TCT No. 13666 in the name of Daylinda A. Almaden;

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 portions of real properties in Brgy. Dolores sought to be used by the

City as a Road Right of Way toward the socialized housing project for the victims of the 06 July 2017 earthquake.

III. PROPERTY IDENTIFICATION, LOCATION AND OWNERSHIP

The above subject properties have been surveyed to be adjacent to each other and are identified as:

Site 1:

"A parcel of land xxx situated in the Brgy. of Milagro, Ormoc City, containing an area of Twenty Thousand Six Hundred Fifteen (20,615) square meters and covered by TCT No. 121-2014000116 of the Register of Deeds of Ormoc City.

The property is registered in the name of Fe P. Into et al.

Site 2:

"A parcel of registered land, Lot No. 7480-B Psd-009296-D of being a portion of Lot 7480, Ormoc Cadastre, situated in Brgy. Dolores, Ormoc City, containing an area of Twenty One Thousand Three Hundred Ninety Five (21,395) Square Meters and covered by TCT No. 30455 of the Register of Deeds of Ormoc City."

The property is registered in the name of Eneclito M. Caritan.

Site 3:

"A parcel of land (Lot No. 7471 of the Cadastral Survey of Ormoc), xxx, situated in the Barrio of Dolores xxx with an area of Eighty Six Thousand Two Hundred Ninety Five (86,295) square meters and covered by TCT No. T-35130".

The property is registered in the name of Ma. Felisa Into, et al.

Site 4:

"A parcel of registered land, xxx situated in the Barrio of Dolores, Ormoc City, containing an area of Fourteen Thousand Nine Hundred Ninety Six (14,996) Square Meters and covered by TCT No. 6092 of the Register of Deeds of Ormoc City."

The property is registered in the name of the Heirs of Zacarias Alicando.

Site 5:

"A parcel of land xxx situated in the Barrio of Dolores, City of Ormoc, xxx containing an area of Seven Thousand Four Hundred Ninety Eight (7,498) Square Meters and covered by TCT No. 13665 of the Register of Deeds of Ormoc City."

The property is registered in the name of Maria Elenita A. Almaden.

Site 6:

"A parcel of land xxx situated in the Barrio of Dolores, City of Ormoc, xxx containing an area of Seven Thousand Four Hundred Ninety Eight (7,498) Square Meters and covered by TCT No. 13666 of the Register of Deeds of Ormoc City."

The property is registered in the name of Daylinda A. Almaden.

IV. LAND CLASSIFICATION, IMPROVEMENTS AND GENERAL CONDITION

The above subject properties are classified as agricultural land and are in the interior portion. The sites are planted with various crops (e.g. sugarcane, coconut trees, etc).

V. NEIGHBOURHOOD DATA

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

Near the sites are the solar farm and the administrative building of the NGCP. There are residential houses scattered in the area and a residential subdivision is likewise present in the locality.

VI. 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
Barangay 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 Other 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-Metallic/Timber Land	A32	10.00
Forest Land/ Timber Land	A36	10.00
Sandy/Stony	A41	20.00
Ipil-Ipil	A44	10.00

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 affected lots are for residential purposes.

VII. 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 that there are deeds of sale over lands located near the site, to wit:

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 square meter.

Listing 2:

The Deed of Absolute Sale dated October 2017 made and executed by and between the Development Bank of the Philippines, 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 Nine Thousand Nine Hundred Sixty Seven (9,967) Square Meters covered by TCT Nos. 54025 and 54026, both located at Brgy. Dolores, Ormoc City Leyte for a consideration of Seven Million Seven Hundred Thousand Pesos (PhP7,700,000.00) including the residential house of Seven Hundred Seventy Two Pesos (Php772.00) per square meter.

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 One Hundred Thousand Pesos (PhP100,000.00) or Five Hundred Pesos (PhP500.00) per square meter.

HENCE:

(Listed Price in Pesos Per Square Meter / Number of Deeds Listed) =
Average Listed Price

$[500 + 772 + 500] / 3 = \text{Average Listed Price}$

PhP1,772 / 3 = PhP590.6

VIII. RECOMMENDED APPRAISED VALUE

It is recommended that the appraised value of the subject sites should **not be more than Five Hundred Pesos (Php500.00) per square meter.**

Prepared by:

APPRAISAL COMMITTEE


ENGR. ARTHUR E. ARCUINO
City Assessor


ATTY. JASPER M. LUCERO
City Legal Officer


VINCENT L. EMNAS
City Administrator
Chairman, Appraisal Committee

Recommending Approval:


HON. RICHARD I. GOMEZ
City Mayor



Development Bank of the Philippines

Annex F =

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.

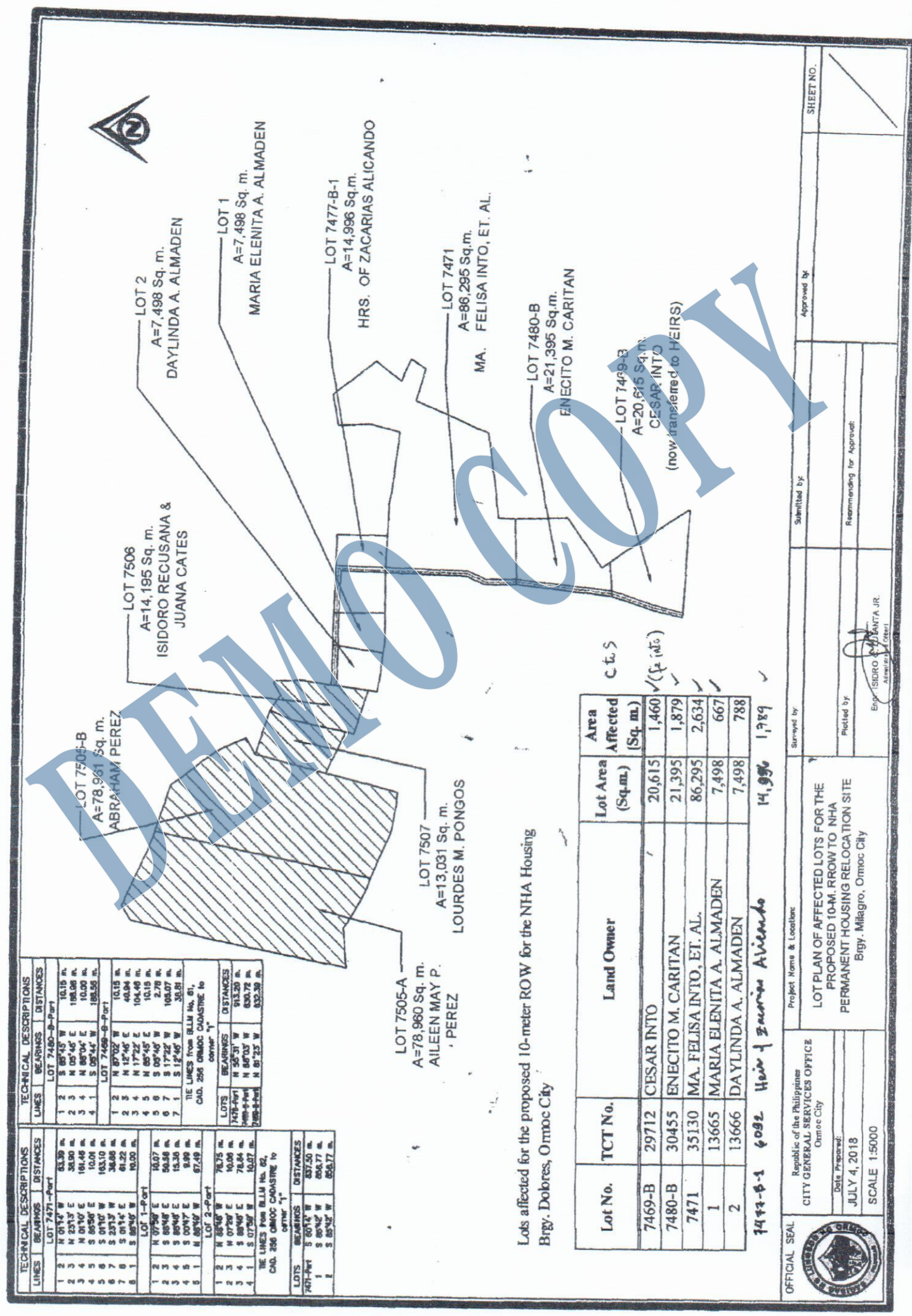
Below are the values available based on our land data file/opinion, to wit:

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

Annex B



Lots affected for the proposed 10-meter ROW for the NHA Housing
Brgy. Dobres, Ormoc City

Lot No.	TCT No.	Land Owner	Lot Area (Sq.m.)	Area Affected (Sq.m.)
7469-B	29712	CESAR INTO	20,615	1,460
7480-B	30455	ENECITO M. CARITAN	21,395	1,879
7471	35130	MA. FELISA INTO, ET. AL.	86,295	2,634
1	13665	MARIA ELENITA A. ALMADEN	7,498	667
2	13666	DAYLINDA A. ALMADEN	7,498	788

1444-B-1 6092 Hair of Zamora Alencio 14,996 1,789

OFFICIAL SEAL Republic of the Philippines CITY GENERAL SERVICES OFFICE Ormoc City Date Prepared: JULY 4, 2018 SCALE 1:5000	Project Name & Location: LOT PLAN OF AFFECTED LOTS FOR THE PROPOSED 10-M. ROW TO NIHA PERMANENT HOUSING RELOCATION SITE Brgy. Milagro, Ormoc City	Submitted by: Recommending for Approval: Engineer: SIDRO R. SANTANA JR. Almudena, Ormoc City	Approved by: SHEET NO.