

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON AUGUST 13, 2019

PRESENT:

Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Benjamin S. Pongos, Jr.,	(Acting City Vice-Mayor),
	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member, Asst. Majority Floor Leader
Nolito M. Quilang,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
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 na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

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

RESOLUTION NO. 2019-024

**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),
TO SIGN THE DEED OF DONATION (DOD) EXECUTED
BY AND BETWEEN SPS. EDWIN D. MALAZARTE AND
CRISTINA CALLES-MALAZARTE, AS DONORS, IN
FAVOR OF THE LOCAL GOVERNMENT UNIT OF ORMOC,
AS DONEE, RELATIVE TO THE DONATION OF A
PORTION OF A PARCEL OF LAND CONSISTING OF
THIRTY-TWO (32) SQUARE METERS, LOCATED AT
BARANGAY AIRPORT, THIS CITY.**

WHEREAS, this august Body was in receipt of an Indorsement from the Office of the City Mayor dated July 22, 2019, requesting therein for the passage of a resolution granting authority to Ormoc City Mayor Richard I. Gomez to sign, for and on behalf of LGU-Ormoc, the Deed of Donation (DOD) executed by and between LGU-Ormoc, as Donee, and Sps. Edwin D. Malazarte and Cristina Calles-Malazarte, as Donors, for the donation of a parcel of land consisting of Thirty-two (32) square meters and covered by TCT No. 34418 and located at Brgy. Airport, this City, a copy of said DOD is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, every Local Government Unit 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, the improvement of the City's water system requires the construction of a drilling station, which is a major component of the system;

WHEREAS, the property owners, Sps. Edwin D. Malazarte and Cristina Calles-Malazarte, desire to assist LGU-Ormoc in providing the needed lot or location for the construction of a drilling station;

WHEREAS, LGU-Ormoc, in consideration of the owners' willingness to assist in providing a site for the project, shall cause the survey of the parcel of land of the owners to be used as construction site for a drilling station with the lot number and area affected, specifically a portion of Lot No. 6084-B-14-C-Part containing an area of Thirty-Two (32) square meters more or less, which property is covered by Transfer Certificate of Title No. 34418 at Airport, Ormoc City, a copy of the Sketch Plan is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, the City Legal Officer, Atty. Josephine Mejia-Romero, in a letter dated July 19, 2019, forwarded the said DOD to the Office of the City Mayor certifying that the same is not contrary to laws, customs or public policy and further recommended that the same be referred to this Sanggunian for the issuance of the necessary Resolution for the acceptance of said donation, a copy of said letter is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, this august Body believes that said donation is done in good faith, extremely beneficial to the Barangay and to the City in general for the aforementioned donation purpose, and not made for the purpose of defrauding their creditors, having reserved for themselves enough and sufficient property to meet their obligations;

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

WHEREAS, cognizant of the need to have sufficient, safe and ample supply of water for the benefitted consumers, this Sanggunian finds the necessity to have a Drilling Station constructed in Barangay Airport, this City;

WHEREAS, upon close examination by this august Body, the Deed of Donation is found to clearly and plainly encapsulate 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; to be not contrary to law, public policy and public order; and, lastly, to be advantageous to the City as it is entered into for the benefit of the water consumers who will be able to enjoy water coming from the subject drilling station, and hence, deserving of this august Body's prompt and favorable action.

NOW, THEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Nolito M. Quilang, Jasper M. Lucero, Gregorio G. Yrastorza III, Esteban V. Laurente and Vincent L. Rama; 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), TO SIGN THE DEED OF DONATION (DOD) EXECUTED BY AND BETWEEN SPS. EDWIN D. MALAZARTE AND CRISTINA CALLES-MALAZARTE, AS DONORS, IN FAVOR OF THE LOCAL GOVERNMENT UNIT OF ORMOC, AS DONEE, RELATIVE TO THE DONATION OF A PORTION OF A PARCEL OF LAND CONSISTING OF THIRTY-TWO (32) SQUARE METERS, LOCATED AT BARANGAY AIRPORT, THIS CITY;


ADOPTED, August 13, 2019.

RESOLVED, FURTHER, that a copy of the final notarized Deed of Donation 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 Sps. Edwin D. Malazarte and Cristina Calles-Malazarte; the Ormoc Waterworks System Administration; the City Local Government Operations Officer-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:


TOMAS R. SERAFICA
Presiding Officer "Pro-Tempore"
SP Member

Annex "A"

DEED OF DONATION

KNOW ALL MEN BY THESE PRESENTS:

EDWIN D. MALAZARTE and CRISTINA CALLES-MALAZARTE of legal age, spouses, Filipino, and resident of Barangay Airport, Ormoc City, hereinafter referred to as the "**DONORS**",

- AND -

LGU-ORMOC CITY, a juridical entity existing in accordance with laws of the Republic of the Philippines, with address at Ormoc City Hall, Aunubing Street, Ormoc City, Philippines, herein represented by **CITY MAYOR RICHARD I. GOMEZ, MBA**, hereinafter called the "**DONEE**";

WITNESSETH, that:

WHEREAS, Republic Act 7160, otherwise known as the Local Government Code of 1991, mandates that every local government shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the improvement of the City's water system requires the construction of a Drilling Station, which is a major component of the system;

WHEREAS, the **DONORS** desire to assist the **DONEE** in providing the needed location for the construction of the Drilling Station;

WHEREAS the **DONEE**, with concurrence of the Sangguniang Panlungsod, is amenable to the proposal of the **DONORS**;

WHEREAS, the **DONEE**, in consideration of the **DONORS'** willingness to assist in providing a site for the project, shall cause the survey of the parcel of land of the **DONOR** to be used as construction site for a **DRILLING STATION** with the lot number and area affected, mainly a portion of Lot No. 6084-B-1-C-Part containing an area of Thirty Two (32) square meters more or less covered by Certificate of Title NO. 34418 at Brgy. Airport, Ormoc City;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree on the following terms and conditions:

1. The **DONORS** shall grant the perpetual use of the aforesaid parcel of land to the **DONEE** for the construction of the **DRILLING STATION** and consequently its operation and maintenance;
2. The **DONEE** shall carry out the necessary improvements and maintenance of the parcel of land intended for the construction of the **DRILLING STATION**;
3. Both parties agree that the parcel of land that will be provided pursuant to this agreement shall not be for the use of the general public and that the same shall be fence before the start of the construction of the **DRILLING STATION**;
4. Pursuant to the immediately preceding paragraph, it is hereby mutually agreed that only Ormoc Waterworks and Sewerage Administration (ORWASA) personnel, vehicles and equipment, and other concerned City Government Officials and employees shall be allowed to pass and/or make use of the **DRILLING STATION** established and maintained under this agreement;
5. The **DONORS** shall be exempt from payment of water consumption of up to THIRTY (30) cubic water consumption on the charge pursuant to Section 4.1.9.2 of Ordinance No. 1 (Ormoc City Revenue Code of 1977);
6. The **DONORS** shall provide access road to the Drilling Site, four (4) meters in width, and free from any obstruction, for maintenance purposes;

7. The **DONEE** shall, and for the entire duration of this agreement, shoulder all real property taxes that may accrue on that portion of the property upon which the **DRILLING STATION** shall be constructed and maintained;

8. Subject to the Ordinance(s) that may be otherwise enacted, the management and orientation of the **DRILLING STATION** shall be executed solely by the **DONEE**. In the event that transfer of management is made to private entities, the terms and condition set forth in this agreement may remain in force subject to the consent of the **DONEE**.

9. This agreement shall commence upon the date of signing hereof. Except in the event of termination arising from violation of any of the provisions hereof, as provided in the next paragraph, this agreement shall subsist unless terminated upon mutual agreement in writing by both **PARTIES**;

10. Violation of any provisions of this agreement by the **PARTIES** shall render the same null and void.

IN WITNESS WHEREOF, the **DONOR** and **DONEE** have hereunder subscribed their names this ____ day of ____ 2019 at Ormoc City

EDWIN D. MALAZARTE
DONOR

CRISTINA CALLES-MALAZARTE
DONOR

LGU-ORMOC CITY
DONEE

By:

RICHARD I. GOMEZ
City Mayor

WITNESSES:

ACKNOWLEDGEMENT

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

BEFORE ME, a notary for and in the City of Ormoc, personally appeared, the above named persons with their competent identifications to wit:

Date/Place Issued

RICHARD I. GOMEZ
EDWIN D. MALAZARTE
CRISTINA CALLES-MALAZARTE

Personally known to the witnesses, who are known to me to be the same persons who executed the foregoing Deed of Donation consisting of two (2) pages including this page and acknowledged to me that the same is their free and voluntary act and deed.

This instrument consisting of two (2) pages including this acknowledgement has been signed on the left margin on each and every page hereof by the parties herein and their witnesses and sealed with my notarial seal.

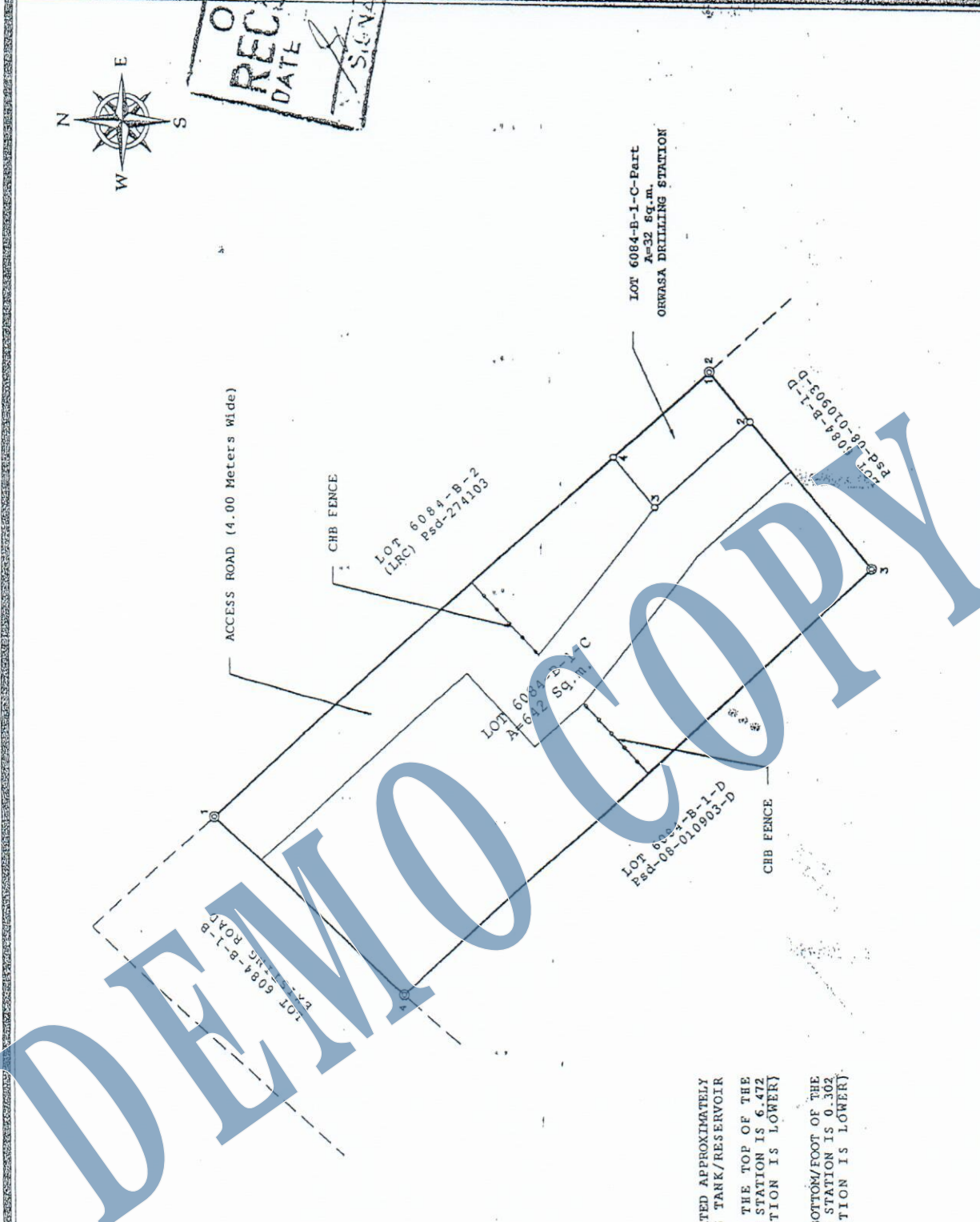
WITNESS MY HAND AND SEAL, on the date and place first above written.




Doc. No. ____:
Page No. ____:
Book No. ____:
Series of 2019

TECHNICAL DESCRIPTIONS			
LINES	BEARINGS	DISTANCES	
BOUNDARY			
1	S 42°02' E	41.28 m.	
2	S 50°09' W	15.85 m.	
3	N 42°26' W	39.09 m.	
4	N 42°21' E	16.20 m.	
LOT 6084-B-1-C-Part (ORWASA)			
1	S 50°09' W	4.00 m.	
2	N 42°02' W	8.01 m.	
3	N 50°09' E	4.00 m.	
4	S 42°02' E	8.01 m.	
TIE LINES from BLLM No.127, CAD. 256 ORMOC CADASTRE to corner "1"			
LOTS			
BEARINGS		DISTANCES	
BOUNDARY	N 49°16' E	422.60 m.	
ORWASA	N 54°50' E	425.54 m.	

NOTES:

1. THE PROPOSED DRILLING STATION IS LOCATED APPROXIMATELY 145 METERS AWAY FROM THE EXISTING TANK/RESERVOIR
2. DIFFERENCE IN ELEVATION BETWEEN THE TOP OF THE RESERVOIR AND THE PROPOSED DRILLING STATION IS 6.472 METERS (PROPOSED DRILLING STATION IS LOWER)
3. DIFFERENCE IN ELEVATION BETWEEN THE BOTTOM/FOOT OF THE RESERVOIR AND THE PROPOSED DRILLING STATION IS 0.302 METERS (PROPOSED DRILLING STATION IS LOWER)



OFFICIAL SEAL 	Republic of the Philippines CITY GENERAL SERVICES OFFICE Ormoc City	Project Name & Location: SKETCH PLAN OF LOT 6084-B-1-C, ORWASA'S PROPOSED DRILLING STATION Brgy. Airport, Ormoc City	Surveyed By:  ISIDRO C. SANTA JR. Engineer	Submitted By:  FULGENCIO S. MANAVATAO O.C. No.	Approved By: HON. RICHARD I. GOMEZ, MBA CITY MAYOR	SHEET NO. 1/1
	Date Prepared: MARCH 6, 2019	SCALE 1:200				

RECEIVED
DATE 3/7/2019
SIGNATURE

Annex "B"

Office of the City Legal Officer

Ormoc City, Leyte

July 19, 2019

MAYOR RICHARD I. GOMEZ
Ormoc City

Mayor Gomez:

Forwarding to your office, the proposed Deed of Donation that was referred to this office for drafting and preparation (portion of Lot 6084- B-1-C). This office certifies that the same is not contrary to laws, customs or public policy.

It is the recommendation of this office that the same be referred to the Sangguniang Panlungsod to request for the issuance of a Resolution authorizing the City Mayor to accept the mentioned donation.

For your consideration.

Most Respectfully,

JOSEPHINE A. MEJIA-ROMERO
City Legal Officer

DANHUG/ROMERO

New Ormoc City Hall, Aunubing St., Cogon, Ormoc City
(053)255-7395 loc. 1010 ++ clo.ormoc@gmail.com