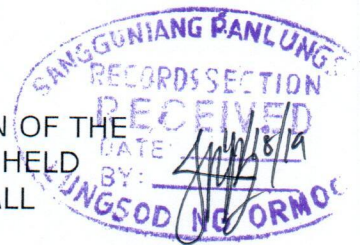


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON NOVEMBER 12, 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, 1 st Asst. Majority Floor Leader
Nolito M. Quilang,	SP Member, 2 nd Asst. Majority Floor Leader
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
Joan Marbie C. Simbajon,	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. 2019-132

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ, OR THE ACTING CITY
MAYOR TO FILE AN ACTION WITH THE HONORABLE
COURTS RELATIVE TO THE QUIETING/ CANCELLATION
OF TRANSFER CERTIFICATE OF TITLE NOS. 14983 AND
13822, AND TO ASK FOR PROVISIONAL REMEDIES
AND SUCH OTHER RELIEFS RELATIVE THERETO**

WHEREAS, this Fourteenth Sangguniang Panlungsod was in receipt of an Indorsement dated November 7, 2019 from the Office of the City Mayor, endorsing a request for the issuance of an authority to the City Mayor to cause the filing of a civil action for Quieting of Title and/ or Cancellation of Title with Damages and Application for Temporary Restraining Order and Preliminary Injunction against Mr. Maria Gina Tawoy and Erlinda Maglaoy, and all persons acting for and through them, relative to their continued occupation of the parcel of land located at the Cogon Rotunda, which has unjustly delayed the works thereon;

WHEREAS, The City has commenced the construction of a Rotunda in Brgy. Cogon, Ormoc City, for the which the sum of Eight Million Philippine Pesos (Php 8,000,000.00) has been appropriated;

WHEREAS, Work on the project was disrupted due to the presence and occupation of two (2) houses within and on the premises of the site itself, as certified to by City Engineer Ranulfo D. Oliveros on March 14, 2019, a copy of which is attached as Annex "A" and made an integral part of this Resolution;

WHEREAS, As per information, the two (2) houses belongs to Erlinda Maglaoy and Maria Gina B. Tawoy;

WHEREAS, As per validation made by the City Social Welfare and Development Office (CSWDO), both landowners did not qualify as "underprivileged an homeless citizens" under RA 7279 or the Urban Development and Housing Act of 1992, and were not entitled to any assistance or relocation, as shown by the Certifications issued by the CSWDO both dated March 22, 2019, attached as Annexes "B" and "B-1" and made integral parts of this Resolution;

WHEREAS, The City Legal Office referred the matter to the City Mayor in a letter dated March 26, 2019, to commence the process of eviction and demolition of the two (2) structures subject hereof, as shown by a letter dated March 26, 2019, attached as Annex "C" and made an integral part hereof;

WHEREAS, On April 10, 2019, Albert Patrick B. Deen, acting for City Mayor Richard I. Gomez, sent a letter to Erlinda Maglaoy and Maria Gina B. Tawoy asking that they both vacate the premises on or before May 15, 2019, as shown by a copy of the letter attached as Annex "D" and made an integral part of this Resolution;

WHEREAS, In a letter dated May 10, 2019, the City Mayor received a "Notice to Cease and Desist" from Attys. Sunita G. Doloni and Elimer Teves Espina directing the City from "making demands of vacating the said property and of commencing with the demolition of any structure within the premises". A copy of the letter is appended as Annex "E" and made an integral part hereof;

WHEREAS, The matter was then referred by the City Legal Office to the Presidential Commission for the Urban Poor (PCUP), seeking the issuance of a Certification that the houses belonging to Erlinda Maglaoy and Maria Gina B. Tawoy are not covered by the provisions of RA 7279, as shown by a copy of the letter dated May 28, 2019, attached as Annex "F" and made an integral part of this Resolution;

WHEREAS, In response thereto, the PCUP advised that the Local Housing Board be convened for the purpose of observing the process of administrative demolition, as shown by the letter dated June 17, 2019, attached as Annex "G" and made an integral part of this Resolution;

WHEREAS, Numerous discussions by the Local Housing Board through Atty. Burt J. Pades to Erlinda Maglaoy and Maria Gina B. Tawoy have proved futile, and any progression on the matter has been delayed resulting in further delay to the project to the detriment and inconvenience of the road users;

WHEREAS, The properties belonging to Erlinda Maglaoy and Maria Gina B. Tawoy are identified as Lot Nos. 1 and 2, being portions of the consolidation of Lot Nos. 2223 and 2224 issued in the years 1976 and 1977, and covered by Transfer Certificate of Title Nos. 14983 and 13822, machine copies of the titles are appended as Annexes "H" and "H-1", made integral parts of this Resolution;

WHEREAS, On January 26, 1965, the City Government filed a civil case for Eminent Domain before the then Court of First Instance, 13th Judicial District, Branch V (CFI for brevity) docketed as Special Civil Case No. 711-O. Said expropriation case involved several parcels of land, including subject properties;

WHEREAS, In a Decision dated June 30, 1965, the CFI resolved aforesaid expropriation case in favor of City Government, condemning Lot Nos. 2223 and 222, among others, the dispositive portion of which reads as follows:

"WHEREFORE, the decision is hereby rendered in accordance with the commissioners' report declaring and confirming the authority of the City of Ormoc to expropriate all the parcels of land described above, for the purpose of utilizing the same as a City Government Center where public buildings are to be constructed, hereby fixing the costs of every square meter to be at thirty centavos (P0.30) as reasonable fair market value of the same."

WHEREAS, The aforesated Decision was later affirmed by the Court Appeals, in C.A. G.R. No. 50652-R, on a decision dated May 22, 1979, which became final and executory on June 20, 1979 pursuant to an Entry of Judgment issued by the CA on September 12, 1979, for which the Regional Trial Court, Branch 12 issued an Alias Writ of Execution on August 22, 1983. Copies of the foregoing documents are hereto attached as Annexes "I," "I-1" and "I-2," and made integral parts hereof;

WHEREAS, The City Government of Ormoc, by virtue of the valid exercise of its power of eminent domain, henceforth, became the owner of the subject properties and is entitled to avail of any and all remedies that will remove any cloud on its title;

WHEREAS, upon close and thorough review of the same, this Sanggunian finds that for purposes of fully protecting the interests of the City, the request on the subject Indorsement is deemed to be necessary and meritorious, and further, that the manner chosen upon which the City's interests are to be pursued and protected, is determined to be proper and in order, rendering the request, therefore, deserving of this august Body's prompt and affirmative action;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Vice - Chairman, Committee on Good Government, severally seconded by Roiland H. Villasencio, Eusebio Gerardo S. Penserga, Vincent L. Rama, Peter M. Rodriguez, Gregorio G. Yrastorza III, Lalaine A. Marcos, Esteban V. Laurente, Joan Marbie C. Simbajon; 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 TO FILE AN ACTION WITH THE HONORABLE COURTS RELATIVE TO THE QUIETING/ CANCELLATION OF TRANSFER CERTIFICATE OF TITLE NOS. 14983 AND 13822, AND TO ASK FOR PROVISIONAL REMEDIES AND SUCH OTHER RELIEFS RELATIVE THERETO;

ADOPTED, November 12, 2019.

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 A. Mejia-Romero; the City Assessor; the CPDO, the City Treasurer's Office; the City General Services Office; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;

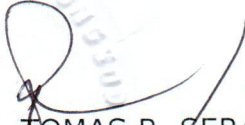


CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panglungsod

ATTESTED:


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

DEMO COPY