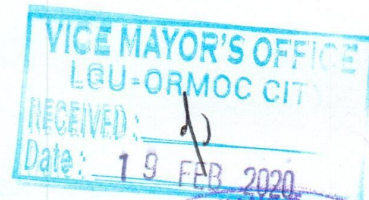
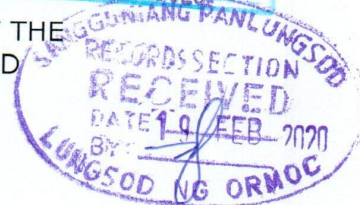


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL  
ON FEBRUARY 18, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.  
Benjamin S. Pongos, Jr.,  
Tomas R. Serafica,  
Nolito M. Quilang,  
Eusebio Gerardo S. Penserga,  
Jasper M. Lucero,  
Peter M. Rodriguez,  
Vincent L. Rama,  
Gregorio G. Yrastorza III,  
Lalaine A. Marcos,  
Esteban V. Laurente,

City Vice Mayor & Presiding Officer  
SP Member, Majority Floor Leader  
SP Member, Presiding Officer "Pro-Tempore"  
SP Member, 2<sup>nd</sup> Asst. Majority Floor Leader  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
Ex-Officio SP Member, Chapter President,  
Liga ng mga Barangay ng Ormoc  
Ex-Officio SP Member, Chapter President,  
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Roiland H. Villasencio,

(O.B. - Cebu City),  
SP Member, 1<sup>st</sup> Asst. Majority Floor Leader

**RESOLUTION NO. 2020-058**

**A RESOLUTION GRANTING AUTHORITY TO THE CITY  
MAYOR RICHARD I. GOMEZ OR ACTING CITY MAYOR  
TO ENTER INTO AND SIGN THE DEED OF DONATION  
FOR AND IN BEHALF OF THE LOCAL GOVERNMENT  
UNIT OF ORMOC CITY (LGU-ORMOC), AS DONEE,  
WITH DEPARTMENT OF TRANSPORTATION, AS  
DONOR, OF A TWENTY FOOT (20-FT) REEFER  
CONTAINER VAN IDENTIFIED AS EQUIPMENT  
NUMBER MWCU5622717 TO BE USED IN SERVICE  
PROGRAMS AND OTHER LAWFUL PURPOSES.**

WHEREAS, the 15<sup>TH</sup> Sangguniang Panlungsod ng Ormoc received an endorsement letter from the Office of the City Mayor on February 13, 2020 for consideration of the request for the issuance of a Resolution granting authority to the City Mayor to enter and sign a Deed of Donation to be entered into by and between the Local Government Unit of Ormoc City (DONEE) and Department of Transportation (DONOR) of a Twenty Foot (20-FT) Reefer Container Van Identified as Equipment Number MWCU5622717 to be used in service programs and other lawful purposes, a copy of the Deed of Donation is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, the DONOR, pursuant to Executive Order No. 125-A, Series of 1987, as amended, is the primary policy planning, programming, coordinating, implementing, and administrative entity of the executive branch of the government on the promotion, development and regulation of a dependable and coordinated network of transportation systems, as well as in the fast, safe, efficient and reliable transportation services;



WHEREAS, the DONOR, pursuant to Executive Order No. 125-A, Series of 1987, has the power to establish and administer comprehensive and integrated program for transportation and communications, and for its purpose, may call on any agency corporation, or organization, whether public or private, whose development progress include transportation and communications, as an integral part thereof, to participate and assist in the preparation and implementation of such programs;

WHEREAS, the DONEE, pursuant to Section 22 and 23 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (LGC), as a corporation have the power to acquire and convey real or personal property including negotiating or securing financial grants or donations in kind, in support of the basic services or facilities enumerated under Section 17 of LGC, from local and foreign assistance agencies, upon authority of the Sangguniang Bayan/Panlungsod;

WHEREAS, the DONEE is in need of a reefer container for the use of its many service programs;

WHEREAS, this donation is being made in accordance with Section 776 of Presidential Decree No. 1445 (PD 1445) which states that any government property that is no longer serviceable or needed by the agency to which it belongs may be transferred without cost, or at an appraised value, to other agencies of the government upon the authority of the respective heads agencies in the national government, or of the governing bodies of government-owned and controlled corporations, other self-governing boards or commissions of the government, or of the local legislative bodies for local government units concerned;

WHEREAS, Section 5 of the General Provisions of Republic Act No. 10964, otherwise known as the General Appropriations Act for Fiscal Year 2019, provides that Departments, Bureaus and Offices of the national Government, including Constitutional Offices enjoying fiscal autonomy and SUCs may accept donations, contributions, grants, bequests or gifts, in cash or in kind, from various sources, domestic or foreign, for purposes relevant to their functions. Receipts from donations, whether in cash or in kind, shall be accounted for in the books of the donee-government agency in accordance with accounting and auditing rules and regulations;

WHEREAS, upon close and thorough review, this Sanggunian finds that the aforementioned Deed of Donation is advantageous and for the best interest of the City and its inhabitants therefore meriting this august Body's full support 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 Tomas R. Serafica, Nolito M. Quilang, Jasper M. Lucero, Eusebio Gerardo S. Penserga, Peter M. Rodriguez, Vincent L. Rama, Gregorio G. Yrastorza III, Esteban V. Laurente and 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 ACTING CITY MAYOR TO ENTER INTO AND SIGN THE DEED OF DONATION FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC), AS DONEE, WITH DEPARTMENT OF TRANSPORTATION, AS DONOR, OF A TWENTY FOOT (20-FT) REEFER CONTAINER VAN IDENTIFIED AS EQUIPMENT NUMBER MWCU5622717 TO BE USED IN SERVICE PROGRAMS AND OTHER LAWFUL PURPOSES;

ADOPTED, February 18, 2020.



Res. No. 2020-058

RESOLVED FURTHER, that copies of this resolution be furnished each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine M. Romero; the City General Services Office; the OIC-Undersecretary for Administrative Service, (DOTr), Atty. Artemio U. Tuazon, Jr.; the City Local Government Operations Officer, DILG; and all other offices concerned for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.

  
MARIA ANTONIETA G. CO HAT  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
City Vice Mayor & Presiding Officer

Annex "X"

DEED OF DONATION  
KNOW ALL MEN BY THESE PRESENTS:

This DEED, may and executed by and between:

**DEPARTMENT OF TRANSPORTATION (DOTr)**, a government agency organized and existing under and by virtue of Philippine Laws with office address at Apo Court Corner, Sergio Osmeña Street, Clark Freeport Zone, Pampanga, represented by its OIC Undersecretary for Administrative Service, **ATTY. ARTEMIO U. TUAZON, JR.**, hereinafter referred to as the **DONOR**;

- AND -

**CITY GOVERNMENT OF ORMOC**, a government agency organized and existing under and by virtue of Philippine Laws with office address at New Ormoc City Hall, Ormoc City, Leyte, represented by its Mayor, **Richard I. Gomez, DPA**, hereinafter referred to as the **DONEE**;

WITNESSETH,

That the **DONOR**, pursuant to Executive Order No. 125-A, Series of 1987, as amended, is the primary policy planning, programming, coordinating, implementing, and administrative entity of the executive branch of the government on the promotion, development and regulation of a dependable and coordinated network of transportation systems, as well as in the fast, safe, efficient and reliable transportation services.

That the **DONOR**, pursuant to Executive Order No. 125-A, Series of 1987, has the power to establish and administer comprehensive and integrated program for transportation and communications, and for its purpose, may call on any agency corporation, or organization, whether public or private, whose development progress include transportation and communications, as an integral part thereof, to participate and assist in the preparation and implementation of such programs;

That the **DONEE**, pursuant to Section 22 and 23 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (LGC), as a corporation have the power to acquire and convey real or personal property including negotiating or securing financial grants or donations in kind, in support of the basic services or facilities enumerated under Section 17 of LGC, from local and foreign assistance agencies, upon authority of the Sangguniang Bayan/Panglungsod;

That the **DONEE** is in need of a reefer container for the use of its many service programs;

Not contrary to laws, public

policy, moral  
That this donation is being made in accordance with Section 776 of Presidential Decree No. 1445 (PD 1445) which states that any government property that is no longer serviceable or needed by the agency to which it belongs may be transferred without cost, or at an appraised value, to other agencies of the government upon the authority of the

BY: Atty. Josephine A. Dela Cruz DATE: 2017/02/02



respective heads agencies in the national government, or of the governing bodies of government-owned and controlled corporations, other self-governing boards or commissions of the government, or of the local legislative bodies for local government units concerned;

That Section 5 of the General Provisions of Republic Act No. 10964, otherwise known as the General Appropriations Act for Fiscal Year 2019, provides that Departments, Bureaus and Offices of the national Government, including Constitutional Offices enjoying fiscal autonomy and SUCs may accept donations, contributions, grants, bequests or gifts, in cash or in kind, from various sources, domestic or foreign, for purposes relevant to their functions. Receipts from donations, whether in cash or in kind, shall be accounted for in the books of the donee-government agency in accordance with accounting and auditing rules and regulations.

That the DONOR affirms that this donation is not made with intent to defraud its creditors and that sufficient funds and property are reserved for the DONOR and its obligations;

That the DONEE hereby receives and accepts the abovementioned gift/donation made by the DONOR and further express its gratefulness for the kindness and generosity of the DONOR;

That for and in consideration of the above premises, the DONOR, the lawful owner of the reefer container, hereby voluntarily GIVES, TRANSFERS AND CONVEYS by way of donation unto the DONEE the aforementioned property subject of donation and more particularly described as:

**One (1) Unit Reefer Container**  
**Equipment Number: MVVCU5622717**  
**20-foot Reefer Container (Palamigan ng Bayan)**

Subject to the following terms and condition:

1. The DONOR affirms delivery of the above described property to the area designated by the DONEE;

2. The DONEE shall provide a generator supply for the reefer container to serve as its main source of power supply;

3. The DONEE shall ensure that the use of the reefer container would not be profit-oriented service, and shall all the time make it available for use by the fisheries sector, provided that, it is in a working condition;

4. The DONEE undertakes to shoulder all expenses and other related charges for the transfer/registration thereof, if necessary;

Page 2 | 4

ORMOC CITY ENGINEER

Approved

Separate Office

Drafted by CLO

Not contrary to the transfer policy, moral.

Ammendments/Revisions

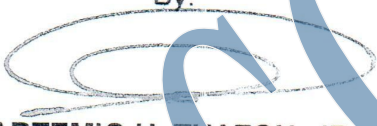
BY: Asst. Josephine A. ... DATE: 2/13/2020

5. The DONEE further undertakes to shoulder the expenses for the regular general maintenance and repair of the container as may be necessary from the date of receipt and onwards;
6. The DONEE shall shoulder the Donor's Tax, customs duties, tariffs, other revenue taxes and all other applicable/related taxes, costs and related expenses in relation to abovementioned Donation, if any.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed this \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_\_, Philippines.

**DEPARTMENT OF TRANSPORTATION  
DONOR**

By:

  
**ARTEMIO U. TUAZON, JR.**  
OIC Undersecretary for Administrative Service


**ACCEPTED:  
CITY GOVERNMENT OF ORMOC  
DONEE**

By:

**RICHARD I. GOMEZ, DBA**  
Mayor

Signed in the Presence of:

2. \_\_\_\_\_

REVIEWED	
ORMOC CITY LEGAL OFFICE	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Separate Opinion
<input checked="" type="checkbox"/>	Drafted by CLO
<input checked="" type="checkbox"/>	Not contrary to laws, public policy, moral.
<input type="checkbox"/>	Amendments/Revisions
BY: 	DATE: <u>2/13/2020</u>



ACKNOWLEDGEMENT

(Republic of the Philippines)  
City of \_\_\_\_\_ S.S.

Before me, this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared the abovenamed persons with their identification cards their photographs and signatures with details as follows:

**ARTEMIO U. TUAZON, JR.**  
**RICHARD I. GOMEZ, DPA**

Known to me to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their own free act and voluntary act and deed and that of the offices they each represent.

SIGNED AND SEALED on the date and place first above written.

NOTARY PUBLIC

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 2020.

REVIEWED
ORMOC CITY LEGAL OFFICE
Approved _____
Separate Opinion _____
Drafted by CLO _____
Not contrary to laws, public policy, moral. _____
Amendments/Revisions _____
By: <u>Josephine A. [Signature]</u> DATE: <u>4/13/2020</u>
City Legal Officer

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