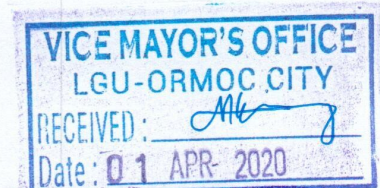
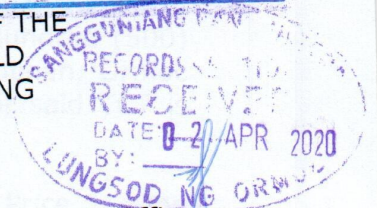


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE MULTI-PURPOSE HALL, ORMOC CITY HALL BUILDING
ON MARCH 31, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.
Roiland H. Villasencio,
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, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member, 2nd Asst. Majority Floor Leader

SP Member
SP Member
SP Member
SP Member
SP Member
SP Member

Joan Marbie C. Simbajon,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Sangguniang Kabataan ng Ormoc

ON LEAVE:

Benjamin S. Pongos, Jr.,

SP Member, Majority Floor Leader

RESOLUTION NO. 2020-097

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR ACTING CITY MAYOR,
FOR AND ON BEHALF OF LOCAL GOVERNMENT UNIT
OF ORMOC CITY (LGU-ORMOC) AS VENDEE, TO ENTER
INTO AND SIGN THE CONTRACT TO SELL WITH
JONATHAN A. AVILES AS VENDOR OVER A PARCEL OF
LAND EQUIVALENT TO FIVE HUNDRED (500) SQUARE
METERS IN BRGY. CABULIHAN, THIS CITY, FOR THE
CONSTRUCTION OF EVACUATION CENTER/COVERED
COURT.**

WHEREAS, the City Mayor Richard I. Gomez through an Indorsement dated December 2, 2019 forwarded to this august Body a request for an issuance of a Resolution granting the City Mayor or his representative, the authority to enter into and sign the attached Contract to Sell made and entered into by and between the Local Government Unit of Ormoc (LGU-ORMOC) as vendee and Jonathan A. Aviles as vendor over a parcel of land containing an area of Five Hundred (500) square meters situated in Brgy. Cabulihan, Ormoc City, a copy of the Contract to Sell is hereto attached as Annex "A" 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, in an Opinion dated November 27, 2019, the City Legal Officer, Atty. Josephine A. Mejia-Romero, forwarded to the Office of the City Mayor that the same is not contrary to law, customs, or public policy, further recommending, that the same be referred to the Sangguniang Panlungsod for the issuance of a Resolution authorizing the City Mayor to execute the said Contract to Sell, a copy of the Opinion is hereto attached as Annex "B" and made an integral part hereof;

ADOPTED, March 31, 2020.

RESOLVED, FURTHER, that a copy of the final notarized Contract 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, Engr. Arthur C. Arcuino; the Vendor, Mr. Jonathan A. Aviles; the CPDO; the CGSO; the CDRMO; 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
Secretary to the
Sangguniang Panlungsod

ATTESTED:


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

- "Annex A"

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

JONATHAN A. AVILES, of legal age, Filipino, married to Jovie A. Aviles, and a resident of Brgy. Can- Adieng. Ormoc City, hereinafter referred to as the VENDOR;

- AND -

THE LOCAL GOVERNMENT UNIT OF ORMOC, a juridical entity 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, VENDOR is the owner of a parcel of land located in Brgy. Cabulihan, Ormoc City, identified as Lot No. 7961- A- 4, covered by Transfer Certificate of Title No. T- 54479;

WHEREAS, the parties have herein agreed to the purchase by the VENDEE of a portion of the mentioned property, subject to the following terms and conditions:

1. That the lot subject of the sale is hereunder identified as:
Lot No.: 7961- A- 4
Area: A portion FORTY THOUSAND ONE (40,001) square meters, equivalent to FIVE HUNDRED (500) square meters,
Transfer Certificate of Title No. T- 54479
Location: Cabulihan, Ormoc City
2. That the Contract Price is one thousand pesos (Php 1,000.00) 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 five hundred thousand pesos (Php 500,000.00);

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 agrees 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 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.

JONATHAN A. AVILES

WITH MY MARITAL CONSENT:

JOVIE A. AVILES

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
Joanthan A. Aviles	
Jovie A. Aviles	
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 2019.

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

JONATHAN A. AVILES, of legal age, Filipino, married to Jovie A. Aviles, and a resident of Brgy. Can- Adieng, Ormoc City, hereinafter referred to as the VENDOR;

- AND -

THE LOCAL GOVERNMENT UNIT OF ORMOC, a juridical entity 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, VENDOR is the owner of a parcel of land located in Brgy. Cabulihan, Ormoc City, identified as Lot No. 7961- A- 4, covered by Transfer Certificate of Title No. T- 54479;

WHEREAS, the parties have herein agreed to the purchase by the VENDEE of a portion of the mentioned property, subject to the following terms and conditions:

1. That the lot subject of the sale is hereunder identified as:
Lot No.: 7961- A- 4
Area: A portion FORTY THOUSAND ONE (40,001) square meters, equivalent to FIVE HUNDRED (500) square meters;
Transfer Certificate of Title No. T- 54479
Location: Cabulihan, Ormoc City
2. That the Contract Price is one thousand pesos (Php 1,000.00) 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 five hundred thousand pesos (Php 500,000.00);

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 agrees 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 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.

JONATHAN A. AVILES

WITH MY MARITAL CONSENT:

JOVIE A. AVILES

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
Joanthan A. Aviles	
Jovie A. Aviles	
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 2019.

Annex B =

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

November 27, 2019

MAYOR RICHARD I. GOMEZ
Ormoc City

Mayor Gomez:



Forwarding to your office, the proposed Contract to Sell that was referred to this office for drafting and preparation (Jonathan Aviles, TCT No. T- 54479). 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 execute the Contract to Sell, to include the Deed of Sale that will be executed subsequent thereto and upon compliance with all conditions as contained in said Contract to Sell. It is further recommended that the needed certificate as to availability of funds first be secured prior to referral to the council.

For your consideration.

Most Respectfully,

JOSEPHINE A. MEJIA-ROMERO
City Legal Officer

ATTACHMENTS:

1. Contract to Sell (emailed to lquormocmo@gmail.com ATTN: CPM, Cabutan DAS, November 27, 2019);
 2. Certification dated October 31, 2019 issued by the CPDO;
 3. Transfer Certificate of Title No. T- 54479;
 4. Sketch Plan;
 5. Appraisal Report dated July 25, 2019.
- NOTHING FOLLOWS.

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

Annex C =

No. 0010205646 REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY

REGISTRY OF DEEDS FOR THE ORMOC CITY

Transfer Certificate of Title

No. T-54479

type
T-54479

IT IS HEREBY CERTIFIED that certain land located in the ORMOC CITY

bounded and described as follows:

A parcel of land designated as Lot 7961-A-4 of the subdivision plan, Red-00-000000-D, being a portion of Lot 7961-A, 64-08-011586-D (AR) situated in Brgy. of Cabuliban, City of Ormoc, Island of Leyte. Bounded on the NE, along line 6-7 by Lot 7961-A-3 of the subdivision plan; on the SE, along line 7-8 & 8-9 by Lot 7961-A-5 of the subdivision plan; on the SW, along line 9-10 by Lot 7961-A-6 of the subdivision plan; and on the NW, along lines 10-1, 1-6 by Lot 7961-A-7 of the subdivision plan. Beginning at a point marked "1" on plan being N 01 deg. 03'E., 442.57 m. from BHM No. 12, Ormoc Cad. 256; thence N 63 deg. 13'E., 2.17 m. to point 2; thence N 02 deg. 16'W., 21.06 m. to point 3; thence S 69 deg. 05'W., 6.82 m. to point 4; thence S 16'W., 21.06 m. to point 5; thence S 69 deg. 05'W., 6.82 m. to point 6; thence N 02 deg. 16'W., 21.06 m. to point 7; thence N 63 deg. 13'E., 2.17 m. to point 8; thence N 01 deg. 03'E., 442.57 m. to point 1. This certificate is a transfer from the Property Registration Decree in the name of

JONATHAN A. AVILES, of legal age, Filipino and married;

as owner thereof in fee simple, subject to such of the encumbrances mentioned in Section 44 of said Decree as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 9th day of February, 1947, in the last hundred and forty in the Registration Book of the Office of the Register of Deeds of Leyte, Volume 714880, page 2319, as Original Certificate of Title No. 2319, pursuant to Decree No. 714880, issued in L.R.C. Central Record No. 1753, in the name of T. A. This certificate is a transfer from the Certificate of Title No. 243323, which is cancelled by virtue hereof, as to the above-described land is concerned.

Executed at ORMOC CITY
Philippines, on the 2nd day of December
in the year two thousand and TEN
at 2:00 p.m.

ATTEST

Ormoc City, Philippines
(Owner's position)

ARTURO P. SUAREZ
(Register of Deeds)

*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman, state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.

It is hereby certified that this is a true electronic copy of TCT T-54479 on file in Registry of Deeds of Ormoc City, which consists of 4 page(s). This is a system generated Certified True Copy, and does not require a manually-affixed signature. Printed at Registry of Deeds of Ormoc City. Requested By: MA. HIERA MONTERO

Ref. No. : 2019001825 OR No. : 1018227586
Date : 04/03/2019 OR Date : Apr 3 2019
Time : 02:45:17 PM Amt : 546 70

This title is subject of an on-going transaction with
Entry No. 2019000142 and Entry Date: Jan 24 2019 1:52PM,
Entry No. 2019000143 and Entry Date: Jan 24 2019 1:58PM

(When necessary use this page for the continuation of the technical description)

Entry No.

69 deg. 52'W., 18.07 m. to point 3; thence N 41 deg. 49'W., 58.82 m. to point 6; thence N 87 deg. 29'E., 265.64 m. to point 7; thence S 08 deg. 53'E., 74.59 m. to point 8; thence S 60 deg. 07'E., 142.54 m. to point 9; thence S 86 deg. 50'W., 352.68 m. to point 10; thence N 05 deg. 12'E., 90.60 m. to point of beginning, containing an area of FORTY THOUSAND ONE (40,001) SQUARE METERS, more or less. All points referred to are indicated on plan and marked on the ground as follows: Points 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 by P.S. Cyl. conc. Mon. 15 x 60 cm.; Bearings True; Date of original survey, March 1935 and that of the subdivision plan survey executed by Geodetic Engineer, Diosdado N. Lazaro, August 14, 2003. Date of approval by the ARRED for Operations, DENR, Region 08, Tacloban City on September 26, 2003.

ARTURO P. SUAREZ
Register of Deeds

Entry No. 1186-Liabilities-To creditors, heirs or other persons who might be unlawfully deprived of his share or participation in the estate of the deceased, Antonio C. Aviles as summarily settled within a period of two years in accordance with sec. 4, Rule 74 of the Rules of Court.

Date on instrument - - - Oct. 22, 2003
Date of inscription - - - Dec. 02, 2010

ARTURO P. SUAREZ
Register of Deeds

XXX	NOTHING FOLLOWS	XXX
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE JUN 29 2011 BY SP11A/ATIS.		

(Memorandum of Encumbrances continued on Page-B)
(Technical Description continued on Additional Sheet Page-)

Register of Deeds

It is hereby certified that this is a true electronic copy of TCT T-54479 on file in Registry of Deeds of Ormoc City, which consists of 4 page(s). This is a system generated Certified True Copy, and does not require a manually-affixed signature. Printed at Registry of Deeds of Ormoc City. Requested By: MA. HIERA MONTERO

Ref. No. : 2019001825 OR No. : 1018227586
Date : 04/03/2019 OR Date : Apr 3 2019
Time : 02:46:17 PM Amt : 546.70

This title is subject of an on-going transaction with
Entry No. 2019000142 and Entry Date: Jan 24 2019 1:52PM,
Entry No. 2019000143 and Entry Date: Jan 24 2019 1:58PM

(Continuation of the Memorandum of Encumbrances from Page A)

(Continued on Page -C)

Register of Deeds

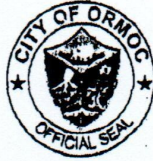
Page 4

75170 14

(Continuation of the Memorandum of Incumbrances from Page 1)

DEMO COPY

(Continued on Additional Sheet) Page _____ Register of Deeds



REPUBLIC OF THE PHILIPPINES
ORMOC CITY

MEMORANDUM:

FOR: HON. BONIFACIO H. MENDOZA
Punong Barangay, Barangay Cabulihan, Ormoc City

FROM: APPRAISAL COMMITTEE
Composed of City Assessor, City Engineer and City
Planning and Development Officer

SUBJECT: APPRAISAL REPORT
Portion of Lots 7961-B & 7961-A-4 of Jonathan Aviles Et Al,
situated in Brgy. Cabulihan, Ormoc City.

DATE: July 25, 2019

I. GENERAL

The term **Fair Market Value** is defined as the estimated amount for which property should exchange on the date of valuation 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. This 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. 56 dated December 10, 2018. It is tasked with the duty to determine the appraised value of a portion of a real property owned by the Jonathan Aviles Et Al sought to be used by the

"Annex E"

SKETCH PLAN

OF

PORTION OF LOT
7961-A-4

AS PREPARED FOR

BRGY. CABULIHAN

SITUATED IN THE

BARANGAY OF CABULIHAN
MUN. / CITY OF ORMOG
PROVINCE OF LEYTE
ISLAND OF LEYTE

Containing an area of 500 sq. m.

BEARINGS TRUE
SCALE 1: 400

This is to certify that this is true and correct plan of

(Certified Correct)

CEASARIN P. PABLAN

Geomatic Engineer

Licence No. 6459968 Date: 01-05-18

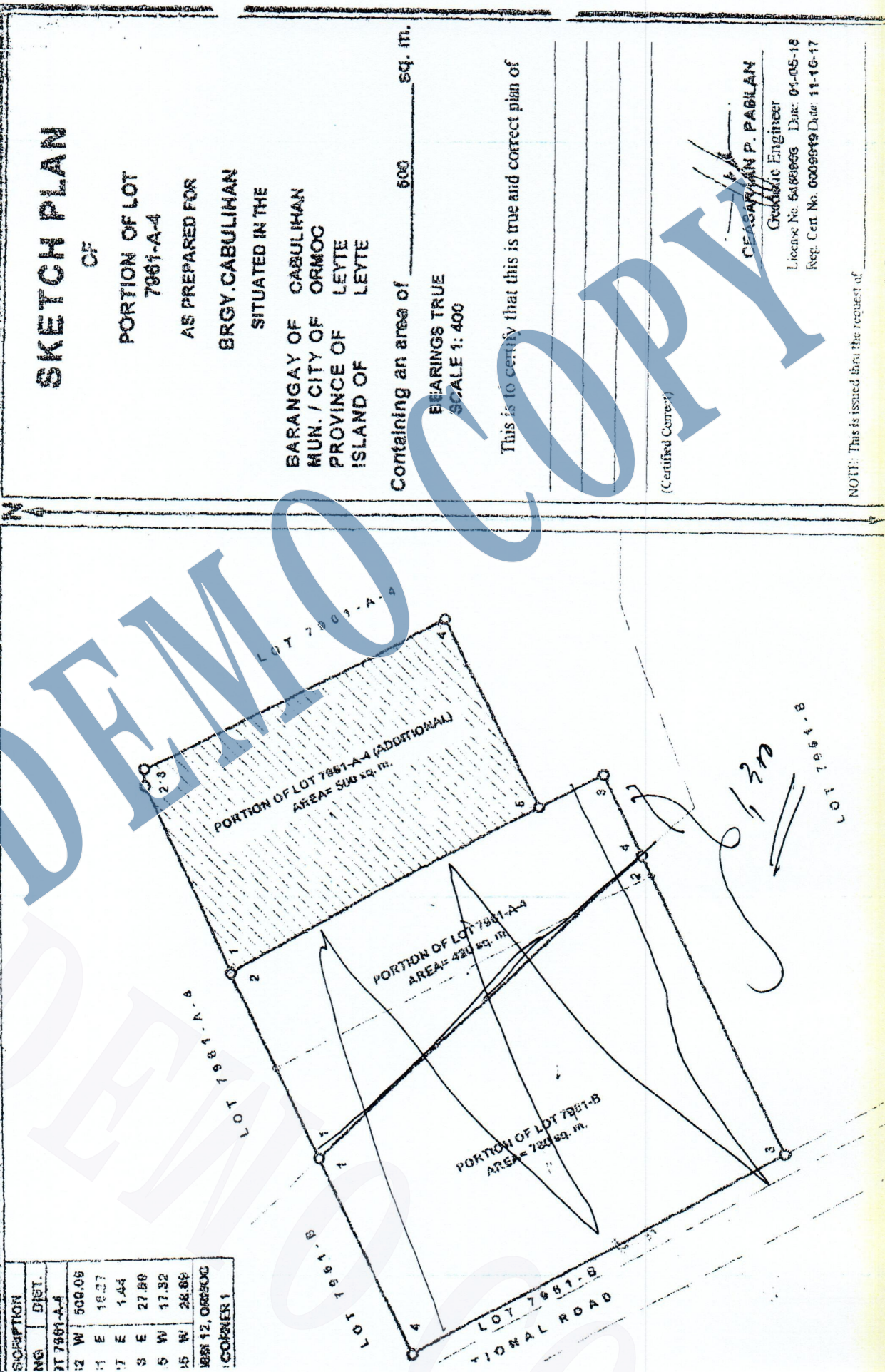
Reg. Cert. No. 00000019 Date: 11-10-17

NOTE: This is issued thru the request of

for Reference not for Registration Purposes.

DESCRIPTION	ABNO.	DIST.
FLAT 7961-A-4		
2 32 W	500.08	
4 41 E	16.27	
7 27 E	1.44	
8 13 E	27.89	
13 15 W	17.32	
16 45 W	28.89	
IN 2886 12, ORMOG		
TO CORNER 1		





NO.	DESCRIPTION
1	7861-A-4
2	W 509.08
3	E 16.27
4	E 1.44
5	E 27.58
6	W 17.32
7	W 28.89
8	12, 0850G
9	CORNER 1

SKETCH PLAN

OF
PORTION OF LOT
7861-A-4
AS PREPARED FOR
BRGY. CABULIHAN
SITUATED IN THE
BARANGAY OF CABULIHAN
MUN. / CITY OF ORMOG
PROVINCE OF LEYTE
ISLAND OF LEYTE

Containing an area of 500 sq. m.

BEARINGS TRUE
SCALE 1: 400

This is to certify that this is true and correct plan of

(Certified Correct)

CEASAR P. PABLAN
Geomatic Engineer
License No. 6489693 Date: 04-05-18
Reg. Cert. No. 0309949 Date: 11-10-17

NOTE: This is issued thru the request of