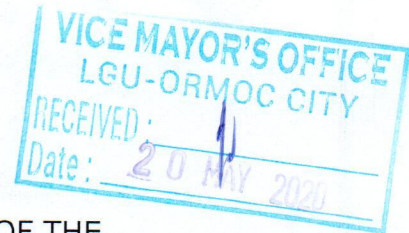


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON MAY 19, 2020

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member, 1 st Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
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

RESOLUTION NO. 2020-140

**AN OMNIBUS RESOLUTION GRANTING AUTHORITY TO
THE CITY MAYOR RICHARD I. GOMEZ OR THE
ACTING CITY MAYOR TO ENTER INTO AND SIGN
CONTRACTS TO BUY AND SELL, AND THE DEEDS OF
ABSOLUTE SALE, RELATIVE TO THE PROPOSED
ACQUISITION OF LANDS ALL LOCATED IN BRGYS.
ALEGRIA AND BATUAN.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated April 17, 2020 from the Office of the City Mayor, endorsing a request for the issuance of an Omnibus Resolution granting the City Mayor or the Acting City Mayor the authority to enter into and sign Contracts to Buy and Sell, and the Deeds of Absolute Sale subsequent thereto, 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 a Letter dated March 30, 2020, the City Legal Office recommends that the Contracts to Buy and Sell be referred to the Sangguniang Panlungsod for the issuance of an Omnibus Resolution authorizing the City Mayor or Acting City Mayor to sign the Contracts to Buy and Sell, and the Deeds of Absolute Sale subsequent thereto subject to the following conditions:

- a. Upon submission of all documents needed to process and release the proceeds and transfer title (Special Power(s) of Attorney, Certified Copy of Title, Death Certificate(s), Birth Certificate(s), Birth Certificate(s), etc.);

- b. Upon compliance with all of the conditions set forth in the Contracts to Buy and Sell.

WHEREAS, the VENDORS are the registered owners of certain parcels of land identified as Lot Nos. 2468 and 2455-A both located in Brgy. Alegria, Ormoc City, covered by Transfer Certificate of Title Nos. 27278 and TP-384, and Lot Nos. 2458, 2452, 2451, 2457, and Lot 1 all located in Brgy. Batuan covered by Transfer Certificate of Title Nos. 54674, 18068, and 37771, and Tax Declaration Nos. 00006-00036 and 00006-00063 respectively;

WHEREAS, the Local Government Unit of Ormoc, the VENDEE, has an ongoing road widening project in Brgys. Alegria and Batuan, Ormoc City which will affect and pass through the aforesaid lots;

WHEREAS, the road widening project is intended for public purpose in order to make the narrow roads accessible to vehicles running on opposite directions and to vehicles providing emergency services such as fire trucks, ambulances, and others;

WHEREAS, the VENDORS, cognizant of the noble and laudable intention of the project, hereby expressed their willingness to convey and sell a portion of their lot to the VENDEE devoted to the said public purpose;

WHEREAS, the VENDEE is interested to purchase a piece of land owned by the VENDORS located in Brgys. Alegria and Batuan for the road widening project in the area;

WHEREAS, the Contract Price is Four Thousand Philippine Pesos (PHP4,000.00) 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 Nine Hundred Ninety-Six Thousand Philippine Pesos (PHP996,000.00) for 249 square meters;

WHEREAS, the said purchased property 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 February 8, 2019, the recommended appraised value of the aforesaid lots should not be more than Four Thousand Philippine Pesos (Php4,000.00) per square meter, a copy of said Memorandum is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, the City General Services Office (CGSO) has forwarded a copy of the Sketch Plan of the aforementioned parcels of land which is the subject matter of such Contracts to Sell located at Brgys. Alegria and Batuan, Ormoc City, a copy of the said Sketch Plan is hereto attached as Annex "C" 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 is not contrary to law, existing contract, public policy, customs and morals; is reasonable and in order; the same is 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 the ongoing developmental progress of the City and henceforth, deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on joint motion of SP Member Roiland H. Villasencio, Chairman, Committee on Public Properties and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws & Ordinances, severally seconded by SP Members Tomas R. Serafica, Vincent L. Rama, Gregorio G. Yrastorza III, Lalaine A. Marcos, Esteban V. Laurente and Joan Marbie C. Simbajon; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass AN OMNIBUS RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN CONTRACTS TO BUY AND SELL, AND THE DEEDS OF ABSOLUTE SALE, RELATIVE TO THE PROPOSED ACQUISITION OF LANDS ALL LOCATED IN BRGYS. ALEGRIA AND BATUAN;


ADOPTED, May 19, 2020.

RESOLVED, FURTHER, that a copy of the final notarized Contracts to Sell and Deeds of Absolute Sale 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 City Budget Officer; the City Accountant; the City Treasurer; the City Assessor; the City Planning & Development Coordinator; the City Auditor; the Vendors; 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 Panlungsod

ATTESTED:


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

CONTRACT TOSELL

KNOW ALL MEN BY THESE PRESENTS:

This **CONTRACT** is made and entered into by and between:

NAME OF VENDOR, of legal age, Filipino, **CIVIL STATUS**, and a resident of _____, 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**, hereinafter referred to as the "**VENDEE**".

WITNESSETH: THAT -

WHEREAS, the **VENDOR** is the registered owner of a parcel of land identified as Lot No. _____ located in Brgy. Batuan, Ormoc City, covered by Transfer Certificate of Title No. _____;

WHEREAS, the **VENDEE** has an ongoing road widening project in Brgy. Batuan, Ormoc City which will affect and pass through the aforesaid lot.

WHEREAS, the road widening project is intended for public purpose in order to make the narrow roads accessible to vehicles running on opposite directions and to vehicles providing emergency services such as fire trucks, ambulances and others;

WHEREAS, the **VENDOR**, cognizant of the noble and laudable intention of the project, hereby expressed her willingness to convey and sell a portion of her lot to the **VENDEE** devoted to the said public purpose;

WHEREAS, the **VENDEE** is interested to purchase a piece of land owned by the **VENDOR** located in Brgy. Batuan for the road widening project in the area;

WHEREAS, the **VENDEE** has offered to buy a portion of the **VENDOR'S** lot devoted to the ongoing road widening project in the area totaling an area of _____ **SQUARE METERS**, 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.: _____
Area: _____ **SQUARE METERS**
Transfer Certificate of Title No. _____
Tax Declaration No. _____
Location: Brgy. Batuan, Ormoc City

2. That the Contract Price is **FOUR THOUSAND PESOS (P4,000.00)** 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 _____ **PESOS (Php_____)** for _____ **SQUARE METERS**;

3. That the **VENDOR** agree to **SELL** to the **VENDEE** the property subject of this Contract.

4. That the consideration of this Contract, the **VENDEE** shall process the disbursement voucher for the release of the amount due under this contract, as follows:

a. That upon signing of this Contract, the **VENDEE** shall process the disbursement voucher for the release of the amount due under this contract, as follows:

- a.1. **FIFTY PERCENT (50%)** of the consideration shall be released, to wit:
- a.2. The amount for the settlement of estate taxes due on the property shall be paid directly by the **VENDEE** to the Bureau of Internal Revenue (Ormoc City); **(WHEN APPLICABLE)**
- a.3. Upon production of proof of payment of the estate taxes, the remaining amount of **FIFTY PERCENT (50%)** of the consideration shall be paid by the **VENDEE** to the **VENDOR**. **VENDEE** shall then be entitled to enter and take and possession of the property subject of this agreement. **(WHEN APPLICABLE)**
- a.4. **VENDEE** shall be charged with processing and securing the necessary clearance on the estate tax due on the property. **(WHEN APPLICABLE)**

b. That upon receipt of **FIFTY PERCENT (50%)** of the Contract Price, the **VENDOR** shall sign and execute a Deed of Absolute over the property subject of this contract in favor of the **VENDEE**, and the acknowledgement receipt of total amount;

c. 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**;

d. That after **VENDOR**s hall secure the necessary documents and comply with all the necessary requirement for the transfer of title to the name of the **VENDEE**;

e. 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 ___ day of May 2019 in Ormoc City, Leyte, Philippines.

(VENDOR)

LOCAL GOVERNMENT UNIT OF ORMOC
(VENDEE)

Represented by:

RICHARD I. GOMEZ
City Mayor



REPUBLIC OF THE PHILIPPINES
ORMOC CITY

MEMORANDUM:

FOR: HON. RICHARD I. GOMEZ
City Mayor

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

SUBJECT: Appraisal Report of Portions:

1. Lot 2468, Ormoc Cadastre No. 256
2. Lot 2455-A, Psd-29901
3. Lot 2458, Ormoc Cadastre No. 256
4. Lot 2457, Ormoc Cadastre No. 256
5. Lot 2452, Ormoc Cadastre No. 256
6. Lot 2451, Ormoc Cadastre No. 256
7. Lot 1

DATE: February 8, 2019

I. GENERAL

The term **Fair Market Value** is defined as the estimated amount which property should exchange on the same 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 or 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 real properties being offered for sale to the City Government of Ormoc or which the City wishes to purchase for widening of the Road Right of Way access from Alegria-Batuan Reclamation Site to War Veterans Avenue.

III. PROPERTY IDENTIFICATION, LOCATION AND OWNERSHIP

The above subject property has been surveyed and is identified as follows:

Parcel 1:

Lot 2468 of Ormoc Cadastre No. 256, situated in Barangay Alegria, Ormoc City, containing an area of Two Hundred Twenty Seven (227) square meters and covered by Transfer Certificate of Title No. 27278 and registered in the name of Sps. Josue Bacolod Jr. and Fe Bacolod.

Parcel 2:

Lot 2455-A, Psd-29901, situated in Barangay Alegria, Ormoc City, containing with an area of Two Hundred Seventy Five (275) square meters, situated at Barangay Alegria, Ormoc City and covered by Transfer Certificate of Title No. TP-384 and registered in the name of Fe Trinidad.

Parcel 3:

Lot 2458 of Ormoc Cadastre, situated in Barangay Batuan, Ormoc City with an area of One Hundred Eighty Eight (188) square meters and covered by Transfer Certificate of Title No. 54674 and registered in the name of Ann A. Oyonoyon.

Parcel 4:

Lot 2457 of Ormoc Cadastre, situated in Barangay Batuan, Ormoc City with an area of One Hundred Twenty Five (125) square meter, covered by Tax Declaration No. 00006-00036 and registered in the name of Generosa Patenio.

Parcel 5:

Lot 2452 of Ormoc Cadastre, situated in Barangay Batuan, Ormoc City with an area of One Hundred Nine (109) Square Meters, covered by Transfer Certificate of Title No. 18068 and registered in the name of Florcipida Jamolin.

Parcel 6:

Lot 2451 of Ormoc Cadastre, situated in Barangay Batuan, Ormoc City with an area of One Hundred Eleven (111) Square Meters, covered by Transfer Certificate of title No. 37771 and registered in the name of Carmelito Gonzaga.

Parcel 7:

Lot 1 (Public Land), situated in Barangay Batuan, Ormoc City with an area of One Hundred Eighty Five (185) Square Meters, covered by Tax Declaration No. 00006-00063 occupied by Sps. Jay Canonigo and Elizabeth Dales.

IV. LAND CLASSIFICATION, IMPROVEMENTS AND GENERAL CONDITION

The above subject properties are classified as residential land and are along a right of way.

V. NEIGHBOURHOOD DATA

The property is located in an area where the land development is residential.

Within the vicinity of the site are the Alegria-Batuan Elementary School Barangay Batuan Covered Court and Batuan Barangay Hall.

VI. COMMUNITY FACILITIES AND UTILITIES

Electric power facilities are available within the vicinity of the site. Water supply is also available within the vicinity.

Public transportation connecting to the City Proper and to the site is accessible by any motor vehicle.

VII. GOVERNMENT/BANK ASSESSMENT

BIR Zonal Valuation of Residential Land along a road right of way as per Present Recommended Zonal Value in Barangay Batuan is Four Thousand Pesos (Php 4,000.00) per square meter.

Philippine National Bank and Metrobank Valuation of Residential Land in Barangay Batuan is Four Thousand Pesos (Php 4,000.00) per square meter.

Development Bank of the Philippines Valuation of Residential Land in this area is Five Thousand Pesos (Php 5,000.00) per square meter.

VIII. HIGHEST AND THE 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 lot is for residential.


IX. RECOMMENDED APPRAISED VALUE


Based on the valuations gathered by the appraisal committee, it is recommended that the appraised value of the aforesaid lots should not be more than **FOUR THOUSAND FOUR HUNDRED PESOS (Php 4,000.00)** per square meter.

Prepared by:

APPRAISAL COMMITTEE


ENGR. RAOUL E. CAM
CPDO


ENGR. RANULFO D. OLIVEROS
City Engineer


ENGR. ARTHUR C. ARCUINO
City Assessor

Recommending Approval:


HON. RICHARD I. GOMEZ
City Mayor

" Annex C "

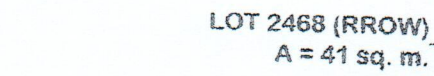
LOT 2468 (PART)		
LINE	BEARING	DIST.
BBM 1	N 71 12 W	208.66
1 - 2	S 40 54 W	1.41
2 - 3	N 54 52 W	2.89
3 - 4	N 27 27 E	11.78
4 - 5	S 61 54 E	3.51
5 - 6	S 26 19 W	1.87
6 - 7	S 27 28 W	5.24
7 - 1	S 33 05 W	3.85

LOT 2455-A-PART			
BBM 1	N 71 19 W	211.98	
1 - 2	S 54 51 E	2.92	
2 - 3	S 40 53 W	7.36	
3 - 4	S 46 46 W	8.65	
4 - 5	N 60 09 W	2.78	
5 - 1	N 43 26 E	16.42	

LOT 2451				
BBM 1	N	84	30 W	243.26
1 - 2	S	12	11 W	10.99
2 - 3	N	75	55 W	10.23
3 - 4	N	10	35 E	10.51
4 - 1	S	78	38 E	10.52

LOT 2452-PART			
BBM 1	N 84 30 W		243.26
1 - 2	S 79 37 E		4.43
2 - 3	S 36 58 W		10.58
3 - 1	N 12 11 E		9.45

LOT 1-PART			
BBM 1	N 89 38 W		254.33
1 - 2	N 34 08 E		8.22
2 - 3	S 80 31 E		1.20
3 - 4	S 36 57 W		8.44
4 - 1	N 79 18 W		0.73



LOT 2455-A (RROW)
A = 49 sq. m.

LOT 2435-A
A = 275 sq. m.
Fe Trinidad

LOT 2455-PART
PUBLIC LAND




LOT 2488
A = 168 sq. ft.
Ann A. Oynoyan

LOT 2452 (RROW)
A = 21 sq. m.

LOT 1 (RROW)
A = 7 sq. m.

LOT 1
Area = 184.77 sq. m.
Jolly S. Dejon

LOT 2

	Republic of the Philippines OFFICE OF THE CITY ENGINEER Ormoc City	Project Name & Location PROPOSED ROAD WIDENING Brgy. Batuan, Ormoc City	Reviewed by:  RODOLFO J. PABILAN Civil Engineer, Registered II	Subscribed by:  RAMON A. OLIVEROS City Engineer	Approved by: RICHARD I. GONZALEZ City Mayor	SHEET NO. 2 2
	SCALE 1: 400 M.					