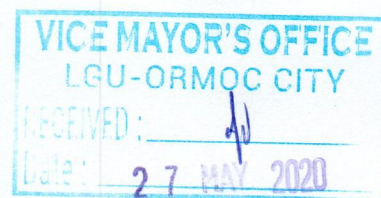


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON MAY 26, 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. 2020-156

A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ACCEPT AND SIGN THE DEED OF DONATION, TO BE MADE AND EXECUTED BY AND BETWEEN PHILIPPINE ASSOCIATED SMELTING AND REFINING CORPORATION (PASAR) FOUNDATION INC. AND CITY GOVERNMENT OF ORMOC FOR THE DONATION OF TWO HUNDRED FORTY-EIGHT (248) PIECES OF MIXED LUMBERS AND SLABS WITH A VOLUME OF THREE THOUSAND THIRTEEN AND THIRTY-FOUR (3,013.34) BOARD FEET AND SEVENTY-FOUR (74) PIECES OF PLASTIC DRUMS.

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated May 21, 2020 from the Office of the City Mayor, requesting for an issuance of Resolution granting the City Mayor or Acting City Mayor the authority to accept and sign the attached Deed of Donation, to be made and executed by and between PASAR FOUNDATION INC. and City Government of Ormoc, for the donated Two Hundred Forty-Eight (248) pieces mixed lumbers and slabs with volume 3,013.34 bd. ft. and Seventy-Four (74) pieces plastic drums. Further requesting that this matter be treated as EXTREMELY URGENT, a copy of the Deed of Donation is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, PASAR FOUNDATION INC. is a non-stock, non-profit and non-government organization duly organized and existing under the laws of the Philippines, with principal office address at Brgy. Libertad, Isabel, Leyte hereinafter referred to as DONOR;

WHEREAS, the City of Ormoc is a Local Government Unit, duly established under the laws of the Republic of the Philippines hereinafter referred to as DONEE;

WHEREAS, in a Letter received on May 21, 2020, the Environment and Natural Resources Office (ENRO) forwarded the Deed of Donation to the Office of the City Mayor with the following donated items: 1.) mixed lumbers and slabs to be used in the making of One Hundred Fifty (150) beds and 2.) plastic drums to be used as storage drums for rain water catching and as trash receptacles for the Ormoc COVID Quarantine/Isolation Facility in NHA Housing at Dolores, Ormoc City;

WHEREAS, the Constitution states that "The State shall protect and promote the right of the people and instill health consciousness among them";

WHEREAS, the Constitution further declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, on January 30, 2020 the World Health Organization (WHO) declared the Coronavirus Disease (COVID-19) outbreak a Public Health Emergency of International Concern (PHEIC), following which and on March 11, 2020, the spread of the same virus was characterized COVID-19 as a pandemic;

WHEREAS, to prevent, if not mitigate, the spread of the infectious disease, the City has identified and established a quarantine and isolation facility, hereinafter referred to as "Facility" wherein persons suspected and/or exposed to the disease may be quarantined or isolated, at the NHA Housing located at Brgy. Dolores, Ormoc City;

WHEREAS, the facility has bare units and requires, among others, bed frames, water tanks, and trash receptacles;

WHEREAS, the formulation implementation of policies and measures on local autonomy shall be guided by the principle that the participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development;

WHEREAS, DONOR is a non-stock, non-profit and non-government organization desirous of extending assistance to the DONEE in furnishing subject facility and has the resources and capacity to extend such assistance;

WHEREAS, the DONOR, is a holder of Certificate of Private Tree Plantation Ownership (CTPO) No. ORM 2-5-20-012 for their managed and developed tree plantation located at Brgy. Libertad, Isabel, Leyte; and has accumulated empty plastic drums;

WHEREAS, for and in consideration of the foregoing premises, and the DONOR's pure generosity and liberality, the DONOR hereby TRANSFERS and CONVEYS, unto the DONEE, by way of DONATION, the following:

- a. Two Hundred Forty-Eight (248) pieces of lumber with total volume of 3,013.34 bd. ft., amounting to Forty-Five Thousand Two Hundred Twenty-Five Philippine Pesos (Php45,225.00), for its use as raw wood materials for the construction of One Hundred Fifty (150) standard sized single beds; AND
- b. Seventy-Four (74) pieces of used empty plastic drums, with a value of Five Hundred Philippine Pesos (Php500.00) per drum, amounting to Thirty-Seven Thousand Philippine Pesos (Php37,000.00), for rainwater catchment and trash drums/receptacles.

WHEREAS, this Sanggunian, after thorough examination of the aforementioned request by the City Mayor, 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 to accept and sign the Deed of Donation, 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 motion of SP Member Benjamin S. Pongos, Jr. Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Tomas R. Serafica, Peter M. Rodriguez, Vincent L. Rama, 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 THE ACTING CITY MAYOR TO ACCEPT AND SIGN THE DEED OF DONATION, TO BE MADE AND EXECUTED BY AND BETWEEN PHILIPPINE ASSOCIATED SMELTING AND REFINING CORPORATION (PASAR) FOUNDATION INC. AND CITY GOVERNMENT OF ORMOC FOR THE DONATION OF TWO HUNDRED FORTY-EIGHT (248) PIECES OF MIXED LUMBERS AND SLABS WITH A VOLUME OF THREE THOUSAND THIRTEEN AND THIRTY-FOUR (3,013.34) BOARD FEET AND SEVENTY-FOUR (74) PIECES OF PLASTIC DRUMS;

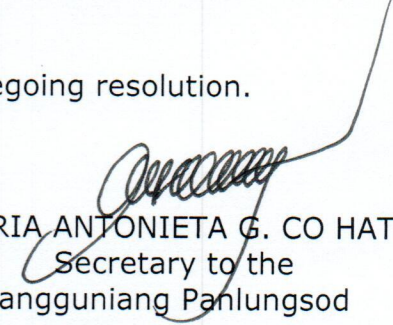
ADOPTED, May 26, 2020.

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; Philippine Associated Smelting And Refining Corporation (PASAR) Foundation Inc.; the City Health Department; ENRO; 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

DEED OF DONATION with ACCEPTANCE

This Deed of Donation made and executed by and between:

REVIEWED
ORMOC CITY LEGAL OFFICE
Approved
Separate Opinion
Drafted by CLO
<input checked="" type="checkbox"/> Not contrary to laws, public policy, moral
Ammendments/Revisions
BY: <u>[Signature]</u> DATE: <u>11/11/20</u>

PASAR FOUNDATION INC., a non-stock, non-profit and non-government organization duly organized and existing under the laws of the Philippines, with principal office address at Barangay Libertad, Isabel, Leyte, represented herein by its President, **ANN ASUPAN** (hereinafter referred to as the **"DONOR"**)

-and -

CITY OF ORMOC, a local government unit, duly established under the laws of the Republic of the Philippines, represented herein by its Mayor, **HON. RICHARD I. GOMEZ** (hereinafter referred to as the **"DONEE"**);

WITNESSETH:

WHEREAS, the Constitution states that "The State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, the Constitution further declares that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, on January 30, 2020 the World Health Organization (WHO) declared the Corona Virus Disease (COVID-19) outbreak a Public Health Emergency of International Concern (PHEIC), following which and on March 11, 2020, the spread of the same virus was characterized COVID-19 as a pandemic;

WHEREAS, the Department of Health (DOH) has confirmed cases of local transmission of COVID- 19 in the Philippines as consequence of which President Rodrigo R. Duterte has issued Proclamation No. 922 dated March 8, 2020. On March 16, 2020, President Duterte signed Proclamation No. 929 and placed the whole country under a state of calamity;

WHEREAS, to prevent, if not mitigate, the spread of the infectious disease, the City has identified and established a quarantine and isolation facility, hereinafter referred to as "Facility" wherein persons suspected and/or exposed to the disease may be quarantined or isolated, at the NHA Housing located at Brgy. Dolores, Ormoc City;

WHEREAS, the facility has bare units and requires, among others, bed frames, water tanks, and trash receptacles;

WHEREAS, the formulation and implementation of policies and measures on local autonomy shall be guided by the principle that the participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development;

WHEREAS, DONOR is a non-stock, non-profit and non-government organization desirous of extending assistance to the DONEE in furnishing subject facility and has the resources and capacity to extend such assistance;

WHEREAS, the DONOR, is a holder of Certificate of Private Tree Plantation Ownership (CTPO) No. ORM 2-5-20-012 for their managed and developed tree plantation located at Brgy. Libertad, Isabel, Leyte; and has accumulated empty plastic drums;

ORMOC CITY LEGAL OFFICE

WHEREFORE, for and in consideration of the foregoing premises, and the DONOR's pure generosity and liberality, the DONOR hereby TRANSFERS AND CONVEYS, unto the DONEE, by way of DONATION, the following:

a. 248 pcs. Lumbers with total volume of 3,013.34 bd.ft., amounting to Forty Five Thousand Two Hundred Twenty Five Pesos (P45,225.00), for its use as raw wood materials for the construction of one hundred fifty (150) standard sized single beds;

AND

b. Seventy-four (74) pieces used empty Plastic Drums, with a value of five hundred pesos (P500.00) per drum, amounting to Thirty-seven Thousand Pesos (P37, 000.00), for rain water catchment and trash drums/receptacles.

The donated lumber shall be used by the DONEE for construction of one hundred fifty (150) pcs of standard sized single beds frames intended for the Facility;

DONOR shall secure the permits necessary for the cutting, processing, transporting, and all acts relative thereto, requisite to effect the use of the lumber donated;

DONEE shall arrange and undertake the pick-up of above-described properties, from the custody/premises of DONOR, and transport the same to DONEE's premises/facility;

DONEE shall undertake the construction of all wooden bed frames and deliver the same to the Facility;

DONEE shall use and/or convert the donated plastic drums into rain water catchment and trash receptacles for the Facility, the respective number of which shall be determined by DONEE;

DONEE shall maintain above-described property in the Facility for the duration of the purpose for which the Facility was established, and shall determine the disposition of above-described property after the Facility's purpose is abandoned;

DONEE shall hold the DONOR free and harmless from and against, all demands, claims, liabilities, losses, damages, costs, expenses, charges, and/or fees which the DONOR may incur or sustain by reason of any and all claims which may arise from this Deed.

The Parties warrant, represent and undertake: (i) that neither it nor any of its representatives has exerted or utilized any corrupt or unlawful practice to secure or solicit this agreement; and (ii) that it will comply with all applicable laws, rules and regulations including without limitation, anti-corruption and anti-money laundering laws in performing this agreement.

DONEE hereby ACCEPTS AND RECEIVES the donation of above-described property, and expresses its gratitude and appreciation for the support, kindness and liberality of the DONOR.

IN WITNESS WHEREOF, we have hereunto signed this Deed of Donation this ____ day of May 2020 at Isabel, Leyte, Philippines

ANN M. ASUPAN
PFI President(DONOR)

HON. RICHARD I. GOMEZ
Ormoc City Mayor (DONEE)

SIGNED IN THE PRESENCE OF:

RUBEN P. CAJIGAS
PFI Executive Director

RAFAEL JUNNAR P. DUMALAN
SEMS, Head, ENR Office, LGU-Ormoc City

REVIEWED
ORMOC CITY LEGAL OFFICE
<input type="checkbox"/> Approved
<input type="checkbox"/> Separate Opinion
<input type="checkbox"/> Drafted by CLO
<input checked="" type="checkbox"/> Not contrary to laws, public policy, moral.
Amendments/Revisions
BY: <u>[Signature]</u> DATE: <u>5/24/20</u>

ACKNOWLEDGMENT - DONOR

Republic of the Philippines)
Province of Leyte) S.S
Municipality of Isabel)

BEFORE ME, a Notary Public for and in the Province of Leyte, Philippines personally appeared:

Name	Competent Evidence of Identity	Date & Place Issued Validity
ANN M. ASUPAN	Passport No. P6322150A	Issued at: Date Issued: Valid Until:

Known to me the same person who executed the foregoing instrument and acknowledge the same to be her free and voluntary act and deed and that of the institution she represents.

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

Doc. No. _____
Page No. _____
Book No. _____
Series of 2020

ACKNOWLEDGMENT - DONEE

Republic of the Philippines)
_____) S.S.

BEFORE ME, a Notary Public in and for _____, Philippines, this
_____ day of _____, personally appeared:

Name	Competent Evidence of Identity	Date & Place Issued Validity
RICHARD I. GOMEZ		Issued at: Date Issued: Valid Until:

Known to me the same person who executed the foregoing instrument and acknowledge the same to be his free and voluntary act and deed and that of the institution he represents.

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

Doc. No. _____
Page No. _____
Book No. _____
Series of 2020