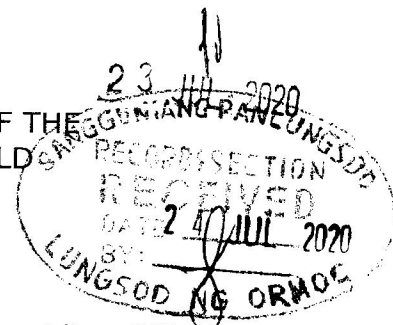


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON JULY 21, 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. 2020-210

A RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ/OIC MAYOR/ACTING MAYOR THE AUTHORITY TO ENTER INTO AND SIGN THE DEED OF USUFRUCT BY AND BETWEEN THE CITY GOVERNMENT UNIT OF ORMOC CITY, AS THE OWNER, AND THE SUPREME COURT OF THE PHILIPPINES, AS THE USUFRUCTUARY, FOR A PARCEL OF LAND WITH AN AREA OF ONE HUNDRED TWENTY EIGHT (128) SQUARE METERS AND THE BUILDING CONSTRUCTED THEREON LOCATED AT OBRERO ST., ORMOC CITY TO BE UTILIZED AS REGIONAL TRIAL COURT BRANCH 47, ORMOC CITY COURTHOUSE.

WHEREAS, the Fifteenth Sangguniang Panlungsod ng Ormoc was in receipt of an Endorsement Letter dated 30 June 2020 requesting for the passage of a Resolution granting the City Mayor or his representative the authority to enter into and sign the Deed of Usufruct (Deed) by and between the City Government Unit of Ormoc City and the Supreme Court of the Philippines for a parcel of land located at Obrero St., this City, to be utilized as Regional Trial Court (RTC) Branch 47;

WHEREAS, Section 455 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, empowers the Local Chief Executive to represent the City in all its business transactions and sign in its behalf all x x x contracts, and obligations and such other documents upon authority of the Sangguniang Panlungsod or pursuant to law or ordinance;

WHEREAS, the OWNER is the owner in fee simple of a certain parcel of land with an area of 2,875 square meters, covered by Tax Declaration No. 01012-00022 with Property Index No. 155-04-001-21-071, a copy of the Tax Declaration is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, for and in consideration of liberality, the OWNER grants unto the USUFRUCTUARY, full right to the possession, use and enjoyment of a portion said parcel of land and the building constructed thereon for the benefit of the trial courts, the lot containing an area of ONE HUNDRED TWENTY-EIGHT (128) SQUARE METERS for the above cited purpose;

WHEREAS, upon the execution of the Deed, the usufruct over the Land and Building shall remain in full force for a period of THREE (3) years, renewable upon mutual agreement of the parties when the premises are needed and will be exclusively used by the USUFRUCTUARY as RTC Branch 47, a copy of the Deed is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, both parties share a common vision to achieve speedy, adequate, quality administration of justice, as well as effective and efficient public service particularly to the locals of this City;

WHEREAS, in a communication dated 19 June 2020 from the City Legal Office it stated therein that the attached Deed is not contrary to law, morals, good customs, public policy and public order;

WHEREAS, upon close and thorough review, this Sanggunian finds that the requested authorization to the City Mayor addresses the need of offices for other agencies of the government, because in the end, the services of such offices redound to the benefit of the public and the entire constituencies as a whole, aside from the fact, that it is mandated that all agencies and local government units shall have a shared responsibility – and thus, mutual support and cooperation is most expected – for the advancement of all the aspects of development, meriting this august Body's full support and favorable action;

NOW THEREFORE, on joint motion of SP Member Benjamin S. Pongos, Jr., Chairman – Committee on Laws and Ordinances and SP Member Roiland H. Villasencio, Chairman – Committee on Public Properties, severally seconded by SP Members Tomas R. Serafica, Eusebio Gerardo S. Penserga, Gregorio G. Yrastorza III, Peter M. Rodriguez, Esteban V. Laurente, Jasper M. Lucero; Nolito M. Quilang, Joan Marbie C. Simbajon, Vincent L. Rama and Lalaine A. Marcos; be it


RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ/OIC MAYOR/ACTING MAYOR THE AUTHORITY TO ENTER INTO AND SIGN THE DEED OF USUFRUCT BY AND BETWEEN THE CITY GOVERNMENT UNIT OF ORMOC CITY, AS THE OWNER, AND THE SUPREME COURT OF THE PHILIPPINES, AS THE USUFRUCTUARY, FOR A PARCEL OF LAND WITH AN AREA OF ONE HUNDRED TWENTY EIGHT (128) SQUARE METERS AND THE BUILDING CONSTRUCTED THEREON LOCATED AT OBRERO ST., ORMOC CITY TO BE UTILIZED AS REGIONAL TRIAL COURT BRANCH 47, ORMOC CITY COURTHOUSE;

ADOPTED, July 21, 2020.


RESOLVED, FURTHER, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator; the City Legal Officer; the City General Services Officer; the City Planning & Development Office; the City Assessor; the City Treasurer; Hon. Girlie M. Borrel-Yu, Executive Judge, RTC; the Supreme Court of the Philippines; the City Local Government Operations Officer-DILG; and all other offices concerned.

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

R-10

DECLARATION OF REAL PROPERTY
(FILED UNDER PRESIDENTIAL DECREE NO. 450)

Owner CITY GOVERNMENT OF ORMOG

Address Ormoc City

Administrator City Treasurer

Address

Ormoc City

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

Location of Property Division St.

12

Ormoc City

(Number & Street)

(Barangay/District)

(Municipality/City/Province)

Certificate of Title No.

Cadastral Lot No.

879-Part

Assessor's (Lot No.

(Block No.

Boundaries:

North: Lot 838-B

South:

W Reclaimed Area

East: Reclaimed Area

N. West:

Lot 879-Part

(State streets, lots, or streams by which bounded, or names of owners of adjoining lands)

I (a) LAND (AGRICULTURAL / MINERAL)

OWNER'S DECLARATION

Kind	Area	Value
		P
Total		P

ASSESSOR'S FINDINGS

Kind	Area	Unit Value	Market Value
			P
Total			

ADJUSTED MARKET VALUE
I (b) PLANTS & TREES

OWNER'S DECLARATION

Kind	No./Area	Value
		P
Total		P

ASSESSOR'S FINDINGS

Kind	No./Area	Unit Value	Market Value
			P
Total			

Total for land, plants and trees
Adjusted value for land, plants and trees

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

OWNER'S DECLARATION

Kind	Area	Value
Total		P

ASSESSOR'S FINDINGS

Kind	Area	Unit Value	Adjustment	Market Value
Government	2,875	P 860.	P 5-2	P 2,472,500.00
(Commercial)				
Total	2,875			P 2,472,500.00

IMPORTANT - Issued for taxation purposes only and should not be considered as title to the property.

DEED OF USUFRUCT

KNOW ALL MEN BY THESE PRESENTS:

This Deed entered into by and between this ____ day of _____, 2020:

CITY GOVERNMENT UNIT OF ORMOC, a local government unit existing and by virtue of the laws of the Republic of the Philippines and the powers bestowed by the 1991 Local Government Code (LGC), represented herein by its Local Chief Executive, **Honorable RICHARD I. GOMEZ, MBA**, duly authorized to enter into this Deed pursuant to Sangguniang Panlungsod Resolution No. _____, hereinafter referred to as the **"OWNER"**

and

The **SUPREME COURT OF THE PHILIPPINES**, a government agency of the Republic of the Philippines, with principal office at Padre Faura Street, Ermita, Manila, represented in this Deed by **Honorable JOSE MIDAS P. MARQUEZ**, Court Administrator, pursuant to the Resolution of the Court En Banc in A.M. No. _____ dated _____ hereinafter referred to as the **"USUFRUCTUARY"**

WITNESSETH:

WHEREAS, the **OWNER** is the owner in fee simple of a certain parcel of land with an area of 2,875 square meters, covered by Tax Declaration No. 01012-00022 with Property Index No. 155-04-001-21-071 with the following technical description:

LOCATION OF PROPERTY:	Obrero St., Ormoc City
CADASTRAL LOT NO.:	879 Part
BOUNDARIES:	North – Lot 830-B, South – W Reclaimed Area, East – S Reclaimed Area, West – Lot 879 Part
AREA:	2, 875 square meters

WHEREAS, the **OWNER** issued Sangguniang Panlungsod Resolution No. _____ which transfers and conveys by way of **USUFRUCT** a portion of the above parcel of land with an area of **ONE HUNDRED TWENTY EIGHT (128) SQUARE METERS** and the Building constructed thereon located at Obrero St., Ormoc City in favor of the **USUFRUCTUARY** to be utilized as Regional Trial Court Branch 47, Ormoc City Courthouse;

WHEREAS, the **OWNER** expresses that it (i) is a registered owner in fee simple of the said lot and building subject of usufruct, (ii) the usufruct was not made with intent to defraud its creditors; (iii) it has reserved for itself sufficient area for the local government and for other appropriated government development projects; and, (iv) the land subject of usufruct is free from any liens and encumbrances;

WHEREAS, the **OWNER** grants unto the **USUFRUCTUARY**, full right to the possession, use and enjoyment of the said parcel of land and the building constructed thereon for the benefit of the trial courts for such period of time that the said trial courts use the said land for the administration and dispensation of justice;

WHEREAS, it is the basic policy of the **USUFRUCTUARY** to ensure the efficient and effective delivery of judicial services to the public; and,

WHEREAS, the **OWNER** and the **USUFRUCTUARY** share a common vision to achieve speedy, adequate, quality administration of justice, as well as effective and efficient public service particularly to the locals of Ormoc City;

NOW THEREFORE, the **USUFRUCTUARY** do hereby **ACCEPTS** the usufruct in favor of the Supreme Court of the Philippines for the use and benefit of the trial courts of Ormoc City and expresses its gratitude for the liberality and generosity of the **OWNER**.

NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants hereinafter contained, the parties agree as follows:

1. **TERM.** – Upon the execution of this Deed, the usufruct over the Land and Building shall remain in full force for a period of **THREE (3)** years commencing on the date of this instrument. The term is renewable upon mutual agreement of the parties when the premises are needed and will be exclusively used by the **USUFRUCTUARY** as **RTC Branch 47, Ormoc City Courthouse** for the efficient administration of justice at Ormoc City;
2. The **OWNER** guaranteed the beneficial use and peaceful occupation of the land and Building by the **USUFRUCTUARY**;
3. The **USUFRUCTUARY**, before entering upon the enjoyment of the property, shall be obliged to make, after notice to the **OWNER**, an inventory of all the property, which shall contain an appraisal of the movables and a description of the immovable in the Building (should there be any). The **USUFRUCTUARY**, however, shall be excused from the obligation of giving security in accordance with Article 585 of the Civil Code;
4. The **USUFRUCTUARY** shall shoulder the expenses for electricity and water in the said Building;

It is understood that the **OWNER** shall install electric sub-meters for the **USUFRUCTUARY**. The monthly readings for the said sub-meter shall be undertaken jointly by the **OWNER** and representative of the **USUFRUCTUARY**.
5. The **USUFRUCTUARY** shall deploy security guard(s) for the areas of the Building subject of usufruct.
6. The duties and obligations of the **USUFRUCTUARY** and the **OWNER** as provided for in the relevant provisions of the New Civil Code of the Philippines are deemed of the provisions of this Deed.
7. The **USUFRUCTUARY** shall maintain the property in clean and sanitary condition free from noxious odors, disturbing noises or other nuisances. The **USUFRUCTUARY**, its employees, agents or representatives, shall not in any manner cause damage or deface any part of the office space given in usufruct;
8. The pertinent provisions of the “Guidelines on the Occupancy, Use, Operation and Maintenance of the Halls of Justice” issued by the Supreme Court through the Resolution dated 23 October 2001 in A.M. No. 01-9-09-SC shall govern in the maintenance of the space allocated for the use of the Regional Trial Court; and,
9. The **USUFRUCTUARY** shall provide the materials recovery facility/three garbage receptacles (for biodegradable, non-biodegradable, and recyclable materials) in the Building subject of usufruct. It shall dispose all its garbage in accordance with the rules promulgated by the national or local government;

10. This **DEED** shall be effective and binding between the parties, their respective assigns and successors-in-interest, upon the execution hereof, and shall remain in full force as long as the office space given in usufruct is used for the administration and dispensation of justice.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, 2020 at _____.

CITY GOVERNMENT OF ORMOC

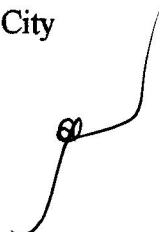
By:

RICHARD I. GOMEZ
City Mayor

SIGNED IN THE PRESENCE OF:

VINCE L. EMNAS
City Administrator
LCU Ormoc City

GIRLIE M. BORREL-YU
Executive Judge
Regional Trial Court, Ormoc City



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
ORMOC CITY) S.S.

BEFORE ME, personally appeared the following:

1. RICHARD I. GOMEZ
2. VINCE L. EMNAS
3. GIRLIE M. BORREL-YU

Office ID No. _____
Office ID No. _____
Office ID No. _____

I have known the above as the City Mayor of Ormoc City, and the witnesses to be the same persons who executed the foregoing instrument and acknowledged and sworn to before that the same are their free and voluntary act and deed as well as the institutions and agencies they represent.

This **DEED OF USUFRUCT** consists of five (5) pages, including this page on which this Acknowledgement is written and signed by the parties and their witnesses at the left hand margin on each and every page, including this page.

WITNESS MY HAND AND SEAL, for and in the City of Ormoc, this ____ day of _____, 2020.

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

ACCEPTANCE

NOW THEREFORE, the **USUFRUCTUARY** do hereby **ACCEPTS** the **USUFRUCT** over the land and the Building to be utilized as Regional Trial Court Branch 47, Ormoc City for the efficient administration of justice at Ormoc City, and expresses its gratitude for the liberality and generosity of the **OWNER**.

SUPREME COURT OF THE PHILIPPINES

By:

JOSE MIDAS P. MARQUEZ
Court Administrator
USUFRUCTUARY

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF MANILA) S.S.

BEFORE ME, personally appeared the following:

JOSE MIDAS P. MARQUEZ

SC ID 60037000

I have known the above to be the Court Administrator of the Supreme Court, the same person who executed the foregoing instrument and acknowledged and sworn to before me that the same is his free and voluntary act and deed as well as the institution/agency he represents.

This **ACCEPTANCE OF THE DEED OF DONATION** consists of **ONE (1)** page, including this page on which this Acknowledgement is written and signed by the Honorable Court Administrator.

WITNESS MY HAND AND SEAL, for and in the City of Manila, this ____ day of _____, 2020.

MARIA CARINA M. CUNANAN
Deputy Clerk of Court and
Chief Administrative Officer
Office of Administrative Services (OAS)

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

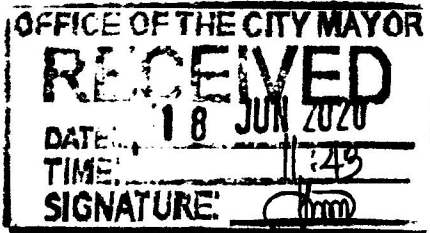
June 19, 2020

MAYOR RICHARD I. GOMEZ

Ormoc City

THRU:

MA. VICTORIA LYRA P. DELA CERNA RRT, MBA-HA, MPA
City Govt. Asst. Dept Head I, City Mayor's Office



JUN 23 2020

Re: Draft MOA between LGU Ormoc and the Supreme Court of the Philippines

References:

1. Request of Executive Judge Girlie Borrel M. Yu for the execution of the attached Deed of Usufruct with the LGU Ormoc.
2. Tax Declaration No. 01012- 00022.

Dear Mayor Gomez:

1. This Office has reviewed the attached Deed of Usufruct and certifies that the same is not contrary to law, morals, good customs, public policy and public order.
2. It is recommended that the same Deed be referred to the Honorable Mayor for his consideration.
3. Should the Deed be favorably acted on by the Mayor, it is further recommended that the same be endorsed to the SP for the authority of the Mayor to sign the same.
4. A copy of the corrected and amended MOA has been sent through electronic mail to lguormocno@gmail.com on June 18, 2020 (file: USUFRUCT_RTC 47).
5. It is further the recommendation of this this office that reference be made by this office to the Committee Report dated March 11, 2020 on the request for non- performing assets which includes the property subject of this opinion. To the end that the disposal requested by the Honorable Mayor should be determined if appropriate, given that certain property is to be used for the use of the Regional Trial Court- Branch 47. A copy of the report is attached hereto.
6. For appropriate action.

Most Respectfully,

JOSEPHINE A. MEJIA-ROMERO
City Legal Officer

Copy furnished:

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