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, ORMOC CITY HALL BUILDING ON SEPTEMBER 29, 2020

PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, 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
SP Member, Majority Floor Leader
SP Member

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. 2020-306

A RESOLUTION **AUTHORIZING** THE CITY MAYOR RICHARD I. GOMEZ/OIC MAYOR/ACTING MAYOR TO ENTER INTO AND SIGN THE DEED OF USUFRUCT BY AND BETWEEN THE CITY GOVERNMENT OF ORMOC CITY AS THE "OWNER", AND THE BUREAU OF FIRE PROTECTION REGION 8, AS THE "USUFRUCTUARY", FOR A PARCEL OF LAND WITH AN AGGREGATE AREA OF 2,874 SQUARE METERS AS THE SITE FOR THEIR FACILITY LOCATED AT**GOVERNMENT** CENTER, UNUBING STREET, BARANGAY COGON, THIS CITY.

WHEREAS, the Fifteenth Sangguniang Panlungsod ng Ormoc was in receipt of an Endorsement Letter dated 15 September 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 Bureau of Fire Protection (BFP) for a parcel of land located at Barangay Cogon to be utilized as BFP facility;

WHEREAS, Section 17 of Republic Act No. 7619, otherwise known as the Local Government Code of 1991, mandates the OWNER to discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to these Code and shall support for fire services and facilities;

WHEREAS, the USUFRUCTUARY, by virtue of Section 5 of Republic Act No. 9514, otherwise known as the Fire Code of the Philippines of 2008, authorizes the Chief of the Bureau of Fire Protection to enter into Agreement with other departments, bureaus, agencies, offices and corporation of the government $x \times x$ in order to define areas of cooperation, fire safety, fire prevention, fire suppression, and other matters of common concerns;

Res. No. 2020-306

WHEREAS, the OWNER owns a parcel of lot, located at the aforementioned place with Transfer of Certificate of Title No. 14664-Part in accordance with the provision of the property registration decree in the name of the City Government of Ormoc, 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 the said parcel of land and the building constructed thereon 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 TEN (10) years, renewable at the discretion of the OWNER, further possession of the USUFRUCTUARY of the facility prior hereto is hereby ratified, 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 ensure public safety, promote economic development through the prevention and suppression of all kinds of destructive fires as well as effective public service particularly to the locals of this City;

WHEREAS, in a communication dated 22 July 2019 from the City Legal Office it stated therein that there is nothing legally objectionable to the attached Deed;

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 motion of SP Member Roiland H. Villasencio, Chairman, Committee on Public Properties together with SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances and SP Member Gregorio G. Yrastorza III, Chairman, Committee Justice & Peace and Order, severally seconded by SP Members Nolito M. Quilang, Vincent L. Rama, Esteban V. Laurente, Tomas R. Serafica, Joan Marbie C. Simbajon and Peter M. Rodriguez; be it

RÉSOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ/ OIC MAYOR/ACTING MAYOR TO ENTER INTO AND SIGN THE DEED OF USUFRUCT BY AND BETWEEN THE CITY GOVERNMENT OF ORMOC CITY, AS THE "OWNER", AND THE BUREAU OF FIRE PROTECTION REGION 8, AS THE "USUFRUCTUARY", FOR A PARCEL OF LAND WITH AN AGGREGATE AREA OF 2,874 SQUARE METERS AS THE SITE FOR THEIR FACILITY LOCATED AT GOVERNMENT CENTER, AUNUBING STREET, BARANGAY COGON, THIS CITY;

ADOPTED, September 29, 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 Accountant; the Commission on Audit; the Bureau of Fire Protection (BFP)-Region 8; the BFP-Ormoc; the City Local Government Operations Officer-DILG; and all other offices concerned.

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Res. No. 2020-306

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

155-61-019-116-020

PROPERTY INDEX NO. __1 -- 04-0047-026-32

TAX DECLARATION NO. 00019-00262

R-10

DECLARATION OF REAL PROPERTY

(FILED UNDER REPUBLIC ACT NO. 7160) RPA Form No. 1

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DEED OF USUFRUCT

KNOW ALL MEN BY THESE PRESENTS:

This **DEED** is made and executed by and between:

The CITY GOVERNMENT OF ORMOC CITY, a local government, created under the laws of the Republic of the Philippines, with office address at the New Ormoc City Hall, Aunubing St., Ormoc City, represented in this instance by its City Mayor, Hon. RICHARD I. GOMEZ,DPA, hereinafter referred to as the OWNER;

-and-

The BUREAU OF FIRE PROTECTION RO8, a national agency created and mandated to enforce the Revised Fire Code of the Philippines of 2008 as provided in RA 9514, represented by its Regional Director, F/SSUPT RENATO B MARCIAL (DSC), hereinafter referred to as the USUFRUCTUARY.

WITNESSETIA

WHEREAS, list (ii), number (4) Section 17, Chapter 2 of RA No. 7160 mandates the **OWNER** to discharge the functions and responsibilities of national agency and offices devolved to them pursuant to these code and shall support for fire services and facilities;

WHEREAS, the USUFRUCTUARY, by virtue of section 5 of Republic Act 9514, authorizes the Chief of the Bureau of Fire Protection to enter into Agreement with other departments, bureaus, agencies, offices and corporation of the government, as well as private institutions, in order to define areas of cooperation, fire safety, fire prevention, fire suppression and other matters of common concerns;

WHEREAS, the OWNER owns a parcel of lot, located at Government Center, Aunubing St., Brgv. Cogon, Ormoc City, Province of Leyte with Transfer Certificate of Title No. 14661-Part in accordance with the provision of the property registration decree in the name of the CITY GOVERNMENT OF ORMOC.

whereas, pursuant to 15 th Sangguniang Panlungsod Resolution No, dated, the OWNER has allocated a parcel of land containing an aggregate area of TWO THOUSAND EIGHT HUNDRED SEVETY FOUR (2,874) square meters of the aforementioned Lot as the site of the Bureau of Fire Protection facility and the actual area where building is erected at the time of the execution of this agreement;
WHEREAS, pursuant to 15 th Sangguniang Panlungsod Resolution No, date wed of the Sangguniang Panlungsod, the City Mayor Hon. RICHARD I. GOMEZ or the OIC or Acting City Mayor, has been authorized to sign, execute and deliver ORMOGREP Deed of Cusufruct for and in behalf of the City of Ormoc City;
Approved NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants hereinafter contained, the parties hereby agree to the following terms and Septomations:
Drafted by CLO 1. TERM- The term of the usufruct shall be for TEN (10) years commencing on the date of the execution of this instrument, renewable at the discretion of the Not contrary to laws, public WNER. Possession by the USUFRUCTUARY of the facility prior hereto is policy, moral. 1. TERM- The term of the usufruct shall be for TEN (10) years commencing on the date of the execution of this instrument, renewable at the discretion of the policy, moral.
Ammendments/Revision OWNERSHIP - while the usufruct and/or the beneficial use of the SITE is transferred to USUFRUCI'UARY, the ownership and title of the SITE remains

with and continues to be in the name of the OWNER. Upon the expiration, non-renewal of the contract or by usufructuary's decision to shorten the duration of term by abandonment or in writing, the improvements introduced on the site shall accrue to the OWNER, and thereby the beneficial use of the property shall revert back to the OWNER.

- 3. INTRODUCTION OF INFRASTRUCTURES, FACILITIES AND IMPROVEMENTS. –The USUFRUCTUARY shall construct and maintain proper infrastructures, facilities and improvements within Three (3) years from the date of approval of this usufruct and shall revert back to the Owner if no activity is made; The USUFRUCTUARY shall notify the OWNER of any and all improvements sought to introduce to the property. No improvement shall be introduced or made without the prior written consent of the appropriate representative of the OWNER;
- 4. UTILITIES The USUFRUCTUARY shall be responsible and liable for the expense incidental and necessary to the property such as water, power, telephone and other utilities attached, connected or related to the use and enjoyment of the property.
- 5. MAINTENANCE OF CLEANLINESS AND PEACE AND ORDER- the OWNER shall maintain the cleanliness and peace and order in the common areas of the SITE while the USUFRUCI'UARY shall be responsible for maintaining the cleanliness and peace and order in the area in usufruct.
- 6. OTHERS USUFRUCTUARY shall not engage in any illegal activity within the area of the property, nor perform any other action that may tend to disrupt the peace and order of the area.

IN WITNESS	WHEREOF, the 2019 Ormoc Cit		hands this	day	of

CITY GOVERNMENT OF ORMOC CITY

Owner

BUREAU OF FIRE PROTECTION R08

Usufructuary

Represented by:

Represented by:

REVIEW BICHARD I. GOMEZ, DPA
City Mayor

ORMOCCITY LEGIDOR Pernment of Ormoc

SSUPT. RENATO B MARCIAL, DSC

Regional Director BFP-Regional Office 8

	337.1
Approved	
Separate Opinion	SIGNED IN THE PRESENCE OF:
Drafted by CLO	
Not contrary to laws, public	
policy, moral.	
Ammendments/Revisions	
ByAtty. Josephine A. Mejia-Rompotts. AUG 2 6 2020	

ACKNOWLEDGMENT

REPU CITY	BLIC OF THE PLOT OF ORMOC	HILIPPINES)	SS				
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	Name		CTC Number]	Date/Place I	ssued	
RICH	ARD I. GOMEZ	Z					
RENA	TO B MARCIA	L					
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RMOC CITY LE	GAL OFFICE						
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