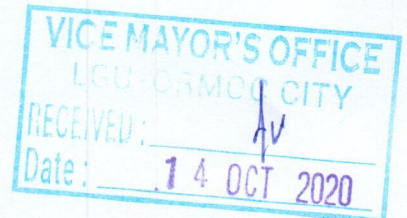
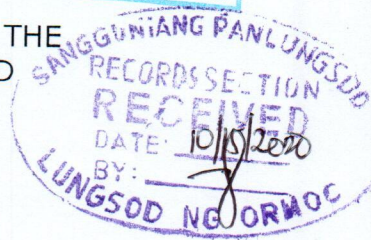


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 OCTOBER 13, 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, Majority Floor Leader
SP Member
SP Member
SP Member
SP Member, 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,

RESOLUTION NO. 2020-334

A RESOLUTION AMENDING SP RESOLUTION NO. 2019-052 APPROVED LAST MARCH 4, 2019, INsofar AS IT ALLOWS THE PURCHASE OF THE IMPROVEMENTS ON THE PARCEL OF LAND CONVEYED TO THE LGU ORMOC AND AFFECTED BY THE IMPLEMENTATION OF THE PROJECTS THEREON.

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated October 12, 2020 from the Office of the City Mayor, requesting for the amendment of SP Resolution No. 2019-052, insofar as it allows the purchase of the improvements on the parcel of land conveyed to the LGU Ormoc and affected by the implementation of the projects thereon. Further, requesting that this matter be treated as EXTREMELY URGENT, a copy of the Amended Deed of Absolute Sale is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, in an Annotation dated October 12, 2020, the City Legal Office finds nothing legally objectionable in the said Amended Deed of Absolute Sale and that the same is not contrary to law, morals, public order, or public policy much less detrimental to the best interest of Ormoc City;

WHEREAS, in a Letter dated January 25, 2019, the City Agriculture Office submitted to the City Legal Office the appraised compensation of trees (except Gemelina) based on market value, a copy of the Letter is hereto attached as "ANNEX B" and made an integral part hereof;

WHEREAS, the Heirs of Enecito M. Caritan, the vendor, cede to the LGU the improvements subject of the sale existing as of July 20, 2018 in the total amount of Twenty Eight Thousand Nine Hundred Philippine Pesos (Php28,900.00) of which crops and improvements are the absolute owner thereof;

WHEREAS, in an Affidavit executed by the Brgy. Officials of Dolores namely Mr. Mario Amarant C. Aves and Mr. Manolito U. Tena attest that at the time of the purchase for Road Right of Way for NHA Housing Project that trees were present on the property and such trees belong to Mr. Enecito M. Caritan and his heirs, a copy of the Affidavit 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 Amended Deed of Absolute Sale 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 improvements 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 motion of SP Member Benjamin S. Pongos, Jr. Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Peter M. Rodriguez, Lalaine A. Marcos, Tomas R. Serafica, Esteban V. Laurente, Gregorio G. Yrastorza III, Jasper M. Lucero and Roiland H. Villasencio; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION AMENDING SP RESOLUTION NO. 2019-052, INSOFAR AS IT ALLOWS THE PURCHASE OF THE IMPROVEMENTS ON THE PARCEL OF LAND CONVEYED TO THE LGU ORMOC AND AFFECTED BY THE IMPLEMENTATION OF THE PROJECTS THEREON;

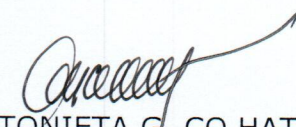
ADOPTED, October 13, 2020.

RESOLVED, FURTHER, that a copy of the final notarized Amended Deed 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 Auditor; the City Assessor; the Register of Deeds; Heirs of Enecito M. Caritan; 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

AMENDED DEED OF ABSOLUTE SALE**KNOW ALL MEN BY THESE PRESENTS:**

We, **THE HEIRS OF ENECITO M. CARITAN: FLORDELISA R. CARITAN**, of legal age, Filipino, widow; **ANECITO R. CARITAN**, of legal age, Filipino, married; **CRISTINA R. CARITAN**, of legal age, Filipino, married; **ELENA C. ORELLANO**, of legal age, Filipino, married; **MARIO R. CARITAN**, of legal age, Filipino, married; **VICTORIA C. TORRES**, of legal age, Filipino, married; **CRESENTE R. CARITAN**, of legal age, Filipino, married; and **GASPAR R. CARITAN**, of legal age, Filipino, married, all residents of Brgy. Milagro, Ormoc City, except for **GASPAR CARITAN** who lives in Tandag, Surigao del Sur, and all herein represented by **MARIO R. CARITAN** under Special Power of Attorney dated January 4, 2019; September 11, 2018 and September 10, 2018, attached hereto as Annexes "A" to "A-2", hereinafter referred to as the "**VENDOR**", for and in consideration of the sum of **SIX HUNDRED FIFTY EIGHT THOUSAND PESOS** (Php 658,000.00) Philippine Currency, to me in hand paid by **LGU-ORMOC CITY**, a municipal corporation created under the laws of the Philippines, represented by **MAYOR RICHARD I. GOMEZ, M.B.A.**, hereunder referred as the **VENDEE**, **DO HEREBY SELL, CEDE, TRANSFER AND CONVEY** unto the **VENDEE** a **PORTION** of a parcel of land covered by Transfer Certificate of Title No. T-30455 and Tax Declaration No. 00060-00023, more particularly described hereunder, to wit:

"A portion of a parcel of registered land (Lot 7480-B, Psd-009296-D being portion of Lot 7480, Ormoc Cadastre Cad. 256m LRC Rec. No. 17533), situated in Brgy. Dolores, City of Ormoc, Island of Leyte, x x x containing an area of **ONE THOUSAND EIGHT HUNDRED EIGHTY (1,880) SQUARE METERS**, more or less, and registered in the name of **ENECITO N. CARITAN** married to **FLORDELIZA REGINO**, a resident of Brgy. Dolores, Ormoc City, Philippines."

Of which portion of a parcel of land above described, we are the lawful owners thereof, free from all liens and encumbrances, and we warrant the sanity of our title and will defend the vendee herein against any and all just claims of any third person whomsoever in the premises and from the date hereon, possession, ownership and dominion of the same shall forever be transferred to the vendee.

We also cede to the LGU the improvements on the portion subject of this sale, existing as of July 20, 2018, the specifics of which are as contained in a letter dated January 25, 2019 of City Agriculturist Maria Elena A. Mendoza, made an integral part of this instrument, in the total amount of **TWENTY EIGHT THOUSAND NINE HUNDRED PESOS** (Php 28,900.00), of which crops and improvements we are the absolute owners of.

REVIEWED

ORMOC CITY LEGAL OFFICE

Approved

This Amended Deed of Absolute Sale amends the Deed of Absolute Sale dated November 14, 2019 docketed as Document No. 84, Page No. 16, Book No. III, Series of 2020 of notary public Atty. Maria Alyssa V. Rodriguez, insofar as it pertains to the conveyance of improvements.

Not contrary to laws, public policy, moral.

Amendments/Revisions

BY: Atty. Joseph A. Mejia-Roman DATE: OCT 12 2020

IN WITNESS HEREOF, I affix hereunto my signature this _____ at
Ormoc City, Philippines.

MARIO R. CARITAN

Vendor/Attorney-in-Fact

For himself and for **THE HEIRS OF ENECITO M. CARITAN**, namely: **ANECITO R. CARITAN, CRISTINA R. CARITAN, ELENA C. ORELLANO, VICTORIA C. TORRES, CRESENTE R. CARITAN, GASPAR R. CARITAN** all of legal age, Filipinos, married, and residents of Brgy. Milagro, Ormoc City, except for Gaspar Caritan who lives in Tandag, Surigao del Sur, and all herein represented by **MARIO R. CARITAN**

SIGNED IN THE PRESENCE OF:

(Witness)

(Witness)

ACKNOWLEDGMENT

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

BEFORE ME, a Notary Public for and in the City of Ormoc, personally appeared, **MARIO R. CARITAN**, with his **competent identification** _____, known to me and to me known to be the same person who executed the foregoing DEED OF ABSOLUTE SALE over a parcel of land, which instrument consists of two (2) pages including the page on which this acknowledgment is written, and signed at the left margin of each and every page by the party executing this instrument and his witnesses, and acknowledged to me that the same is his free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on the date and place above stated.

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

REVIEWED

ORMOC CITY LEGAL OFFICE

Approved

Separate Opinion

☒ Drafted by CLO

☒ Not contrary to laws, public
policy, moral.

☒ Amendments/Revisions

By: Atty. Joseph A. Merla
City Legal Officer

DATE: **OCT 12 2020**



Republic of the Philippines
CITY AGRICULTURE OFFICE
Ormoc Agri-Tech Center, Bgy. San Pablo, Ormoc City
Tel #: 053-561-3156
Email add: cityagricultureoffice_ormoc@yahoo.com.ph

Annex B

January 25, 2019

ATTY. JOSEPHINE A. MEJIA – ROMERO

City Legal Officer
Office of the City Legal Officer
Ormoc City

Dear Atty. Romero:

Good day.

This is relative to the letter request dated January 21, 2019, requesting for the valuation of trees situated at Brgy Dolores, Ormoc City of Mr. Enecito M. Caritan's property. These trees were jointly inspected by our staff Ms. Guia Gandy A. Hermoso, Agricultural Technologist together with Engr. Isidro C. Lusanta Jr. from General Services Office last July 20, 2018.

Below is the appraised compensation of trees (except Gemelina) based on the market value.

Trees	Qty	Market Value (PhP)	Total (PhP)
Lansones	23	400.00	9,200.00
Cacao	16	400.00	6,400.00
Coconut	7	300.00	2,100.00
Rambutan	1	500.00	500.00
Avocado	1	300.00	300.00
Calmito	3	200.00	600.00
Pomelo	2	300.00	600.00
Guava	1	200.00	200.00
Banana	30	300.00	9,000.00
TOTAL			28,900.00

Thank you and GOD Bless.

Respectfully yours,


MARIA ELENA A. MENDOZA
City Agriculturist

AFFIDAVITS

WE, MARIO AMARANTO C. AVES, of legal age, married, a resident of Brgy. Milagro, Ormoc City; and MANOLITO D. TENA of legal age, married, a resident of Brgy. Milagro, Ormoc City after having been duly sworn to oath in accordance with law, do hereby depose and state, THAT:

1. We are current Barangay Officials in Brgy. Mailgaro, Ormoc City;
2. As such officials, we are familiar with the residents and properties both real and personal in our Brgys.;
3. We are aware that Enecito M. Caritan was the owner of a parcel of land identified as Lot No. 7480-B covered by Transfer Certificate of Title No. T- 30455 located in Brgy. Dolores, Ormoc City;
4. We also know that the mentioned property was acquired by the Local Government Unit of Ormoc as Road Right of Way for the NHA Housing Project in Brgy. Dolores, Ormoc City;
5. We also attest that the time of purchase, there were trees found on the property acquired by the LGU Ormoc, as follows:

TREES	COUNT
Lansones	23
Cacao	16
Coconut	7
Rambutan	1
Avocado	1
Caimito	3
Pomelo	2
Guava	1
Gemelina	1
Banana	30

6. We attest that the fruit trees all belong to Enecito M. Caritan and his heirs, one of which is Mario Caritan;
7. We are executing this Affidavit to attest to the veracity of the foregoing facts, and for whatever legal purpose this may serve;
8. We hereby testify that the contents of this affidavit have been read to us in the local vernacular and that we were made to understand the contents hereof;
9. Further, we sayeth naught.

IN WITNESS WHEREOF, I hereby affix my signature this MAY 29 2020 day of _____ in _____


MARIO AMARANTO C. AVES


MANOLITO D. TENA

SUBSCRIBED AND SWORN to before me this 29 day of July at ORMOC CITY, affiants exhibiting to me competent evidence of identity: _____

Doc. No. 213,
Page No. 43,
Book No. LXXIV
Series of 2020.

[Signature]
Notary Public for the City of _____
Municipalities of _____

Notarial Seal No. _____
PTR No. _____
IBP No. _____
Off. Add. Rm. 7, 2nd floor Cebu Ins. Bldg.
Borromeo St., Cebu City