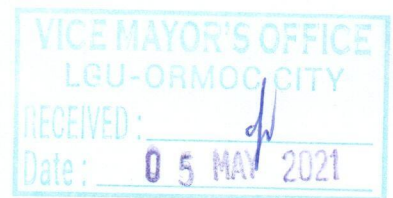


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 MAY 04, 2021

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,
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
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,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Vincent L. Rama,

SP Member

RESOLUTION NO. 2021-118

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR THE ACTING CITY
MAYOR TO ENTER INTO AND SIGN THE DEED OF
USUFRUCT (DOU) BY AND BETWEEN THE DINGDANG
REALTY CORPORATION, HEREIN REFERRED TO AS
THE OWNER, AND THE LOCAL GOVERNMENT UNIT OF
ORMOC, HEREIN REFERRED TO AS THE
USUFRUCTUARY, BY WHICH A POLICE STATION AND
OFFICE(S) ANCILLARY THERETO ARE TO BE
CONSTRUCTED.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated April 22, 2021 from the Office of the City Mayor, endorsing a request for the issuance of an authority for the City Mayor to enter into and sign the Deed of Usufruct (DOU) by and between the DingDang Realty Corporation, herein referred to as the owner, and the Local Government Unit of Ormoc, herein referred to as the usufructuary, by which a police station and office(s) ancillary thereto are to be constructed. Further requesting that this matter be treated as Extremely Urgent, a copy of the DOU is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, in an Opinion dated April 23, 2021, the City Legal Office finds nothing legally objectionable in the said Deed of Usufruct and that the same is not contrary to law, morals, public order, or public policy much less detrimental to the best interests of Ormoc City;

WHEREAS, Republic Act 7160, otherwise known as the Local Government Code of 1991, mandates that every local government shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient governance, and those which are essential to the promotion of the general welfare;

WHEREAS, DingDang Realty Corporation, by virtue of a Board Resolution, approved the use of a portion of Lot No. 7355-A located in Brgy. Dolores equivalent to an area of One Thousand (1,000) square meters;

WHEREAS, the owner desire to assist the usufructuary in the latter's pursuit of its goal to provide public safety to Ormocanons, by allowing the use of the property on which a police station and office(s) ancillary thereto are to be constructed;

WHEREAS, both parties agree that the property shall be devoted solely and exclusively to activities and structures towards the maintenance of peace and;

WHEREAS, this Sanggunian, after thorough examination of the aforementioned Deed of Usufruct, 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 enter into and sign the Deed of Usufruct, among other lawful purposes, helps maintain the peace and order of the City and henceforth, deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on joint motion of SP Member Gregorio G. Yrastorza III, Chairman, Committee on Justice and Peace and Order and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Nolito M. Quilang, Roiland H. Villasencio and Peter M. Rodriguez; 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 ENTER INTO AND SIGN THE DEED OF USUFRUCT (DOU) BY AND BETWEEN THE DINGDANG REALTY CORPORATION, HEREIN REFERRED TO AS THE OWNER, AND THE LOCAL GOVERNMENT UNIT OF ORMOC, HEREIN REFERRED TO AS THE USUFRUCTUARY, BY WHICH A POLICE STATION AND OFFICE(S) ANCILLARY THERETO ARE TO BE CONSTRUCTED;

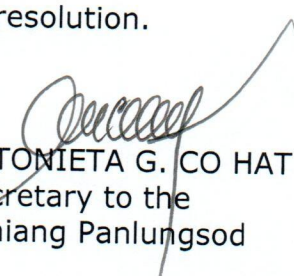
ADOPTED, May 04, 2021.

RESOLVED, FURTHER, that a copy of the final notarized Deed of Usufruct (DOU) 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; DingDang Realty Corporation; Ormoc City PNP; 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 USUFRUCT**KNOW ALL MEN BY THESE PRESENTS:**

This Deed of Usufruct executed by:

DINGDANG REALTY CORPORATION, a juridical entity existing in accordance with applicable laws, with principal place of business located in 3/F RJIR Bldg., Carlos Tan St., Brgy. 18 (Pob.), Ormoc City, Leyte, represented by **RICARDO K. OGARIO, JR.**, President, of legal age, Filipino, and resident of Paseo El Valiente Buena Vida Heights Subd., Brgy. San Pablo, Ormoc City, Leyte, hereinafter referred to as **OWNER**,

-AND-

LGU ORMOC CITY, herein represented by **CITY MAYOR RICHARD I. GOMEZ, DPA**, duly authorized to sign done by Sangguniang Panlungsod Resolution No. ____, of legal age, Filipino, and a resident of Barangay Can-adieng, Ormoc City, hereinafter called the **USUFRUCTUARY**,

WITNESSETH, THAT:

WHEREAS, Republic Act 7160, otherwise known as the Local Government Code of 1991, mandates that every local government shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the DingDang Realty Corporation executed Board Resolution No. ____ dated ____, approving the use of a portion of Lot No. 7355-A located in Brgy. Dolores, Ormoc city (referred to as the **PROPERTY**) equivalent to an area of ONE THOUSAND (1,000) SQUARE METERS, the location of which is as stated in the Sketch Plan attached as Annex "A" and that marked as Annex "B" on the photograph likewise appended to this agreement, both of which are made integral parts hereof;

WHEREAS, the **OWNER** desire to assist the **USUFRUCTUARY** in the latter's pursuit of its goal to provide public safety to Ormocanons, by allowing the use of the **PROPERTY** on which a police precinct and office(s) ancillary thereto, is/ are to be constructed;

WHEREAS, the **USUFRUCTUARY**, with concurrence of the Sangguniang Panlungsod, is amenable to the proposal of the **OWNER**;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree on the following terms and conditions:

1. The **OWNER** shall grant the use of the aforesaid **PROPERTY** to the **USUFRUCTUARY** on which a police station and ancillary buildings are to be constructed;
2. The **OWNER** permits that the necessary improvements and developments on the **PROPERTY** towards the execution of this agreement may be introduced by the **USUFRUCTUARY** or by another government agency engaged in the enforcement of peace and order, with the express written consent and acquiescence of the latter;
3. Both parties agree that the **PROPERTY** shall be devoted solely and exclusively to activities and/ structures towards the maintenance of peace and order and ensuring public safety and security;
4. It is hereby agreed by the **PARTIES** that the management and operation of the structures on the **PROPERTY** shall be exercised directly by **USUFRUCTUARY** or through another government agency including but not limited to the Philippine National Police (PNP). In the event such transfer is agreed upon by the **PARTIES**, the terms and conditions set forth in this agreement shall remain in force, more particularly the privileges given by the **USUFRUCTUARY** unto the **OWNER**,

without prejudice to the adoption of supplemental or amended terms and conditions of the agreement in writing by both **PARTIES**;

5. This agreement shall commence upon the date of signing hereof and shall be in force for **THIRTY (30)** years thereafter. Should the **USUFRUCTUARY** cease to use the **PROPERTY** in accordance with the aforementioned, for reasons not caused by or attributable to the **OWNER**, the area occupied thereby and made subject of this agreement shall automatically revert to the full, functional and beneficial use of the **OWNER**. Structures on the **PROPERTY** introduced by the **USUFRUCTUARY** and which cannot be removed without damage thereto shall accrue to the ownership of the **OWNER** without obligation to reimburse the **USUFRUCTUARY**, without prejudice to rights and interests pertaining to another/ other government agency(ies), occupying the **PROPERTY** with the consent of the **USUFRUCTUARY** and in accordance with the terms of this agreement.

IN WITNESS WHEREOF, the parties have hereunder subscribed their names this APR 20 2021 day of 2021 at Ormoc City, Leyte, Philippines.

DINGDANG REALTY CORPORATION
OWNER

Represented By

RICARDO K. OGARIO, JR.

LGU-ORMOC CITY

USUFRUCTUARY

Represented by:

RICHARD I. GOMEZ, DPA

WITNESSES:

ACKNOWLEDGEMENT

Republic of the Philippines)
City of Ormoc) S.S.

BEFORE ME, a notary for and in the City of Ormoc, personally appeared, the above named persons with their competent evidence of identity:

| | |
|------------------------|--|
| | |
| RICHARD I. GOMEZ | |
| RICARDO K. OGARIO, JR. | |

Personally known to the witnesses, who are known to me to be the same persons who executed the foregoing Deed of Usufruct consisting of two (2) pages including this page and acknowledge to me that the same is their free and voluntary act and deed.

This instrument consisting of two (2) pages including this acknowledgement has been signed on the left margin on each and every page hereof by the parties herein and their witnesses and sealed with my notarial seal.

WITNESS MY HAND AND SEAL, on the date and place first above written

Doc. No. 170 :
Page No. 24 :
Book No. XI :
Series of 2021.

ATTY. CONRAD P. CONOPIO
NOTARY PUBLIC
UNITED JUNE 30, 2011 PER BM No. 3795
OFFICE: 13517/13518/2020, Leyte Chapter
Roll No. 50001
NOTARIAL COMMISSION No. ORM-19-01-002
ISSUED ON 02-19-2019
1 MCLE COMPLIANCE No. v-0009480



DINGDANG REALTY CORPORATION
Board Resolution No. _____

BOARD RESOLUTION No. _____ ADOPTED ON _____

The undersigned, being all the directors of DingDang Realty Corporation, hereby sign the following resolution:

RESOLVED THAT:

1. RICARDO K. OGARIO, JR. is **AUTHORIZED** to represent the corporation in the preparation and execution of a Deed of Usufruct in favor of the Local Government Unit of Ormoc (LGU Ormoc), over a parcel of land identified as Lot No. 7355-A located in Brgy. Dolores, Ormoc city (referred to as the PROPERTY) equivalent to an area of ONE THOUSAND (1,000) SQUARE METERS, covered by Transfer Certificate of Title No. _____, the location of which is as stated in the Sketch Plan attached as Annex "A" and that marked as Annex "B" on the photograph appended to this Resolution;
2. The usufruct shall be made subject to the following conditions:
 - a. A police station and ancillary buildings are to be constructed on the PROPERTY;
 - b. The PROPERTY shall be devoted solely and exclusively to activities and/ structures towards the maintenance of peace and order and ensuring public safety and security;
 - c. Necessary improvements and developments on the premises may be introduced by the LGU Ormoc or by another government agency engaged in the enforcement of peace and order;
 - d. The the management and operation of the structures on the PROPERTY shall be exercised directly by the LGU Ormoc or through another government agency including but not limited to the Philippine National Police (PNP);
 - e. In the event of transfer or conveyance of the PROPERTY or any portion thereof, the terms and conditions set forth in the usufruct shall remain in force;
 - f. The usufruct shall commence upon the date of signing of the deed and shall be in force for THIRTY (30) years thereafter;

g. Should the LGU Ormoc cease to use the PROPERTY in accordance with the aforementioned, for reasons not caused by or attributable to the corporation, the area occupied thereby and made subject of this agreement shall automatically revert to the full, functional and beneficial use of the latter. Structures on the PROPERTY introduced by the LGU Ormoc and which cannot be removed without damage thereto shall accrue to the ownership of the corporation.

3. RICARDO K. OGARIO, JR. is authorized to make, sign and deliver any and all documents, deeds, instruments, receipts and/or papers that may be necessary or required relative to the accomplishment of the foregoing.

WE HEREBY AFFIX OUR SIGNATURES HEREIN THIS _____ IN ORMOC CITY.

| | | | |
|-----------------------------------|------------|-------------------|---|
| Ricardo K. Ogario, Jr. | President | 109-974-938-000 - |  |
| ZELDA V. OGARIO | Sec/Treas. | 109-974-945-000 - |  |
| RICHARD BENEDICT V. OGARIO | Director | 283-351-036-000 - |  |
| JILL STEPHANIE V. OGARIO | Director | 421-997-315-000 - |  |
| FATIMA IRIS V. OGARIO | Director | 421-996-834-000 - |  |



SECRETARY'S CERTIFICATE

I, ZELDA V. OGARIO, Corporate Secretary of DINGDANG REALTY CORPORATION, do hereby certify that in a Meeting on _____, held at its principal office, the Board of Directors of the said corporation duly passed, seconded and unanimously approved the foregoing resolution.

WITNESS MY HAND AND THE SEAL of the corporation this APR 20 2021 in the City of Ormoc City, Philippines.

ZELDA V. OGARIO
Corporate Secretary

APR 20 2021

SUBSCRIBED AND SWORN to before me on _____ in the City of _____, Philippines, affiant exhibiting to me competent evidence of identity _____.

Doc. No. 171;

Page No. 35;

Book No. XI;

Series of 2021.

CMU
ATTY. CONRAD P. CONOPIO
NOTARY PUBLIC
UNTIL JUNE 30, 2021 PER RM No. 3795
DATED DECEMBER 01, 2020
PTR No. 6614853 01/01/2021, Ormoc City
IBP No. 135171 12/10/2020, Leyte Chapter
ROLL No. 50004
NOTARIAL COMMISSION No. ORM-19-01-002
ISSUED ON 02-19-2019
MCLE COMPLIANCE No. v-0009480