

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 JULY 27, 2021

PRESENT:

Tomas R. Serafica,

(Temporary Presiding Officer)
SP Member, Presiding Officer "Pro-Tempore"

Benjamin S. Pongos, Jr.,

SP Member, Majority Floor Leader

Roiland H. Villasencio,

SP Member, 1st Asst. Majority Floor Leader

Nolito M. Quilang,

SP Member, 2nd Asst. Majority Floor Leader

Eusebio Gerardo S. Penserga,

SP Member

Jasper M. Lucero,

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

ON OFFICIAL BUSINESS:

Peter M. Rodriguez,

(Acting City Mayor), SP Member

ON LEAVE:

Leo Carmelo L. Loosin, Jr.

City Vice Mayor & Presiding Officer

RESOLUTION NO. 2021-209

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ/OIC CITY MAYOR/
ACTING CITY MAYOR TO ENTER INTO AND SIGN THE
CONTRACT TO BUY AND SELL, AND DEED OF
ABSOLUTE SALE FOR AND IN BEHALF OF THE LOCAL
GOVERNMENT UNIT OF ORMOC CITY, AS VENDEE,
WITH ISIDRO RECUSANA AND JUANA CATES, AS
VENDORS, OF A PARCEL OF LAND IDENTIFIED AS LOT
NO. 7506, SITUATED AT BARANGAY DOLORES, THIS
CITY, A PORTION TO BE USED FOR THE DPWH
EVACUATION CENTER AND FOR OTHER PUBLIC
PURPOSES.**

WHEREAS, the Fifteenth Sangguniang Panlungsod ng Ormoc received an endorsement letter from the Office of the City Mayor re: a request for the passage of a Resolution granting him or his representative the authority to enter into and sign the Contract to Buy and Sell, and Deed of Absolute Sale on the proposed acquisition of land, and further requesting that the matter be treated as urgent, a copy of the said letter is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, Section 17 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (LGC for brevity), mandates the local government units to exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities;

WHEREAS, the LGC further states that among such basic facilities are those "intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds including but not limited to, municipal roads and bridges x x x;"

WHEREAS, in the performance of such functions, the VENDEE has planned, programmed and funded a road concreting project in Barangay Dolores, this City;

WHEREAS, the VENDORS own a parcel of land identified as Lot No. 7506, containing an area of FOURTEEN THOUSAND ONE HUNDRED NINETY-FIVE (14,195) SQUARE METERS and covered by Transfer Certificate of Title No. 121-24414;

WHEREAS, the subject contract clearly encapsulates the terms and conditions of the parties thereto, stating that the price is ONE HUNDRED FIFTY PHILIPPINE PESO (Php150.00) per square meter or the total sum of TWO MILLION ONE HUNDRED TWENTY-NINE THOUSAND TWO HUNDRED FIFTY PHILIPPINE PESOS (Php2,129,250.00) to be paid in two (2) tranches subject to the terms and conditions set forth in the contract, a copy of the said contract is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, in an Annotation from the City Legal Office dated 19 July 2021, it stated therein that it finds nothing objectionable to the offer and recommends that a corresponding resolution be issued;

WHEREAS, the said property shall be considered as forming part of the City's properties for public use pursuant to the applicable provisions of the Civil Code;

WHEREAS, this Sanggunian, after thorough examination of the aforementioned request by the City Mayor, in addition to finding that the price on the contract is just, fair and reasonable, additionally finds that: the same is not contrary to law, existing contract, public policy, customs and morals and that the same is entered into for the best interest of the City; and that the granting of the authority facilitates the ongoing developmental progress of the City and henceforth, deserving of this august Body's prompt and favorable consideration;

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

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ/OIC CITY MAYOR/ACTING CITY MAYOR TO ENTER INTO AND SIGN THE CONTRACT TO BUY AND SELL, AND DEED OF ABSOLUTE SALE FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY, AS VENDEE, WITH ISIDRO RECUSANA AND JUANA CATES, AS VENDORS, OF A PARCEL OF LAND IDENTIFIED AS LOT NO. 7506, SITUATED AT BARANGAY DOLORES, THIS CITY, A PORTION TO BE USED FOR THE DPWH EVACUATION CENTER AND FOR OTHER PUBLIC PURPOSES;

ADOPTED, July 27, 2021.

RESOLVED, FURTHER, that a copy of the final and notarized Contract to Sell be submitted to this Sanggunian for its information and files;

Res. No. 2021-209


RESOLVED, FURTHER, to furnish copies of this resolution each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Planning Development Office; Mr. Isidro Recusana; Ms. Juana Cates; the City Assessor's Office; the City Treasurer's Office; the City Local Government Operations Officer-DILG; and 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:


TOMAS R. SERAFICA
(Temporary Presiding Officer)
SP Member
Presiding Officer "Pro-Tempore"



Republic of the Philippines
OFFICE OF THE CITY MAYOR
Ormoc City

Annex "A"

Jessica P. Villarin

19 JUL 2021

2nd Endorsement

July 19, 2021

4:11 P.M.

This is to respectfully endorse to the Office of the Sangguniang Panlungsod, the herein request for an issuance of a Resolution granting the City/Mayor or his representative, the authority to enter into and sign the attached **CONTRACT TO BUY AND SELL** and the **DEED OF ABSOLUTE SALE** subsequent thereto, relative to the proposed acquisition of a parcel of land in Brgy. Dolores. Subject to availability of funds and the enactment of the needed ordinance therefor.

Further requesting that this matter be treated as Extremely Urgent.

For your appropriate action.

RICHARD I. GOMEZ, DPA
City Mayor



Annex "B"

CONTRACT TO BUY AND SELL

KNOW ALL MEN BY THESE PRESENTS:

This Contract is made and entered into by and between:

ISIDRO RECUSANA and JUANA CATES, both of legal age, both Filipino, married to each other, and a residents of _____, Ormoc city, hereinafter referred to as the **VENDORS**; and the

THE LOCAL GOVERNMENT UNIT OF ORMOC, a corporation created and existing under Philippine laws, with address at Aunubing Street, Brgy. Cogon, Ormoc City, represented by Mayor **RICHARD I. GOMEZ**, hereunder referred to as the **VENDEE**;

WITNESSETH, that:

WHEREAS, the Local Government Unit of Ormoc (LGU Ormoc) is mandated to "exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities;

WHEREAS, the Local Government Code states that among such basic facilities are those "intended primarily to service the needs of the residents of the municipality and which are funded out of municipal funds including but not limited to, municipal roads and bridges; xxx";

WHEREAS, the **VENDORS** own a parcel of land that can be devoted to the pursuit by the **VENDEE** of its mandate;

WHEREAS, the **VENDEE** has have offered to buy the said property totaling an area **14,195 SQUARE METERS**, which the **VENDORS** have accepted under the following terms and conditions:

- 1. The lot subject of the sale is hereunder identified as:
Lot No.: 7506
Area: 14,195 square meters
Transfer Certificate of Title No.: 121- 24414
Location: Brgy. Dolores, Ormoc

2. The Contract Price is ONE HUNDRED FIFTY (PHP 150.00) per square meter or the total sum of TWO MILLION ONE HUNDRED TWENTY NINE THOUSAND TWO HUNDRED FIFTY PESOS (Php 2,129,250.00) for the entire area of the property, net of capital gains tax, documentary stamp tax, transfer tax and registration and transfer fees necessary to cause transfer of title of the purchased lot to the **VENDEE**;

Approved

Separate Opinion

Drafted by CLO

Not contrary to law, public

policy, moral.

- 3. The **VENDORS** agree to **SELL** to the **VENDEE** the property subject of this Contract.

Amendments/Revisions

BY: 
Asst. City Legal Officer

DATE: JUL 19 2021

4. That upon signing of this Contract, the VENDEE shall process the disbursement voucher for the release of the amount due under this contract, as follows:
- a. FIFTY PERCENT (50%) of the consideration shall be released on or before January 31, 2021;
 - b. Upon release of the said amount, the VENDORS shall sign and execute a Deed of Absolute Sale over the property subject of this contract, in favor of the VENDEE, and the acknowledgment receipt of the same amount;
 - c. The balance of the consideration shall be released upon issuance of the owner's duplicate copy of the title in the name of the VENDEE and before March 20, 2022.
5. Upon the execution of this Contract, the VENDEE shall then be entitled to enter and take and possession of the property subject of this agreement equivalent to TWO (2) hectares.
6. Likewise upon the execution of this Contract, the VENDEE shall then be entitled to take and possession of the property. VENDEE further ratifies prior possession by the VENDOR on the same property.
7. The VENDORS warrant that all such structure(s) within the premises belong to him or is/ are within his control.
8. The VENDEE undertakes to cause notice to be served on the VENDORS of the scheduled demolition of any structure at least thirty (30) days from the intended date hereof.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ in Ormoc City.

ISIDRO RECUSANA

JUANA CATES

LOCAL GOVERNMENT UNIT OF ORMOC
REPRESENTED BY:

RICHARD I. GOMEZ, DPA

WITNESSED BY (PRINT NAME AND SIGN):

REVIEWED

ORMOC CITY LEGAL OFFICE

ACKNOWLEDGMENT

Approval
Republic of the Philippines)
City of Ormoc) S.S.
Separate Opinion

Before me, this _____ at Ormoc City, Philippines, personally appeared
the following with competent evidence of identity:

Not contrary to laws, rules, policies, procedures, and/or regulations	COMPETENT EVIDENCE OF IDENTITY
PARTY	
ISIDRO RECUSANA	
JUANA CATES	
RICHARD I. GOMEZ	

BY: Burt J. Pades
Assistant City Legal Officer

DATE:

JUL 19 2021

all known to me to be the same persons who executed the foregoing Contract to Sell consisting of THREE (3) pages, including the page on which this Acknowledgment is written and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, on the date and place above- written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2021.

REVIEWED
ORMOC CITY LEGAL OFFICE
____ Approved
____ Separate Opinion
____ Drafted by CLO
____ Not contrary to laws, public policy, moral.
____ Amendments/Revisions
BY: <u>Burt J. Sados</u> Assistant City Legal Officer
DATE: <u>JUL 19 2021</u>