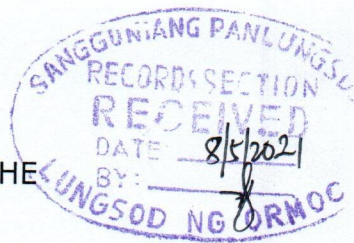


SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



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 AUGUST 03, 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, 1<sup>st</sup> Asst. Majority Floor Leader

Nolito M. Quilang,

SP Member, 2<sup>nd</sup> 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,

SP Member

Joan Marbie C. Simbajon,

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 OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.

(Acting City Mayor)

City Vice Mayor & Presiding Officer

**RESOLUTION NO. 2021-217**

**A RESOLUTION AMENDING RESOLUTION NO. 2021- 202,  
GRANTING AUTHORITY TO THE CITY MAYOR RICHARD  
I. GOMEZ/CIC 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 MR. JOSE LUIS D. TAN, AS  
VENDOR, OF A PARCEL OF LAND IDENTIFIED AS LOT  
NO. 1-A, SITUATED AT BARANGAY MABINI, THIS  
CITY, FOR NHA HOUSING PURPOSES AND OTHER  
PUBLIC PURPOSES.**

WHEREAS, the Fifteenth Sangguniang Panlungsod ng Ormoc received an endorsement letter from the Office of the City Mayor requesting the amendment of Resolution No. 2021- 202 which granted the City Mayor 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, the amendment of Resolution No. 2021- 202 is sought in relation to the letter transmitted by Mr. Jose Luis D. Tan wherein he indicates his preference that "the total purchase price of the contract and the manner or conditions to which it will be paid in full be included and form part of the resolution signed and approved by the Sangguniang Panlungsod";



WHEREAS, a perusal of Resolution No. 2021- 202, and the Contract to Buy and Sell containing the terms and conditions of the acquisition by the City Government of Lot 1-A, as approved by this Body, supports the claims expressed by Mr. Tan;

RESOLVED, AS IT IS HEREBY RESOLVED, to AMEND RESOLUTION NO. 2021-202, FOR IT TO STATE:

"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, 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, in the performance of such functions, the VENDEE has planned, programmed and funded projects in Barangay Mabini, this City;

WHEREAS, the VENDOR owns a parcel of land identified as Lot No. 1-A, containing an area of SIXTY-EIGHT THOUSAND SIX HUNDRED FORTY-FIVE (68,645) SQUARE METERS and covered by Transfer Certificate of Title (TCT for brevity) No. 50455, a photocopy of the TCT is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, in a Memorandum dated 24 May 2021 issued by the Appraisal Committee, the recommended appraised value of the aforesaid lot should not be more than NINE HUNDRED PHILIPPINE PESOS (Php900.00) per square meter, a copy of the said Memorandum is hereto attached as Annex "C" and made an integral part hereof;

WHEREAS, the VENDEE offered to purchase the lots of the VENDORS for a contract price of SIX HUNDRED PHILIPPINE PESOS (Php600.00) per sq. m. or the total sum of FORTY-ONE MILLION ONE HUNDRED EIGHTY-SEVEN PESOS (Php41,187,000.00), subject to the terms and conditions set forth in the contract to buy and sell to which the latter accepted;

WHEREAS, the City Budget Officer and the City Accountant issued a Statement of Supplemental Appropriation CY 2021 stating that the amount of TWELVE MILLION PHILIPPINE PESOS (Php12,000,000.00) are funds deemed available, as covered by a copy of the Statements attached hereto as Annexes "D" and "E" and made an integral part hereof;

WHEREAS, the amount of Php 12,000,000.00 mentioned in the immediately preceding paragraph, is only for the purchase of a portion of the abovementioned parcel of land equivalent to two (2) hectares thereof, and payment on the balance of the total purchase price is contingent on the CY 2022 budget;

WHEREAS, in a communication from the City Legal Office dated 2 June 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 Nolito M. Quiang, Vice-Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Lalaine A. Marcos, Gregorio G. Yrastorza III, Peter M. Rodriguez, Joan Marbie C. Simbajon and Esteban V. Laurente; be it

RESOLVED FURTHER, 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 MR. JOSE LUIS D. TAN, AS VENDOR, OF A PARCEL OF LAND IDENTIFIED AS LOT NO. 1-A, SITUATED AT BARANGAY MABINI, THIS CITY;


ADOPTED, August 03, 2021.

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


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 Accountant; the City Budget Officer; the City Treasurer; the City Planning & Development Office; the City Auditor; Mr. Jose Luis D. Tan; 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 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"





Res. # 2021 - 217  
"Annex A"

Jessica P. Villanar  
02 AUG 2021

Republic of the Philippines  
**OFFICE OF THE CITY MAYOR**  
Ormoc City

2<sup>nd</sup> Endorsement

July 29, 2021

This is to respectfully request the Office of the Sangguniang Panlungsod, to amend Resolution No. 2021-202 for it to address the concerns raised by Jose Luis Tan in the letter attached hereto.

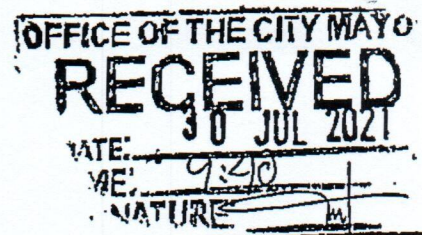
Further requesting that this matter be treated as **EXTREMELY URGENT**.

For your appropriate action.

**BENJAMIN S. FONGOS, Jr.**  
Acting City Mayor







July 28, 2021

JOSEPHINE A. MEJIA- ROMERO  
City Legal Office, Ormoc City Hall  
Aunubing St., Brgy. Cogon, Ormoc City  
(053) 5608045/ 2557395 local 1017/ 1019

Good morning Atty. Joy!

I am writing you this letter in reference to Resolution No. 2021-202. A resolution granting authority to the City Mayor Richard I. Gomez 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 Jose Luis D. Tan as the Vendor, of a parcel of land identified as lot 1-A, situated at Barangay Mabini, Ormoc City.

The said resolution described the parcel of land, location and the area to be purchased by local government of Ormoc City and the offered price of the vendor at P600 per square meters; however, it failed to explicitly state the total amount of Forty One Million, One Hundred Eighty Seven Thousand Pesos, (P41,187,000.00) to which the local government is to pay to the Vendor, Mr. Jose Luis Tan.

The same resolution made mention of a supplemental appropriation for CY 2021 is available in the amount of Twelve Million Pesos (P12,000,000.00) for the purchase of the above stated property, but it failed to specify that the said amount is intended as an initial payment only intended for the purchase of a 2 hectares property, a portion of land of the entire area. That the balance will be paid in full contingent to the approval of CY2022 budget.


Though, I understand that the resolution no. 2021-202 is not a contract and that we should always refer to the Contract to Buy and Sell, but I prefer and would greatly appreciate if the total purchase price of the contract and the manner or conditions to which it will be paid in full be included and form part of the resolution signed and approved by the Sangguniang Panglungsod.

I respectfully and humbly request that my concern will be addressed in a way that is most agreeable and beneficial to all.

Respectfully Yours,

  
JOSE LUIS D. TAN

TO: CM  
Request to endorse to SP  
for amendment of Reso  
# 2021 - was to clarify  
amount of sale.

  
Atty. Burt J. Sides  
City Legal Officer