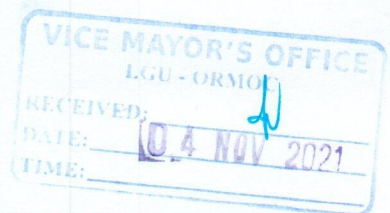
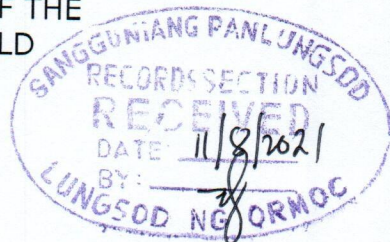


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 NOVEMBER 03, 2021



PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Roiland H. Villasencio,
Tomas R. Serafica,
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, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"

SP Member
SP Member
SP Member
SP Member
SP Member
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 LEAVE:

Nolito M. Quilang,

SP Member, 2nd Asst. Majority Floor Leader

RESOLUTION NO. 2021-307

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ, ON BEHALF OF THE CITY
GOVERNMENT OF ORMOC, LEYTE, OR THE ACTING
CITY MAYOR, TO FILE AN ACTION WITH THE
HONORABLE COURTS RELATIVE TO THE
EXPROPRIATION PROCEEDINGS OF LOTS AFFECTED
BY THE ROAD CONSTRUCTION AT BRGY. MILAGRO TO
BRGY. HIBUNAON AGAINST ALL RELEVANT LAND
OWNERS, INCLUDING APPLICATION FOR WRIT OF
IMMEDIATE POSSESSION AND SUCH OTHER RELIEFS
RELATIVE THERETO.**

WHEREAS, this 15th Sangguniang Panlungsod was in receipt of an Endorsement Letter dated 28 October 2021 from the Office of the City Mayor, submitting an urgent request for the issuance of a Resolution authorizing the City Mayor/OIC Mayor/Acting Mayor to cause the filing of a civil action for the expropriation of all lots affected by the road construction at Brgy. Milagro to Brgy. Hibunaon, and application for Immediate Possession, particularly only against all affected lot owners who did not accept the City's offer to buy and other persons acting for and through said affected lot owners;

WHEREAS, the expansion, development and creation of road networks and the public's unhampered access thereto in the City of Ormoc is a vital infrastructure needed for sustained growth and development and for the upliftment of the general welfare;

WHEREAS, as part of the City's Development Plan, there is a need to open a road traversing Brgy. Milagro to Brgy. Hibunaon which would inadvertently traverse the varying properties of the following persons as indicated in the table below;

WHEREAS, the following are the portions of the following lots registered under the following names and with the following details numbered as appearing in the parcellary survey and table which both are attached and made integral parts hereof:

| LOT NO. | OWNER/S | SQM FOR EXPROPRIATION | TD No. | OCT/TCT NO. | BRGY. LOCATION |
|-----------|--|-----------------------|-------------|----------------|----------------|
| 9078-PART | CARMENCITA CHUA & VIRGINIA CHUA | 2,670 | 00060-00029 | 12234 | MILAGRO |
| 9084 | MELCHOR RITA LARRAZABAL ENTERPRISES INC. | 1,909 | 00011-00086 | 22911 | CABAON-AN |
| 9085-PART | RITA PALOU LARRAZABAL LUISA L. CIMA FRANCA ANNA MARIA CATALINA L. KANGLEON MARCOS ALFREDO P. LARRAZABAL MELCHOR GREGORIO & MARIA P. LARRAZABAL MARGARITA MARIA ANICETA L. VILLORIA SOFIA INEZ L. VISUÑA MAITENA P. LARRAZABAL | 8,643 | 00011-00031 | 121-2012000221 | CABAON-AN |
| 9090 | MELCHOR RITA LARRAZABAL ENTERPRISES INC. | 4,148 | 00060-00111 | 22897 | MILAGRO |
| 9091 | MELCHOR RITA LARRAZABAL ENTERPRISES INC. | 1,410 | 00060-00112 | 22895 | MILAGRO |
| 9089 | RITA PALOU LARRAZABAL LUISA L. CIMA FRANCA ANNA MARIA CATALINA L. KANGLEON MARCOS ALFREDO P. LARRAZABAL MELCHOR GREGORIO & MARIA P. LARRAZABAL MARGARITA MARIA ANICETA L. VILLORIA SOFIA INEZ L. VISUÑA MAITENA P. LARRAZABAL | 1,169 | 00060-00094 | 121-2012000222 | MILAGRO |
| 9095-B | JUANITA CABALDE | 9,363 | 00060-00020 | 12796 | MILAGRO |
| 9095-A | EMERITA CABALDE | | 00060-00019 | 12797 | MILAGRO |
| 9099-PART | MIRAFUENTES, FLAVIANA | 1,643 | 00060-00131 | 35924-Part | MILAGRO |

| | | | | | |
|-----------|---|--------|--------------|----------------|-----------|
| 9108 | TEOTIMA CASIBAN | 10,063 | 00026-00056 | 18721 | DOLORES |
| 9107/5063 | NUEVO CANDIDO & REMEDIOS PIQUERRA | 1,870 | 00026--00205 | 13315 | DOLORES |
| 11097 | CHUA, ERNESTO/ SABENORIO, ANA | 1,028 | 00026-01191 | 121-2013000482 | DOLORES |
| 9227 | AMPARO ALCORDO/ADM. PURISMO ALCORPO | 1,328 | 00026-00009 | 7412 | DOLORES |
| 11096 | AMPARO ALCORDO/ADM. PURISMO ALCORPO | 1,281 | 00026-00010 | 7413 | DOLORES |
| 11095 | AMPARO ALCORDO/ADM. PURISMO ALCORPO | 1,083 | 00026-00011 | 7411 | DOLORES |
| 9229 | PRISCILLA CASTRO COMPENDIO & DIONESIO N. COMPENDIO, FELIX NODALE MONTES & PAULITA GARNADA | 2,764 | 00026-00192 | 391 | DOLORES |
| 9228-B | WILFREDO CIMAFRANCA & MARIA LUISA LARRAZABAL | 1,588 | 00026-00091 | 12974 | DOLORES |
| 7537-PART | HERMOGINA CALE | 2,935 | 00026-00047 | 4902 | DOLORES |
| 7 | MARTINO LANGRES | 1,651 | 00026-10174 | 16641 | DOLORES |
| 6 | DOMINADOR LANGRES | 1,704 | 00026-00172 | 16649 | DOLORES |
| 8098/8099 | CLARA POTOY | 1,134 | 00036-000191 | RO-242-(P-95) | HIBUNA-ON |
| 7579-PART | CLARA POTOY | 2,091 | 00036-00193 | 7766-Part | HIBUNA-ON |
| 7580 | CLARA POTOY | 1,873 | 00036-00192 | 7767 | HIBUNA-ON |
| 4 | POTENCIANO AND ANICETA LARRAZABAL ENTERPRISES CORPORATION | 4,891 | 00036-00171 | 17153 | HIBUNA-ON |
| 1 | FIDEL N. NALZARO & CATALINA C. SANCHEZ | | 00036-00221 | T-1738 | HIBUNA-ON |
| 7581 | POTENCIANO AND ANICETA LARRAZABAL ENTERPRISES CORPORATION | 1,273 | 00036-00004 | 17511 | HIBUNA-ON |
| 6 | MARCELINO ALBARICO | 1,474 | 00036-00239 | | HIBUNA-ON |
| 5 | EDITHA D. ALBARIDO | 2,547 | 00036-00233 | 49342 | HIBUNA-ON |

| | | | | | |
|--------------|--|---------------|-----------------|-------|---------------|
| 4 | TEODORICO ALBARIDO, SR. | 1,345 | 00036- 00237 | 49346 | HIBUNA- ON |
| 7661 | ALFREDO BINORILLA MERCONES & ARLENIE GALLARDO MERCONES, CRISOLOGO SENON ERIG & VIOLETA YBANEZ ERIG, LIBRADO MARA NASTOR & PELICULA COVERO NASTOR, SOBAS MERCADAL ROSAL & FRANCISCA ROBELLO ROSAL | 5,379 | 00036- 00140 | T-840 | HIBUNA- ON |
| 7662 | GEORGE MONTES | 4,647 | 00036- 00165 | 25480 | HIBUNA- ON |
| 7664 | MELCHOR RITA LARRAZABAL ENTERPRISES INC. | 1,587 | 00036- 00147 | 23224 | HIBUNA- ON |
| 7665 | FRANCISCO TUMAMBID/ OSITA OLIVEROS | 1,478 | 00036- 00211 | 6080 | HIBUNA- ON |
| 7666 | FRANCISCO TUMAMBID/ OSITA OLIVEROS | 2,175 | 00036- 00212 | 2071 | HIBUNA- ON |
| 8055 | INAKI A. LARRAZABAL ENTERPRISES, INC. | 765 | 00036- 00091 | 10709 | HIBUNA- ON |
| TOTAL | | 90,909 | | | |

WHEREAS, the City has already offered to buy the lands affected by the road concreting at Barangay Milagro to Barangay Hibunaon, Ormoc City, and most of the registered owners of the affected lands have accepted the City's offer to buy the affected properties, except for those above-enumerated owners who have refused and continued to refuse the City's offer to buy despite due notice made by the City of its offer to buy;

WHEREAS, the taking and immediate possession of above-described private properties is an imminent and necessary measure that has to be undertaken by the local government unit of Ormoc City, Leyte for public use and a public purpose;

WHEREAS, the Department of Public Works and Highways (DPWH) has already allotted the amount of Twenty Million Philippine Pesos (Php 20,000,000.00) for the Construction of Road at Barangay Milagro to Barangay Hibunaon, which allotment shall be valid for obligation only until December 31, 2021;

WHEREAS, through the exercise of the power of eminent domain, the affected private property may be acquired by the Local Government Unit of Ormoc City through expropriation proceedings and the immediate possession be done upon compliance with the requirements of the law;

WHEREAS, Section 19 of the Local Government Code of 1991 provides:

"Section 19. Eminent Domain. - A local government unit may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose or welfare for the benefit of the poor and the landless, upon payment of just compensation, pursuant to the provisions of the Constitution and pertinent laws: Provided, however, That the power of eminent domain may not be exercised unless a valid and definite offer has been previously made to the owner, and such offer was not accepted: Provided, further, That the local government unit may immediately take possession of the property upon the filing of the expropriation proceedings and upon making a deposit with the proper court of at least fifteen percent (15%) of the fair market value of the property based on the current tax declaration of the property to be expropriated: Provided, finally, That, the amount to be paid for the expropriated property shall be determined by the proper court, based on the fair market value at the time of the taking of the property."

WHEREAS, the City Mayor is hereby authorized to perform the following acts, to wit:

1. To file in the name of the City of Ormoc any and all necessary pleading and motion expropriation proceedings against the parties of the above-described parcels of land, to include the filing of an appeal and/or special civil actions as may be needed to be interposed in connection with the said case, in connection with which he attests that:
 - a. The allegations in the pleading are true and correct based on personal knowledge, or based on authentic documents, except as otherwise indicated therein;
 - b. The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
 - c. The factual allegations therein have evidentiary support or will likewise have evidentiary support after a reasonable opportunity for discovery;
2. To represent the City of Ormoc at all stages thereof, including at the pre-trial, mediation and judicial dispute resolution, for which purposes hereby authorize the City Mayor to enter into an amicable settlement or submit to other alternative modes of dispute resolution, simplification of issues, and stipulations or admissions of facts and of documents, and to sign in the municipality's behalf the pre-trial order.
3. Authority is further given to the City Mayor to do any and all acts whatsoever necessary in order to give full force and effect to this authority, without the power of substitution, and hereby confirming any such acts that he might lawfully do or cause to be done, as the City Government of Ormoc may do or cause to be done if personally present.

WHEREAS, upon close and thorough review of the same, this Sanggunian finds that for purposes of fully protecting the interests of the City, the request on the subject endorsement is deemed to be necessary and meritorious, and further, that the manner chosen upon which the City's interests are to be pursued and protected, is determined to be proper and in order, rendering the request, therefore, deserving of this august Body's prompt and affirmative action;

Res. No. 2021-307

WHEREFORE, on joint motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws & Ordinances and SP Member Roiland H. Villasencio, Chairman, Committee on Public Properties, severally seconded by SP Members Tomas R. Serafica, Lalaine A. Marcos, Esteban V. Laurente and Joan Marbie C. Simbajon; be it

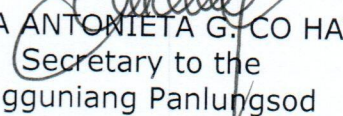
RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ, ON BEHALF OF THE CITY GOVERNMENT OF ORMOC, LEYTE, OR THE ACTING CITY MAYOR, TO FILE AN ACTION WITH THE HONORABLE COURTS RELATIVE TO THE EXPROPRIATION PROCEEDINGS OF LOTS AFFECTED BY THE ROAD CONSTRUCTION AT BRGY. MILAGRO TO BRGY. HIBUNAON AGAINST ALL RELEVANT LAND OWNERS, INCLUDING APPLICATION FOR WRIT OF IMMEDIATE POSSESSION AND SUCH OTHER RELIEFS RELATIVE THERETO;

ADOPTED, November 03, 2021.


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 A. Mejia-Romero; the City Treasurer's Office; the City General Services Office; the City Assessor's Office; the CPDO; the City Engineering Office; the Register of Deeds; the City Local Government Operations Officer -DILG; all concerned Barangays; 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:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

Res. # 2021-307
Annex A

| POSSIBLE AFFECTED LOTS FOR THE PROPOSED MILAGRO-HIBUNAON ROAD (TOTAL LENGTH 4+506.00) | | | | | | | |
|---|-----------|--------------------|-----------|--------------|--------------|----------------|---|
| NO. | BRGY_NAME | PIN | LOT NO. | AREA FOR ROW | TD No. | TCT NO. | OWNER |
| 1 | MILAGRO | 155-04-0088-009-11 | 9078-PART | 2,670 | 00060-00029 | | CHUA, CARMENCITA/VIRGINIA |
| 2 | CABAON-AN | 155-04-0039-014-14 | 9084 | 1,909 | 00011-00086 | 22911 | MELCHOR RITA LARRAZABAL |
| 3 | CABAON-AN | 155-04-0039-014-11 | 9085-PART | 3,643 | 00011-00031 | | LARRAZABAL, MELCHOR |
| 4 | MILAGRO | 155-04-0088-003-03 | 9090 | 4,148 | 00060-00111 | 22897 | RITA, MELCHOR |
| 5 | MILAGRO | 155-04-0088-003-04 | 9091 | 1,410 | 00060-00112 | 22895 | RITA, MELCHOR |
| 6 | MILAGRO | 155-04-0088-003-02 | 9089 | 1,169 | 00060-00094 | 9593 | LARRAZABAL, MELCHOR/RITA PALDO |
| 7 | MILAGRO | 155-04-0088-002-04 | 9095-B | 9,363 | 00060-00020 | 12796 | CABALDE, JUANITA |
| 7 | MILAGRO | 155-04-0088-002-05 | 9095-A | | 00060-00019 | 12797 | CABALDE, EMERITA |
| 8 | MILAGRO | 155-04-0088-004-02 | 9099-PART | 1,643 | 00060-00131 | 35924-Part | MIRAFUENTES, FLAVIANA |
| 9 | DOLORES | 155-04-0054-003-03 | 9108 | 10,063 | 00026-00056 | 23149 | CASIBAN, TEOTIMA |
| 10 | DOLORES | 155-04-0054-003-04 | 9107/5063 | 1,870 | 00026-00205 | 13315 | NUENO, CANDIDO/PIQUERRA, REMEDIOS |
| 11 | DOLORES | 155-04-0054-003-05 | 11097 | 1,028 | 00026-01191 | 121-2013000482 | CHUA, ERNESTO/SABENORIO, ANA |
| 12 | DOLORES | 155-04-0054-005-04 | 9227 | 1,328 | 00026-00009 | | ALCONDO, AMPARO/ADM. PURISIMA ALCORPO |
| 13 | DOLORES | 155-04-0054-005-03 | 11096 | 1,281 | 00026-00010 | | ALCONDO, AMPARO/ADM. PURISIMA ALCORPO |
| 14 | DOLORES | 155-04-0054-005-02 | 11095 | 1,083 | 00026-00011 | 7411 | ALCONDO, AMPARO |
| 15 | DOLORES | 155-04-0054-005-01 | 9229 | 2,764 | 00026-00192 | 22974 | MELCHOR RITA LARRAZABAL |
| 16 | DOLORES | 155-04-0054-005-06 | 9228-B | 1,588 | 00026-00091 | 12974 | AMAFRANCA, WILFREDO/ MA. LUISA LARRAZABAL |
| 17 | DOLORES | 155-04-0054-006-03 | 7537-PART | 2,935 | 00026-00047 | | CALE, HERMOGENA |
| 18 | DOLORES | 155-04-0054-006-02 | 7 | 1,651 | 00026-10174 | 16641 | LANGRES, MARTINITO |
| 19 | DOLORES | 155-04-0054-006-01 | 6 | 1,704 | 00026-00172 | 16649 | LANGRES, DOMINADOR |
| 20 | HIBUNA-ON | 155-04-0064-006-04 | 8098/8099 | 1,134 | 00036-000191 | | POTOY, CLARA |

[Handwritten signature]

| POSSIBLE AFFECTED LOTS FOR THE PROPOSED MILAGRO-HIBUNAON ROAD (TOTAL LENGTH 4+506.00) | | | | | | |
|---|------------------|--------------------|-----------|---------------|-------------|--|
| NO. | BRGY_NAME | PIN | LOT NO. | AREA FOR RROW | TD No. | TCT NO. OWNER |
| 21 | HIBUNA-ON | 155-04-0064-014-05 | 7579-PART | 2.091 | 00036-00193 | 7766-Part POTOY, CLARA |
| 22 | HIBUNA-ON | 155-04-0064-014-04 | 7580 | 1.873 | 00036-00192 | 7767 POTOY, CLARA |
| 23 | HIBUNA-ON | 155-04-0064-014-06 | 4 | 4.891 | 00036-00171 | 15020 NASTOR, EMILIANA LANGRES |
| 23 | HIBUNA-ON | 155-04-0064-014-07 | 1 | | 00036-00221 | 17152 PAL |
| 24 | HIBUNA-ON | 155-04-0064-014-11 | 7581 | 1.273 | 00036-00004 | ALBARIDO, ESPERIDION |
| 25 | HIBUNA-ON | 155-04-0064-014-21 | 6 | 1.474 | 00036-00239 | ALBARICO, MARCELINO |
| 26 | HIBUNA-ON | 155-04-0064-013-03 | 5 | 2.547 | 00036-00233 | 49342 ALBARIDO, EDITHA O. |
| 27 | HIBUNA-ON | 155-04-0064-013-02 | 3 | 1.345 | 00036-00237 | TEODORO, ALBARIDO SR. |
| 28 | (FOR ASSESSMENT) | | | 77 | | |
| 29 | HIBUNA-ON | 155-04-0064-013-01 | 7661 | 5.302 | 00036-00140 | 22934 MELCHOR RITA LARRAZABAL |
| 30 | HIBUNA-ON | 155-04-0064-012-13 | 7662 | 4.647 | 00036-00165 | 25480 GEORGE MONTES |
| 31 | HIBUNA-ON | 155-04-0064-012-14 | 7664 | 1.587 | 00036-00147 | 23224 MELCHOR RITA LARRAZABAL ENT. INC |
| 32 | HIBUNA-ON | 155-04-0064-012-15 | 7665 | 1.478 | 00036-00211 | 6080 TUMAMBID, FRANCISCO/OLIVEROS, OSITA |
| 33 | HIBUNA-ON | 155-04-0064-012-17 | 7666 | 2.175 | 00036-00212 | 2071 TUMAMBID, FRANCISCO/OLIVEROS, OSITA |
| 34 | HIBUNA-ON | 155-04-0064-011-06 | 8055 | 765 | 00036-00091 | INAKI LARRAZABAL |

PREPARED BY:

MARY ANN L. COYOCA, GE
Administrative Aide I

CHECKED BY:

SIDRO C. LUSANTA JR., GE
Engineer II

ANNEX

"Annex B"

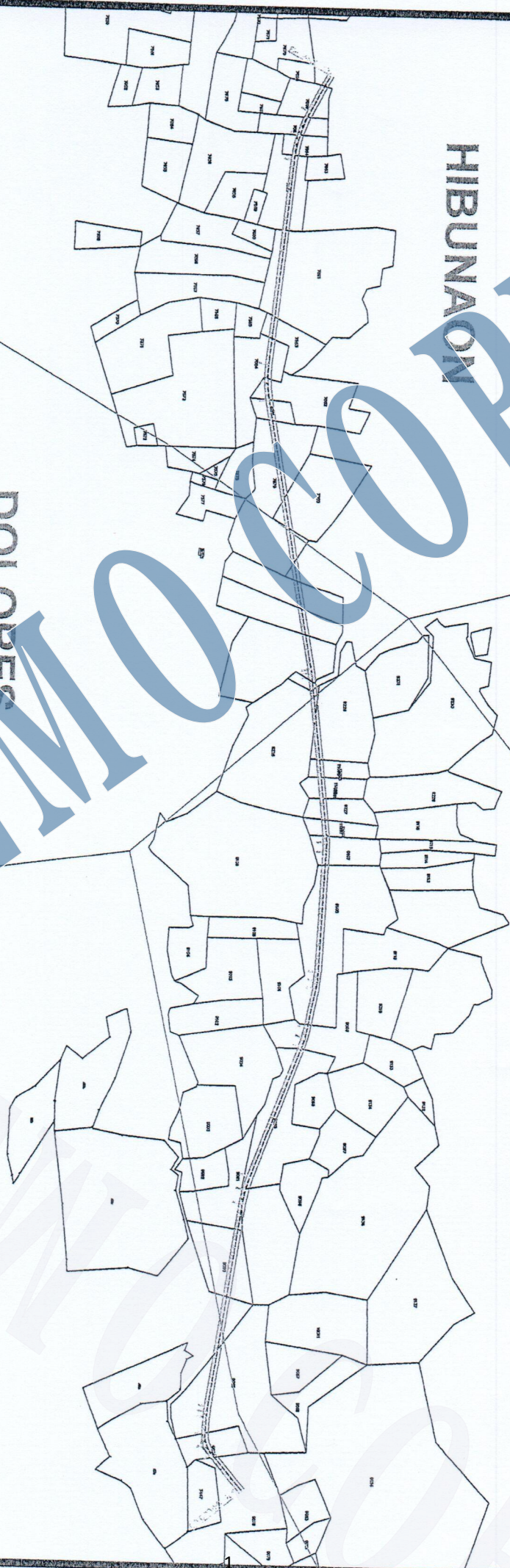
NUEVA
VISTA

CABAON-AN

HIBUNAON

DOLORES

MILAGRO



OFFICIAL SEAL

Republic of the Philippines
CITY GOVERNMENT OF ODMOC
Odmoc City

SEPTEMBER 20, 2021
SCALE 1:12,000

Project Name & Location:

SITE DEVELOPMENT PLAN OF THE
PROPOSED MILAGRO-HIBUNAON ROAD
(TOTAL LENGTH = 4+506.00)

Prepared by:

MARY ANN L. COYOGA, GE.
Assistant City Engineer

Submitted by:

FE YVONNE M. DELOS SANTOS
Engineer II
Recommending for Approval:

ISIDRO S. SUSANTA JR.
Assistant City Engineer

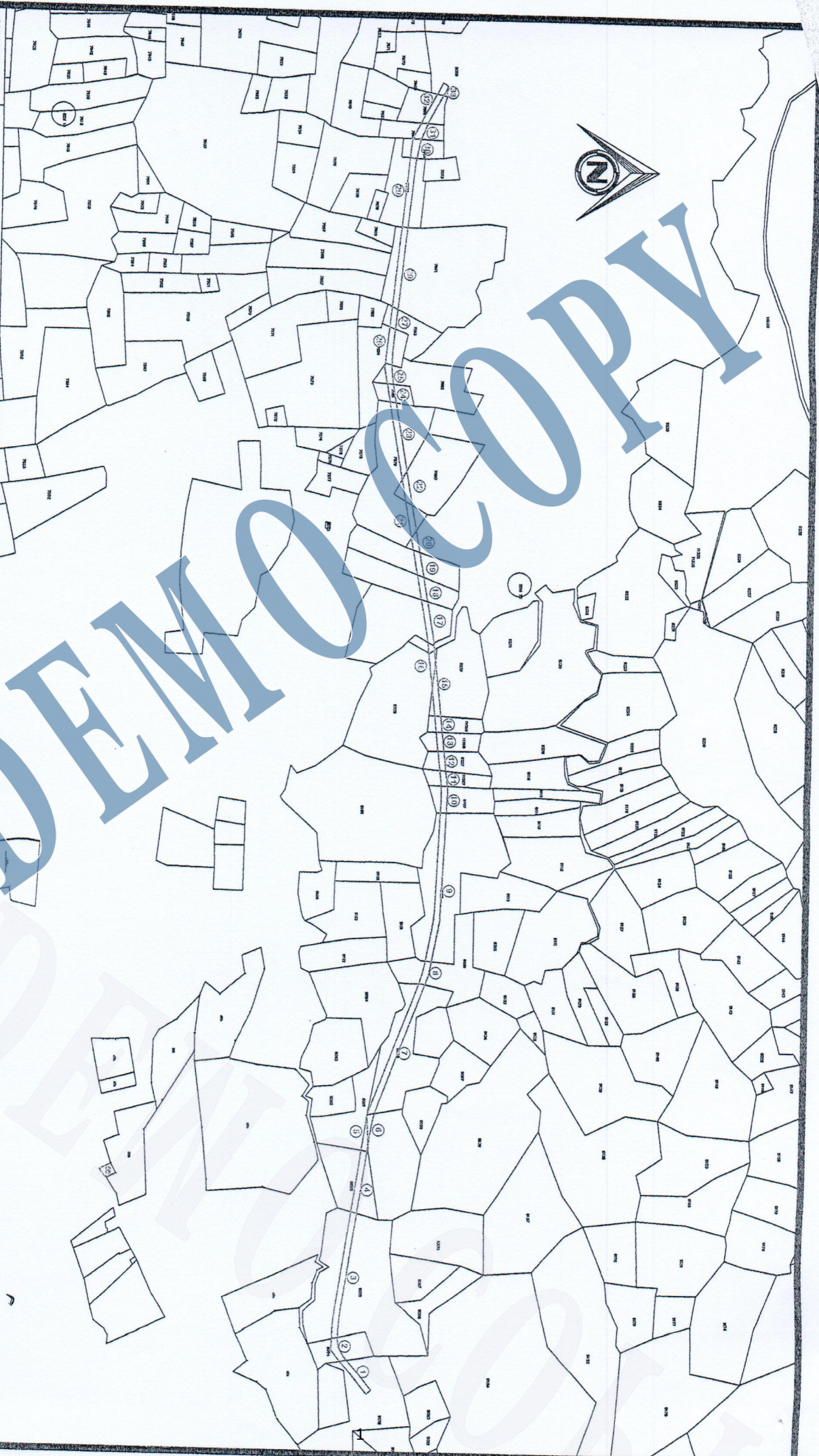
RANILLO D. OLIVEROS
Assistant City Engineer

Approved by:

JOJO L. GOMEZ, CPA
CITY MAYOR

SHEET NO.





OFFICIAL SEAL

Republic of the Philippines
CITY GOVERNMENT OF ORMOG
Ormoc City

SEPTEMBER 20, 2021
SCALE 1:12,000

Project Name & Location:
**PARCELLARY MAP OF THE
PROPOSED MILAGRO-HIBUNAON ROAD
(TOTAL LENGTH = 4+506.00)**

Prepared by:

MARY ANN COYOCA, GE.
(Professional Engineer)

Checked by:

ANDRO C. SANTIJA JR.
(Professional Engineer)

Submitted by:

FE YVONNE M. DELLOS SANTOS
(Engineer II)

Recommending for Approval:

RAMON O. OLIVEROS
(City Engineer)

Approved by:

RICHARD I. GOMEZ
City Mayor

SHEET NO.

1