

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 MARCH 29, 2022



PRESENT:

Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Roiland H. Villasencio,	SP Member, Majority Floor Leader
Nolito M. Quilang,	SP Member, 1 st Asst. Majority Floor Leader
Eusebio Gerardo S. Penserga,	SP Member, 2 nd Asst. Majority Floor Leader
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,	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 LEAVE:

Leo Carmelo L. Locsin, Jr. City Vice Mayor & Presiding Officer

RESOLUTION NO. 2022-088

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR THE ACTING CITY
MAYOR TO ENTER INTO AND SIGN THE DEED OF
DONATION BY AND BETWEEN NICOLAS C. PONGOS,
JR., HEREIN REFERRED TO AS "DONOR" AND THE
LOCAL GOVERNMENT UNIT OF ORMOC, HEREIN
REFERRED TO AS "DONEE", FOR A PARCEL OF LAND
IDENTIFIED TO BE AFFECTED BY THE
CONSTRUCTION OF THE ORWASA DRILLING
STATION**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated March 17, 2022 from the Office of the City Mayor, endorsing a request for the issuance of a Resolution granting authority to the City Mayor or the Acting City Mayor to enter into and sign the Deed of Donation by and between NICOLAS C. PONGOS, JR., herein referred to as "Donor" and the LOCAL GOVERNMENT UNIT OF ORMOC, herein referred to as "Donee", for a parcel of land identified to be affected by the construction of the ORWASA drilling station. Copy of the DOD is hereto attached as Annex "A";

WHEREAS, in an opinion dated March 16, 2022, the City Legal Office finds nothing legally objectionable in the said Deed of Donation, 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, the improvement of the City's water system requires the construction of drilling stations, which is a major component of the system;

WHEREAS, the Donor, Nicolas C. Pongos, Jr., is the owner of a parcel of land identified to be affected by the construction of the ORWASA drilling station;

WHEREAS, the property donated shall be used solely by the Donee, the Local Government Unit of Ormoc, for the construction, operation and maintenance of the ORWASA Drilling Station;

WHEREAS, this Sanggunian, after thorough examination of the aforementioned Deed of Donation, finds that: the same are 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 sign and accept the Deed of Donation, among other lawful purposes, improves the water system of the City, thus, deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on motion of SP Member Jasper M. Lucero, Vice Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Peter M. Rodriguez, Vincent L. Rama, Gregorio G. Yrastorza III, Lalaine A. Marcos, Esteban V. Laurente, Joan Marbie C. Simbajon and Roiland H. Villasencio; 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 DONATION BY AND BETWEEN NICOLAS C. PONGOS, JR., HEREIN REFERRED TO AS "DONOR" AND THE LOCAL GOVERNMENT UNIT OF ORMOC, HEREIN REFERRED TO AS "DONEE", FOR A PARCEL OF LAND IDENTIFIED TO BE AFFECTED BY THE CONSTRUCTION OF THE ORWASA DRILLING STATION;

ADOPTED, March 29, 2022.

RESOLVED FURTHER, that a copy of the final and notarized Deed of Donation (DOD) be submitted to this Sanggunian for its information and files;

RESOLVED FINALLY, to furnish copies of this resolution one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; ORWASA; Nicolas C. Pongos, Jr.; the City Treasurer; the City Assessor; the CPDO; the City Local Government Operations Officer-DILG; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:

TOMAS R. SERAFICA
SP Member

Presiding Officer "Pro-Tempore"

DEED OF DONATION**KNOW ALL MEN BY THESE PRESENTS:**

NICOLAS C. PONGOS, Jr., of legal age, Filipino, widower, and a resident of 10 C. Salvador St., Loyola Heights, Quezon City, represented herein by **RAYMUND P. TAN**, of legal age, Filipino, married and a resident of Barangay Dayhagan, Ormoc City, , hereinafter referred to as the **DONOR**,
AND

THE CITY OF ORMOC, a government political subdivision, created under the laws of the Republic of the Philippines, with office address at City Hall, Brgy. Cogon, Ormoc City, represented in this instance by its City Mayor Hon. Richard I. Gomez, hereinafter referred to as the **DONEE**.

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 improvement of the City's water system requires the construction of a drilling stations, which is a major component of the system;

WHEREAS, the DONOR is the owner of a parcel of land identified to be affected by the construction of the ORWASA drilling station, with the following particulars:

Lot No. 4-B

Transfer Certificate of Title No. 121-2012000087

Total Area: 1,270 square meters

Area Affected: 270 square meters

NOW, THEREFORE, for and in consideration of the foregoing premises and due to the magnanimity of the DONOR, the latter hereby transfers and conveys unto the DONEE, by way of DONATION, a portion of the parcelsof land together with all the improvements found thereon, listed in Annex "A" hereof and referred to as Lot 4-B Part, Block 1 (ORWASA), subject to the following conditions.

1. The property donated shall be used solely by the DONEE or its successor-in-interest, for the construction, operation and maintenance of the ORWASA Drilling Station and the right-of-way to the said site;
2. The DONEE, at its own expense, shall maintain the donated lands and its immediate surroundings, in clean and safe condition.
3. The DONEE must not use the Property for any unlawful purpose/s;
4. The DONOR shall provide access road to the drilling site, four (4) meters in width, and free from any obstruction, for maintenance purposes;
5. The DONEE shall, and for the entire duration of this agreement, shoulder all real property taxes that may accrue on that portion of the properties subject of this donation;
6. The DONOR shall be exempt from payment of water on the charge pursuant to Section 4.1.9.2 of Ordinance No. 1 (Ormoc City Revenue Code of 1977).

Taking into consideration safety and security concerns to their remaining property, DONOR may recommend personnel who will serve as watchmen/ guards of the area occupied by the Drilling Site, for the consideration of the appointing authority, and subject to civil service laws and personnel regulations.

In the event that the conditions of the donation, as contained herein, are not complied with by the DONEE within NINETY (90) days after the latter's failure to comply with the same is brought to its attention, this donation shall be automatically revoked and rendered ineffective and the DONOR shall regain ownership over the property so donated and shall have the right to recover possession of the same;

This terms and condition set forth in this donation shall remain in force subject in the event that laws and Ordinance(s) otherwise or subsequently enacted mandate that the management and orientation of the drilling station be transferred to other entities;

The DONEE hereby accepts the donation of the aforementioned property as listed in Annex "A", together with the conditions herein imposed, and hereby expresses its gratitude and appreciation for the support, kindness and liberality of the DONOR.

This agreement shall commence upon the date of signing hereof by both parties.

IN WITNESS WHEREOF, the **DONORS** and **DONEE** have hereunder signed this document this _____ in Ormoc City

NICOLAS C. PONGOS, JR.

THE CITY OF ORMOC

By:
RAYMUND P. TAN

By:
RICHARD I. GOMEZ

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:

COMPETENT EVIDENCE OF IDENTITY

RICHARD I. GOMEZ
RAYMUND P. TAN

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

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

Doc. No. _____:
Page No. _____:
Book No. _____:
Series of 2022.





Republic of the Philippines
Office of the City Administrator
Ormoc Waterworks System Administration
Ormoc City

February 16, 2022

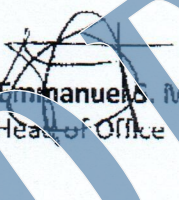
Atty. Josephine M. Romero
City Legal Officer

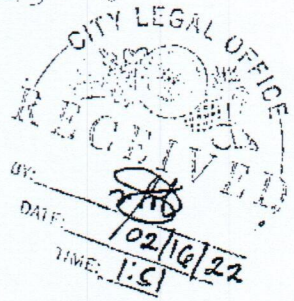
Madam,

Ormoc Waterworks System Administration would like to request for a draft on the **DEED OF DONATION** for the lot owned by **Nicholas C. Pongos Jr.** located at Barangay Dayhagan, Ormoc City. With a request clause that the said lot shall revert to the donor in the event that ORWASA ceases to use it. A **Special Power of Attorney** was executed appointing **Raymund P. Tan** as his representative. Attached herewith are copies of the land title, sketch plan and the Special Power of Attorney

Thank you

Truly,


Fulton Emmanuel S. Manawatao
Acting Head of Office



Handwritten note:
C/O ORWASA Urban Legal 02/25/22
to SCARBA for comments

Sketch Plan

OF
PORTION OF LOT 4-B, BLK-1
Psd-08-028217-D

AS PREPARED FOR
ORMOC WATERWORKS AND
SEWERAGE ADMINISTRATION
(ORWASA)

SITUATED IN THE

BARANGAY OF : DAYHAGAN
MUN. / CITY OF : ORMOC
PROVINCE OF : LEYTE
ISLAND OF : LEYTE

Containing an area of 200

BEARINGS: TRUE
SCALE 1:500

CERTIFICATION

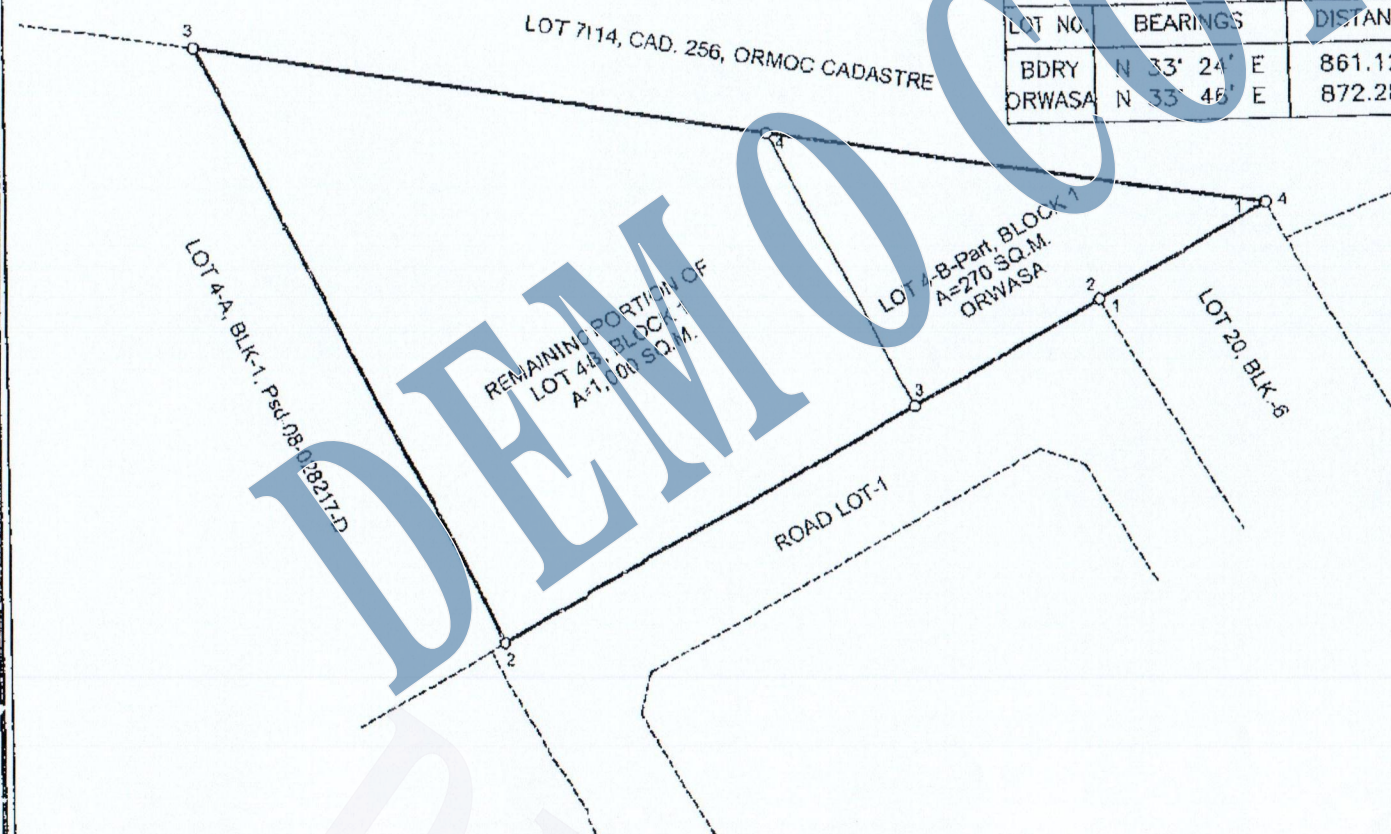
This is to certify that this is true and correct
portion of Lot 4-B, BLOCK 1, Psd-08-028217-D plan
from the Technical Descriptions appearing in
121-2512000087, (xerox copy) presented by the owner

(Certified Correct)

ISIDRO C. LUGA
Geodetic Eng.
License No. 7053555
Reg. Cert No. 0009255

NOTE: This is issued for Reference not for Registration

LINES	BEARINGS	DISTANCES
LOT 4-B, BLOCK 1 (BOUNDARY)		
1-2	S 60° 30' W	44.86 m.
2-3	N 27° 04' W	44.32 m.
3-4	S 80° 55' E	70.99 m.
4-5	S 60° 29' W	12.50 m.
5-1	S 47° 42' W	0.02 m.
LOT 4-B-Part, BLOCK 1 (ORWASA)		
1-2	S 60° 29' W	12.50 m.
2-3	S 60° 29' W	13.97 m.
3-4	N 27° 04' W	20.45 m.
4-1	S 80° 55' E	32.75 m.
Tie lines from BLM-123, CAD 256 to Corner Marked "1":		
LOT NO.	BEARINGS	DISTANCES
BDRY	N 33° 24' E	861.12 m.
ORWASA	N 33° 46' E	872.28 m.



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY
Registry of Deeds for Ormoc City
Transfer Certificate of Title
No. 121-2012000087

IT IS HEREBY CERTIFIED that certain land situated in BRGY. DAYHAGAN, CITY OF ORMOC, ISLAND OF LEYTE, bounded and described as follows:

A PARCEL OF LAND DESIGNATED AS LOT 4-B, BLK-1 OF THE SUBDIVISION PLAN PSD-08-027217-D, BEING A PORTION OF LOT 4, BLK-1 OF THE SUBDIVISION PLAN PSD-08-017900-D, SITUATED IN BRGY. DAYHAGAN, CITY OF ORMOC, ISLAND OF LEYTE. BOUNDED ON THE NORTH ALONG LINE 3-4 BY LOT 7114, CAD. (Continued on next page)

is registered in accordance with the provision of the Property Registration Decree in the name of

Owner: NICOLAS PONGOS, JR., OF LEGAL AGE, FILIPINO AND MARRIED;

Address: ORMOC CITY, LEYTE EASTERN VISAYAS

as owner thereof in fee simple, subject to such of the encumbrances mentioned in Section 44 of said Decree as may be subsisting.

IT IS FURTHER CERTIFIED that said land was originally registered as follows:

Case No.:	Record No.: 3013
Orig. Reg. Date: 10-25-1961	Decree No.: 3307
Original RD: ORMOC CITY	OCT No.: OCT-RO-78 (141)
Volume No.:	Page No.:
Original Owner: NICOLAS TORRES	

This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE 43406 (TOTALLY CANCELLED) by virtue hereof in so far as the above-described land is concerned.

Entered at _____ Ormoc City, Philippines on
the 4th day of JANUARY 2012 at 09:53am.

Atty. Arturo P. Suarez
Register of Deeds

TCT No.: 121-2012000087

Page No.: 2

TECHNICAL DESCRIPTION (Continued from page 1)

.256 ORMOC CADASTRE; ON THE SE., ALONG LINE 4-1-2 BY LOT 20, BLK. 6 & ROAD LOT 1 AND ON THE SW., ALONG LINE 2-3 BY LOT 4-A, BLK-1 OF THIS SUBDIVISION. BEGINNING AT THE POINT MARKED "1" ON THE PLAN BEING N 33 DEG 24' E., 861.12 M FROM BLM # 123, CAD.-256, ORMOC CADASTRE. THENCE S 60 DEG. 30' W., 44.86M. TO POINT 2; THENCE N 27 DEG. 04' W., 44.32M. TO POINT 3; THENCE S 00 DEG. 55' E., 70.90M. TO POINT 4; THENCE S 60 DEG. 29' W., 12.50M. TO POINT 05; BEGINNING, CONTAINING AN AREA OF ONE THOUSAND TWO HUNDRED SEVENTY (1,270) SQUARE METERS, MORE OR LESS. ALL POINTS REFERRED TO ARE INDICATED ON THE PLAN AND MARKED ON THE GROUND AS FOLLOWS: POINTS 2 & 3 ARE PS. CYL. CONC. MONS. 15 X 60 CM. AND THE REST ARE OLD POINTS. BEARING TRUE; DATE OF THE SUBDIVISION SURVEY ON SEPTEMBER 08, 2011 BY GEODETIC ENGINEER GREGORIO C. BORELA, JR. DATE OF APPROVAL BY THE REGIONAL TECHNICAL DIRECTOR, DENR, LMS, REGION 08, TACLOBAN CITY ON DECEMBER 01, 2011.

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, **NICOLAS C. PONGOS JR.**, married, of legal age, Filipino, and a resident of 10 C. Salvador St., Loyola Heights, Quezon City, Philippines, do hereby appoint **RAYMUND P. TAN**, of legal age, Filipino, married and a resident of Barangay Dayhagan, Ormoc City, Philippines, as my true and lawful attorney-in-fact for me and in my name, place, and stead to do perform the following acts and things to wit:

To transact, facilitate and to negotiate with the Local Government Unit of Ormoc City, regarding the parcel of Land under Lot 4, BLK-1 of the subdivision plan, Psd-08-017900-D with the lot area of ONE THOUSAND TWO HUNDRED SEVENTY (1,270), square meters more or less with no improvements thereon, situated in the Barangay Dayhagan, City of Ormoc and covered by Transfer Certificate of Title Number 121-20123000087 in the Office of the Registry of Deeds Ormoc City.


To make, sign, execute and acknowledge any papers or documents of whatever kind or nature necessary to facilitate issuance of title and such other documents necessary for the furtherance of this authority.

HEREBY GIVING and GRANTING all the power and the authority whatsoever requisite, necessary or proper in and about the premises as fully to all intents present and hereby RATIFYING and CONFIRMING lawfully do under and by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto affixed my signature this DEC 03 2020
Day of _____ 2021 at QUEZON CITY Philippines.


NICOLAS C. PONGOS JR.
Principal

SIGNED IN THE PRESENCE OF:

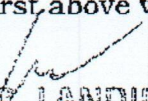

Delia Tero

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

BEFORE ME, a Notary Public for and in the City of QUEZON CITY, personally appeared NICOLAS C. PONGOS JR. with TIN # 185-743-470 whose signature and address appear above as the very same person who executed the foregoing instrument and said person acknowledged to me that the same is his free act and voluntary deed.

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

Doc. No. 69;
Page No. 14;


ATTY. ORLANDO R. LANDINGIN JR.
Notary Public Quezon City