ORDINANCE NO. 17-08

AN ORDINANCE APPROPRIATING/ALLOCATING THE AMOUNT OF PHP9,386,000.00 FOR THE PAYMENT OF THE THREE PARCELS OF LAND COVERED BY THE TCT NOS. 014-2016001195, 014-2016000839 AND 014-201600845 WITH A TOTAL AREA OF 361 SQUARE METERS MORE OR LESS AND THE AMOUNT OF PHP631,280.00 TO PAY THE REGISTRATION FEE OF THE THREE (3) PARCELS OF LAND AND THE SEVEN (7) OTHER PARCELS OF LAND COVERED BY TCT. NOS. 143175, 149306, 205045, (354548) 142910, 014-2015001849, AND -(205050)-102382, WITH A TOTAL AREA OF 2,067 SQUARE METERS, MORE OR LESS PURCHASED BY THE CITY GOVERNMENT LOCATED AT MONTILLANO, ALABANG, MUNTINLUPA CITY SHALL BE TAKEN FROM THE LAND BANKING CAPITAL OUTLAY AND OTHER RELATED ACTIVITIES IN THE 2017 EXECUTIVE BUDGET.

Sponsored by:
Hon. Coun. Bal Nieves
Hon. Coun. Stephanie G. Teves
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Luisito A. Arciaga
Hon. Coun. Iveye Rhia Arciaga-Tadefa
Hon. Coun. Marissa Cole-Rangavilla
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Lucio B. Constantino
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Victor L. Ulanday
Hon. Coun. Grace B. Gonzaga

WHEREAS, Section 22 (a) (4-5) of Republic Act 7160, otherwise known as the Local Government Code of 1991 states that "every Local Government Unit, as a corporation, shall have the following powers:

4. To acquire and convey real or personal property;
5. To enter into contract;

WHEREAS, Section 22 (c) of the same Code further provides that, "unless otherwise provided in this Code, no contract may be entered into by the Local Chief Executive in behalf of the local government unit without prior authorization by the Sanggunian concerned";

WHEREAS, on January 18, 2017, the Hon. City Mayor Atty. Jaime R. Fresnedi endorsed the letter of Atty. Genesi Santiago to the City Council for appropriate action regarding the acquisition of the following parcels of land pursuant to the Contract to Sell, executed by the former City Mayor Aldrin L. San Pedro and Restetuto N. Santos on January 26, 2009:
WHEREAS, the aforesaid parcels of land were already paid by the City Government of Muntinlupa thru former Mayor Aldrin San Pedro in the amount of Fifty Three Million Seven Hundred Forty Two Thousand Pesos (Php53,742,000.00);

WHEREAS, the Capital Gains Tax and the Documentary Stamp Tax were already paid by the land owners/sellers thru Restituto N. Santos in the Bureau of Internal Revenue (BIR) pursuant to the Contract to Sell;

WHEREAS, The landowners/sellers decided just to continue or implement the contract to sell in their letter to Mayor Atty. Jaime R. Fresnedi, dated March 23, 2017 and they are not pursuing their request to allow them to return the payments of Fifty Three Million Seven Hundred Forty Two Thousand Pesos (Php53,742,000.00) for reasons stated in the said letter. Further, they are asking the City Government to pay the three other parcels of land still unpaid, as follows:

<table>
<thead>
<tr>
<th>TCT NO.</th>
<th>AREA</th>
<th>OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>014-2016001195</td>
<td>120</td>
<td>Noel D. Santos</td>
</tr>
<tr>
<td>014-2016000839</td>
<td>121</td>
<td>Evangeline C. Santos</td>
</tr>
<tr>
<td>014-2016000845</td>
<td>120</td>
<td>Precilla N. Santos</td>
</tr>
<tr>
<td>Total:</td>
<td>361</td>
<td>===</td>
</tr>
</tbody>
</table>

on the same price of Php 26,000.00 per square meter pursuant to the letter dated March 23, 2017, or a total amount of Php 9,386,000.00. Likewise, they are requesting for down payment of one half ½ or 50% or a total amount of Four Million Six Hundred Ninety Three Thousand Pesos (Php4,693,000.00), to be used in the payment of Capital Gain Tax, Documentary Stamp Tax and other expenses including the removal of the structures/buildings in the properties;

WHEREAS, in the Contract To Sell, it also stipulated that the owners/seilers shall assume the payment of the capital gains tax, documentary stamp taxes, and the city government shall pay the registration fee in the transfer of all the titles to the city government;
WHEREAS, the sellers/owners shall update the payment of the real property tax and other fees;

WHEREAS, the sellers/owners commit to remove the structures/buildings and occupants in the property sold within two months after the titles are transferred in the name of the city government. These parcels of land will be used for city government projects;

WHEREAS, the Metropolitan Manila Development Authority (MMDA)-City Appraisal Committee (Muntinlupa City), submitted Resolution No. 08-03, dated September 17, 2008 which serves as the basis of former Mayor Aldrin L. San Pedro and the City Council to purchase the subject properties at the price of Php26,000.00 per square meter including the three other lots and the untitled lots to be purchased;

WHEREAS, the payment of the Registration Fee with an estimate amount of Six Hundred Thirty One Thousand Two Hundred Eighty Pesos (Php631,280.00) shall be assumed by the City Government and the same shall be taken from the Land Banking Capital Outlay and other related activities in the 2017 Executive Budget. The payment shall be made to Registry of Deeds of Muntinlupa, if there is any excess, the excess, the same shall be returned/remitted to the City Treasurer;

WHEREAS, there is a need to appropriate/allocate an amount of Six Hundred Thirty One Thousand Two Hundred Eighty Pesos (Php631,280.00) to be used in the payment of Registration Fee in the Registry of Deed Muntinlupa City for the ten (10) parcels of land with a combined total purchase price of Php63,128,000.00 (Php9,386,000.00+Php 53,742,000.00) and another amount of Php9,386,000.00 for the purchase of the three parcels of land with TCT. Nos. 014-2016001195, 014-2016000839, 014-2016000845 with a total area of 361 square meters or less;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panlungsod of Muntinlupa, appropriating/allocating the amount of Php9,386,000.00 for the payment of the three parcels of land covered by the TCT Nos. 014-2016001195, 014-2016000839 and 014-2016000845 with a total area of 361 square meters more or less and the amount of Php631,280.00 to pay the registration fee of the said three (3) parcels of land and the seven (7) other parcels of land covered by TCT. Nos. 143175, 149306, 205045, 205044, (354548) 142910, 014-2015001849, AND -(205050)-102382, with a total area of 2,067 square meters, more or less purchased by the City Government located at Montillano, Alabang, Muntinlupa City, shall be taken from the Land Banking Capital Outlay and other related activities in the 2017 Executive Budget.
RESOLVED, FURTHER, by the 8th Sangguniang Panlungsod of Muntinlupa, to issue the check of Six Hundred Thirty One Thousand Two Hundred Eighty Pesos (Php631,280.00) for the payment of Registration Fee in the name of Annaliza E. Lazarte, City Disbursing Officer, encash it and immediately remit the same to the Registry of Deeds who shall issue Official Receipts for all the payments and return to the City Treasurer if there is any excess amount.

ENACTED, by the 8th Sanggunian Panlungsod of Muntinlupa this 10th day of April, 2017, on its 34th Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. BAL WEFES
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT II:

COUN. MA. DESIREE G. AREVALO
Member

COUN. MARISSA C. RONGAVILLA
Member

COUN. LUCIO B. CONSTANTINO
Member

COUN. MARK LESTER M. BAES
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. VICTOR L. ULANDAY
Member
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ABSENT:
COUN. RINGO A. TEVES
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. CHRISTINE MAY A. ABAS
Member

COUN. WALTER A. ARCILLA
Sectoral Representative
President
League of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CELINDA G. APORONGAO
Supervising Admin Officer

ATTESTED:

CELSO C. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: 23 MAY 2017

Norie/8th SP