ORDINANCE NO. 18-152

AN ORDINANCE APPROPRIATING/ALLOCATING ONE AND A HALF PERCENT (1 AND 1/2%) FOR THE PAYMENT OF THE DOCUMENTARY STAMP TAX (DST) IN THE BUREAU OF INTERNAL REVENUE (BIR) AND ONE PERCENT (1%) FOR THE PAYMENT OF REGISTRATION FEE IN THE REGISTRY OF DEEDS OF THE TOTAL SELLING PRICE, FOR THE PURCHASE OF THE PARCEL OF LAND COVERED BY TCT. NO. S-26336 (TCT NO. 115149) WITH A TOTAL AREA OF 16,145 SQUARE METERS, MORE OR LESS BY THE CITY GOVERNMENT OF MUNTINLUPA FROM THE SOLID MILLS, INC., LOCATED AT MERALCO ROAD ADJACENT TO PNR, BARANGAY SUCAT, MUNTINLUPA CITY OF THE PURCHASE PRICE OF TWO HUNDRED SEVENTY FOUR MILLION FOUR HUNDRED SIXTY FIVE THOUSAND PESOS (PHP274,465,000.00) AND THE AMOUNT SHALL BE TAKEN FROM THE SCHOOL BOARD FUND AND 2018 EXECUTIVE BUDGET.

Sponsored by:

Hon. Coun. Bal Nieves
Hon. Coun. Stephanie G. Teves
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ringo A. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Alexander Diaz
Hon. Coun. Iveye Rhia Arciaga-Tadea
Hon. Coun. Christine May A. Abas
Hon. Coun. Marissa Cole-Rongavilla
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
Hon. Coun. Walter A. Arcilla – ABC

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";
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WHEREAS, the aforesaid parcel of land with a total area of 16,145 square meters shall be paid by the City Government of Muntinlupa in the amount of Two Hundred Seventy Four Million Four Hundred Sixty Five Thousand Pesos (Php274,465,000.00) the fund of which shall come from school board fund and the 2018 Executive Budget;

WHEREAS, of the 16,145 square meters, 10,000 square meters will be a site for school/educational purpose and the corresponding amount of One Hundred Seventy Million Pesos (Php170,000,000.00) of the purchase price, the one and a half percent (1 and 1/2%) documentary stamp tax equivalent to Two Million Five Hundred Fifty Thousand Pesos (Php2,550,000.00), and the estimated one percent (1%) for registration fee equivalent to One Million Seven Hundred Thousand Pesos (Php1,700,000.00) will be funded by the school board fund;

WHEREAS, the portion of 6,145 square meters of the 16,145 square meters will be a site for other government projects with a total equivalent amount of Php104,465,000.00 of the purchase price, the one and a half percent (1 and 1/2%) documentary stamp tax equivalent to One Million Five Hundred Sixty Nine Hundred Seventy Five Pesos (Php1,566,975.00) and the estimated one percent (1%) registration fee of One Million Forty Four Thousand, Six Hundred Fifty Pesos (Php1,044,650.00) will be funded by the 2018 Executive Budget;

WHEREAS, the documentary stamp tax shall be paid directly to the Bureau of Internal Revenue and the registration fee shall be paid to the Registry of Deeds or a check shall be issued to Annaliza E. Lazarte, Disbursing Officer of the City Government and the same shall be encashed and the money together with the representative of the Seller shall be immediately brought and paid to the Registry of Deeds so that if there is excess amount the same shall be returned to the city treasurer for accounting and record purposes;

WHEREAS, in the contract to sell it also stipulated that the City Government shall pay the documentary stamp tax and registration fee in the transfer of title to the city government and the owner/seller shall assume the payment of all other taxes;

WHEREAS, the seller/owner shall update the payment of the Real Property Tax (RPT) and other fees;

WHEREAS, the Solid Mills, Inc., commit to the cancellation of the annotations of encumbrances in the title;

WHEREAS, the Metropolitan Manila Development Authority (MMDA)-City Appraisal Committee (Muntinlupa City), submitted Resolution No. 2018-01, dated February 7, 2018 which serves as the basis of the City Government and the City Council to purchase the subject property at the price of Seventeen Thousand Pesos (Php17,000.00) per square meter;
WHEREAS, there is a need to appropriate/allocate the one and a half percent (1 and 1/2%) documentary stamp tax equivalent to Two Million Five Hundred Fifty Thousand Pesos (Php2,550,000.00), and the estimated one percent (1%) for registration fee equivalent to One Million Seven Hundred Thousand Pesos (Php1,700,000.00) to be funded by the school board fund;

WHEREAS, there is a need to appropriate/allocate the one and a half percent (1 and 1/2%) documentary stamp tax equivalent to One Million Five Hundred Sixty Six Thousand Nine Hundred Seventy Five Pesos (Php1,566,975.00) and the estimated one percent (1%) registration fee of One Million Forty Four Thousand Six Hundred Fifty Pesos (Php1,044,650.00) to be funded by the 2018 Executive Budget;

WHEREAS, there is a budget in the School Board Fund and in the 2018 Executive Budget certified by the Budget Office;

WHEREAS, as certified by the Treasurer’s Office there is an available fund from the School Board Fund and 2018 Executive Budget;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panlungsod of Muntinlupa, to appropriate/allocate one and a half percent (1 and 1/2%) for the payment of the Documentary Stamp Tax (DST) in the Bureau of Internal Revenue (BIR) and one percent (1%) for the payment of Registration Fee in the Registry of Deeds of the total purchase price of Two Hundred Seventy Four Million Four Hundred Sixty Five Thousand Pesos (Php274,465,000.00) of the parcel of land Covered by TCT. No. S-26336 (TCT No. 111549) with a total area of 16,145 square meters, more or less by the City Government of Muntinlupa from the Solid Mills, Inc., located at Meralco Road adjacent to PNR, Barangay Sucat, Muntinlupa City shall be taken from the School Board Fund and 2018 Executive Budget.

RESOLVE, FURTHER, as it is hereby RESOLVED, by the 8th Sangguniang Panlungsod of Muntinlupa to issue the checks/cash with amounts of Two Million Five Hundred Fifty Thousand Pesos (Php2,550,000.00) from the school board fund plus One Million Five Hundred Sixty Six Thousand Nine Hundred Seventy Five Pesos (Php1,566,975.00) from the 2018 executive budget for the payment of documentary stamp tax to the Bureau of Internal Revenue, and One Million Seven Hundred Thousand Pesos (Php1,700,000.00) from the School Board Fund plus (Php1,044,650.00) from the 2018 Executive Budget for the payment of registration fee to the Registry of Deeds (RD) or to Annaliza E. Lazarte, City Disbursing Officer. If the checks are issued in the name of Annaliza E. Lazarte the same shall be encashed and immediately brought and paid/remitted with representative from the seller to the Registry of Deeds which shall issue Official Receipts. All excess amounts in the payment of registration fee shall be returned to the City Treasurer’s Office if there are any for record and accounting purposes.
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ENACTED, by the 8th Sanggunian Panlungsod of Muntinlupa this 26th day of February 2018, on its 65th Regular Session.

CONCURRED:

DISTRICT I:

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

COUN. BAL NIEVES
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. STEPHANIE G. TEVES
Member

COUN. RINGO A. TEVES
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. IVEE RHIA A. TADEFIA
Member

DISTRICT II:

COUN. MA. DHESIREE G. AREVALO
Member

COUN. MARISSA C. RONGAVILLA
Member

COUN. LUCIO B. CONSTANTINO
Member

COUN. VICTOR L. ULANDAY
Member

COUN. CHRISTINE MAY A. ABAS
Member

COUN. MARK LESTER M. BAES
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. GRACE B. GONZAGA
Member
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COUN. WALTER A. ARCILLA
Sectoral Representative
President
League of Barangay Captains

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

CECILIA C. LAZARTE
Secretary to the Sanggunian

ATTESTED:

CELSO C. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. PRESNEDI
City Mayor

Date: 08 MAR 2018

Norie/8th SP