ORDINANCE NO. 19-246

AN ORDINANCE APPROPRIATING/ALLOCATING THE AMOUNT OF ONE MILLION ONE HUNDRED TWENTY THREE THOUSAND TWENTY PESOS (PHP1,123,020.00-(1.5%) FOR THE PAYMENT OF THE DOCUMENTARY STAMP TAX (DST) IN THE BUREAU OF INTERNAL REVENUE (BIR) AND SEVEN HUNDRED FOURTY EIGHT THOUSAND SEXTY EIGHT PESOS (PHP748,680.00-1%) FOR THE PAYMENT OF REGISTRATION FEE IN THE REGISTRY OF DEEDS FOR THE PURCHASE OF THE PARCEL OF LAND COVERED BY TCT. NO. (181024)-082906 WITH AN AREA OF 8,808 SQUARE METERS, MORE OR LESS BY THE CITY GOVERNMENT OF MUNTINLUPA FROM DR. MENZI V. ORELLANA AND MRS. MARIA RHED ORELLANA-BAUYA LOCATED AT ADJACENT TO PNR, BARANGAY PUTATAN, MUNTINLUPA CITY AND SHALL BE TAKEN FROM THE SPECIAL EDUCATIONAL FUND (SEF) 2019 EXECUTIVE BUDGET.

Sponsored by: 
Hon. Coun. Bal Niefes 
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-Tadefa 
Hon. Coun. Marissa Cole-Rongavilla 
Hon. Coun. Mark Lester M. Baes 
Hon. Coun. Lucio B. Constantino 
Hon. Coun. Victor Jr. Ulanday 
Hon. Coun. Grace B. Gonzaga 
Hon. Coun. Walter A. Arcilla – ABC 
Hon. Coun. Kenichi D.A. Takagi, Jr. - SK

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, the aforesaid parcel of land shall be paid by the City Government of Muntinlupa in the amount of Php74,868,000.00;

WHEREAS, the Documentary Stamp Tax (DST) shall be paid by the City Government amounting to Php1,123,020.00-(1.5%) in the Bureau of Internal Revenue (BIR) pursuant to the Contract to Sell.
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WHEREAS, in the Memorandum of Agreement (MOA) it is also stipulated that the owners/sellers shall assume the payment of the Estate Tax, Transfer Tax, Capital Gains Tax, and Miscellaneous and the City Government shall pay the Registration Fee amounting to Php748,680.00 (1%) in the transfer of Title to the city government;

WHEREAS, the Metropolitan Manila Development Authority (MMDA)-City Appraisal Committee (Muntinlupa City), submitted Resolution No. 2019-01, dated February 27, 2019 which serves as the basis of the City Government and the City Council to purchase the subject properties at the price of Php8,500.00 per square meter;

WHEREAS, the payment of the Registration Fee with an estimated amount of Php748,680.00 (1%) shall be assumed by the City Government and the same shall be taken from the 2019 Annual Executive Budget under the Special Educational Fund (SEF). The payment shall be issued in the name of the Registry of Deeds of Muntinlupa, if there is any excess, such excess same shall be given back to the City Treasurer;

WHEREAS, there is a need to appropriate/allocate an amount of Php748,680.00 (1%) to be used in the payment of Registration Fee in the Registry of Deeds Muntinlupa City and Php1,123,020.00 (1.5%) to be used in the payment for Documentary Stamp Tax (DST) with the total amount of Php1,871,700.00;

WHEREAS, as certified by the Budget office there is a budget allocation in the 2019 Annual Executive Budget;

WHEREAS, as certified by the Treasurer’s Office there is an available fund from the 2019 Annual Executive Budget under the Special Educational Fund (SEF);

WHEREAS, the purchase price for the parcel of land with a total area of 8,808 square meters, more or less is Php8,500.00 per square meter or a total amount of Php74,868,000.00;

WHEREAS, the amount of Php1,123,020.00 (1.5%) for Documentary Stamp, and Php748,680.00 (1%) for the Registration Fee shall be taken from the 2019 Annual Executive Budget under the Special Educational Fund;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panlungsod of Muntinlupa, appropriating/allocating the amount of One Million One Hundred Twenty Three Thousand Twenty Pesos (PHP1,123,020.00- (1.5%) for the payment of the Documentary Stamp Tax (DST) in the Bureau of Internal Revenue (BIR) and Seven Hundred Forty Eight Thousand Six Hundred Eighty Pesos (Php748,680.00-(1%) for the payment of Registration Fee in the Registry of Deeds for the purchase of the parcel of land covered by TCT. No. (181024)--082906 with an area of 8,808 square meters, more or less by the City Government of Muntinlupa from Dr. Menzi V. Orellana and Mrs. Maria Rhed Orellana-Bauya located at adjacent to PNR, Barangay Putatan, Muntinlupa City and shall be taken from the Special Educational Fund (SEF) 2019 Executive Budget.
RESOLVED, FURTHER, by the 8th Sangguniang Panlungsod of Muntinlupa to issue the checks/cash with amounts of Php1,123,020.00 and Php748,680.00 or a total of Two Hundred Ninety Eight Thousand Five Hundred Sixty Pesos (Php298,560.00) for the payment of Documentary Stamp Tax and Registration Fee either in the name of Bureau of Internal Revenue(BIR)/Registry of Deeds (RD)/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 paid/remit to the BIR and to the Registry of Deeds which shall issue Official Receipts. All excess amounts shall be returned to the City Treasurer if there are any.

ENACTED, by the 8th Sangguniang Panlungsod of Muntinlupa this 11th day of March 2019, on its 108 Regular Session.

CONCURRED:

DISTRICT I:

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

COUN. STEPHANIE G. TEVES  
Member

COUN. RINGO A. TEVES  
Member

COUN. LOUISITO A. ARCIAGA  
Member

COUN. ALEXANDER B. DIAZ  
Member

COUN. IVEE RHIA A. TADEFA  
Member

DISTRICT II:

COUN. MA. DESIREE G. AREVALO  
Member

COUN. MARISSA C. RONGAVILLA  
Member

COUN. MARK LESTER M. BAES  
Member
Ordinance No. 19-246

COUN. LUCIO B. CONSTANTINO
Member

COUN. VICTOR L. ULANDAY
Member

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

COUN. GRACE B. GONZAGA
Member

COUN. KENICHI D.A. TAKAGI, JR.
Sectoral Representative
President
Federation of Sangguniang Kabataan

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

CECILIA C. LAZARRE
Secretary to the Sanggunian

ATTESTED:

CIELSO C. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: 13 MAR 2019

Norie/8th SP