

RESOLUTION NO. 2012-290
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RESOLUTION AUTHORIZING THE CITY LEGAL OFFICER, ATTY. PERFECTO N. BRAGAIS III, TO FILE A CIVIL CASE FOR A JUDICIAL DECLARATION OF THE CLOSED GATE OF THE BICOL MEDICAL CENTER AS A NUISANCE PER ACCIDENS WITH A PRAYER FOR PRELIMINARY MANDATORY INJUNCTION AGAINST SAID HOSPITAL REPRESENTED BY ITS MEDICAL DIRECTOR, DR. EFREN S. NERVA:-

Sponsor: Hon. Esteban R. Abonal

WHEREAS, received by the Sangguniang Panlungsod for appropriate action is the letter dated July 2, 2012 of the City Legal Officer, requesting for an authority to file a civil case for a judicial declaration of the closed gate of the Bicol Medical Center as a nuisance per accidens with a prayer for preliminary mandatory injunction against said hospital represented by its Medical Director, Dr. Efren S. Nerva;

WHEREAS, it will be recalled that the said steel gate of the Bicol Medical Center was completely and permanently closed on April 1, 2012 that brought inconveniences to hospital patients, visitors, hospital employees, owners of business establishments, human and vehicular traffic in the area;

WHEREAS, per directive of His Honor, the City Mayor, the City Legal Officer was tasked to study the nature of the gate on whether it is a nuisance per se or a nuisance per accidens for purposes of determining the proper course of action to take thereon;

WHEREAS, in his Legal Opinion No. 2012-014, the City Legal Officer opined that considering that the gate does not threaten or affect the immediate safety of persons and property, the same cannot be summarily abated by the city government, and the proper and prudent source of action then would be to seek judicial intervention to have the gate declared nuisance per accidens;

NOW, THEREFORE, on motion of Hon. Esteban R. Abonal, seconded by Hon. Nelson S. Legacion;

BE IT RESOLVED, as it is hereby resolved, to authorize the City Legal Officer, Atty. Perfecto N. Bragais III, to file a civil case for a judicial declaration of the closed gate of the Bicol Medical Center as a nuisance per accidens with a prayer for Preliminary Mandatory Injunction against said hospital represented by its Medical Director, Dr. Efren S. Nerva.

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LET COPIES of this resolution be furnished His Honor, the City Mayor for his concurrence, and the City Legal Officer for his information and guidance.

APPROVED.

Adopted: July 3, 2012

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WE HEREBY CERTIFY to the correctness of the foregoing resolution.

GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

GABRIEL H. BORDADO, JR.
City Vice Mayor &
Presiding Officer

APPROVED:

JOHN G. BONGAT
City Mayor