



Republic of the Philippines
Tangapan ng Sangguniang Panlungsod
2/F City Hall Bldg., J. Miranda Ave., Con. Peq., Naga City
☎ 472-79-19 • 473-20-51
RESOLUTION NO. 2019-140
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RESOLUTION EXPRESSING THE CITY GOVERNMENT OF NAGA'S CONTINUING AND UNEQUIVOCAL COMMITMENT TO ASSIST THE FAMILIES OCCUPYING THE LAND TITLED IN THE NAME OF SPS. MARCELINO AND ESTRELLA LA TORRE, KNOWN AS THE TAPAS COMPOUND, LOCATED IN BARANGAY BALATAS, NAGA CITY, IN THEIR DESIRE TO PURCHASE THE SAME IN ORDER TO BE SECURE IN THEIR TENURE THEREIN AND FURTHER REQUESTING ATTORNEY FRANCES JEANNE SARMIENTO TO FURNISH THE CITY GOVERNMENT A COPY OF HER SPECIAL POWER OF ATTORNEY FROM ITS LANDOWNERS TO FACILITATE THE FINALIZATION OF THE NEGOTIATIONS IN FURTHERANCE THEREOF

Author: Honorable City Councilor Mila Raquid Arroyo 
Co-authors: Hon. City Councilor Julian Lavadia 
Hon. City Councilor Vidal Castillo 

WHEREAS, Spouses Marcelino and Estrella La Torre are registered owners of that parcel of land, measuring 5.9817 Hectares, located in Barangay Balatas, Naga City and commonly known as the "Tapas Compound";

WHEREAS, the said parcel of land, which was later on subdivided into seven parcels, is now occupied by some three hundred (300) families most of whom were borne therein;

WHEREAS, sometime in the year 1989, a certain Engr. Sid de Leon, representing himself to be the Attorney-in-fact of Spouses Marcelino and Estrella la Torre met with the late then Naga City Mayor Jesse Robredo offering to sell the property but the latter had reservations because of a court decision ordering the annotation of a Definite Certificate of Sale dated December 28, 1972 in favor of the Republic of the Philippines on the title of the property;

WHEREAS, on March 4, 2008, with the issue on ownership having been finally resolved in favor of the Spouses la Torre, the City Government of Naga, through the late then City Mayor Jesse M. Robredo wrote SPS. Marcelino and Estrella LaTorre offering to buy the property at P700.00 per square meter under the National Government's Community Mortgage Program (CMP).


WHEREAS, on May 19, 2009, in response to the letter of the City Mayor, Engr. Sid de Leon submitted his Special Power of Attorney together with the Survey Plan of the subject property offering the 5.0 hectares, net of the portions already utilized as roads, alleys, and patwalks, at P2,000 per square meter.

WHEREAS, in response to an earlier emailed communication by the Mr. Marcelino la Torre to the City Mayor, the latter I formed that in the meeting conducted by the latter with the families occupying the subject property, the occupants are willing to buy the property at P1,620.00 per square meter and further informing that the City and the occupants are looking for a government financing agency which will assist in the acquisition of the property;

WHEREAS, on August 8, 2009, Engr. Sid de Leon, informed the City Mayor that the P2,000.00 per square meter offered price of the landowners is final.

WHEREAS, after a series of meetings between Mr. la Torre and then City Mayor Jesse Robredo and the occupants of the property, it was agreed that once a thirty percent (30%) down payment on the price of P2,000 per square meter have been paid to the landowner,
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the latter will lend the TCTs in order that a collateralized loan may be secured to fully pay the landowner;

WHEREAS, on February 26, 2010, Engr. Rolando Campillos, in a letter to the Sangguniang Panlungsod, requested for an authority to the City Mayor, Jesse M. Robredo, to negotiate and enter into contract of Sale with SPS. MARCELINO and ESTRELLA La TORRE;

WHEREAS, on March 18, 2010, in a letter to the Sangguniang Panlungsod, Engr. Campillos submitted the list of occupants who committed to join the program of acquiring the property occupied by them;

WHEREAS, January 10, 2011, Engr. Rolando Campillos informed Mr. Marcelino la Torre that the list of the occupants of the property who have decided to join the community mortgage program have already been finalized;

WHEREAS, on April 13, 2011, Mr. Marcelino la Torre and Atty. Frances Jeanne Sarmiento, the new attorney-in-fact of Spouses la Torre, met with City Mayor John Bongat, Engr. Rolando Campillos and some officers of the occupants who have already organized themselves onto a Homeowners Association headed by its then President, Mr. Rodolfo Serillano, at the Crown Hotel, Naga City. In this meeting, it was agreed that the City will draft the Conditional Deed of Sale for the approval of the parties.

WHEREAS, in an exchange of letters, Atty. Frances Jeanne Sarmiento and City Mayor John G. Bongat failed to agree on the final terms of the Conditional Deed of Sale;

WHEREAS, on June 1, 2011, in a letter of Atty. Frances Jeanne Sarmiento, the occupants of the subject property were given two (2) months to vacate the property.

WHEREAS, on July 12, 2011, in a letter to the Sangguniang Panlungsod, Engr. Rolando Campillos submitting the Plan of Action with respect to the acquisition of the property. The report considers the possible way of funding the remaining P65 million balance of the purchase price;

WHEREAS, on September 21, 2011, in a letter from Atty. Frances Jeanne L. Sarmiento to City Mayor John G. Bongat, it was informed that although a Second Notice to Vacate had already been sent out to the occupants, the La Torre's are still willing to sell the property consisting of 59,818 square meters for the price of Ninety-Five Million (P95,000,000.00) net of all taxes, Fees and Charges and that the down payment of 27.1 million should be transferred to the account of the La Torre's immediately upon the execution of the Conditional Deed of Sale and the balance of P67.9 M be paid within six (6) months from the execution of the final DOS, otherwise the sale shall be rescinded and the down payment shall be forfeited in favor of the landowners. The letter further informed that the landowners are committed to execute a SPA in favor of the City to use the property in securing a loan after the Conditional Deed of Sale has been signed and the initial down payment of P27.1 M has been deposited and that this offer of the landowners is only good until October 15, 2011.

WHEREAS, in order to assist the occupant families acquire the lot occupied by them, the City undertook to advance the amount of P22,000,000.00 if the occupant families will be

able to raise the P8,000,000.00 needed for the down payment required by the landowners and other expenses;

WHEREAS, on December 7, 2011, in a letter of Mayor John Bongat to Atty. Frances Jeanne L. Sarmiento, the City requested for an extension of the time given to the City to answer the latest counter-offer of the landowners and informed the latter of an alternative acquisition scheme wherein the property will be subdivided based on the actual occupied space of each occupant and correspondingly having them titled to be used for collateralized housing loan;

WHEREAS, on December 13, 2012, in a letter of Mayor John Bongat and co-signed by Engr. Campillos and Mrs. Balisnomo informing Mr. La Torre that Mayor John will be in Washington on January 29, 2012 for a few days and he hoped to meet him there. The letter further stressed the city's commitment to pay the P30,000,000.00 down payment and the P65 million pesos balance will be paid after the property shall have been subdivided and titled, where each occupant shall use the title as a collateral for a housing loan with the Pag-Ibig Fund, with the City shouldering the cost of the subdivision survey.

WHEREAS, unfortunately, with the failure of the occupant families to raise the entire amount required of them, no further action from the landowners ensued thereafter as the copy of the Special Power of Attorney requested by the City Government from Atty. Frances Jeanne Sarmiento remained unfurnished by the latter. In the meantime, however, the occupant families, although they failed to raise the amount required of them on the date agreed upon, they continued to raise the required amount of P8,000,000.00 and, in fact, there are families that have already deposited the amount required from them in full;

WHEREAS, as of today, the occupant families have already raised over Seven Million Pesos for the downpayment required for the acquisition of the subject property;

WHEREAS, sometime last year, one Mrs. Abeng Almero, the person tasked by Atty. Frances Jeanne Sarmiento to pay the real property taxes on the subject property, visited the office of Engr. Rolando Campillos following up of the transaction for the acquisition of the subject property by the occupants thereof and further informing that the La Torre's, through Atty. Sarmiento, are still interested to pursue the transaction up to this day and said that they were just waiting for the City's action on this regard;

WHEREAS, in furtherance of the City Government's thrust of providing assistance to Nagueño families who are desirous of acquiring the land where their homes stand, it is appropriate and urgent that the City should express its continuing commitment to assist the families acquire the homelots occupied by them for as long as they are willing to perform the obligations pertinent thereto.

NOW, THEREFORE, on joint motion of Honorable City Councilors Mila S.D. Raquid Arroyo, Julian Lavadia, and Vidal Castillo, seconded by Hon. Jose C. Rañola and Hon. Elmer S. Baldemoro;

BE IT RESOLVED, as it is hereby resolved, TO EXPRESS THE CITY GOVERNMENT OF NAGA'S CONTINUING AND UNEQUIVOCAL COMMITMENT TO ASSIST THE FAMILIES

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OCCUPYING THE LAND TITLED IN THE NAME OF SPS. MARCELINO AND ESTRELLA LA TORRE, KNOWN AS THE TAPAS COMPOUND, LOCATED IN BARANGAY BALATAS, NAGA CITY, IN THEIR DESIRE TO PURCHASE THE SAME IN ORDER TO BE SECURE IN THEIR TENURE THEREIN AND FURTHER REQUESTING ATTORNEY FRANCES JEANNE SARMIENTO TO FURNISH THE CITY GOVERNMENT A COPY OF HER SPECIAL POWER OF ATTORNEY FROM THE SAID LANDOWNERS IN ORDER TO FACILITATE THE FINALIZATION OF THE NEGOTIATIONS IN FURTHERANCE THEREOF.

LET COPIES of this Resolution be furnished the Honorable City Mayor, John G. Bongat, for his concurrence, Atty. Frances Jeanne Sarmiento for her information and favorable action, and the occupant families of the subject property now represented by its President, Mr. Nestor Vasquez, for their information and appropriate action.

APPROVED.

ADOPTED: 2 April 2019.

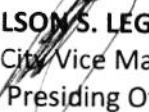
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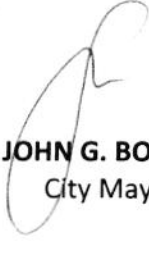
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WE HEREBY CERTIFY to the correctness of the foregoing resolution.


GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod


NELSON S. LEGACION
City Vice Mayor
& Presiding Officer

CONCURRED:


JOHN G. BONGAT
City Mayor *4/5/19*