



**RESOLUTION NO. 2019-458**  
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**RESOLUTION AUTHORIZING HIS HONOR, THE CITY MAYOR TO FILE THE NECESSARY ACTION IN COURT AGAINST THE MANUBAY AGRO-INDUSTRIAL DEVELOPMENT CORPORATION (MANDECOR) FOR THE DETERMINATION OF THE JUST COMPENSATION FOR THE REMAINING PORTION OF THE ROAD, NOW KNOWN AS FR. PHELAN DRIVE, PACOL, NAGA CITY, AND TO PREVENT IT FROM CLOSING ANY PORTION THEREOF FROM PUBLIC USE:-**

Sponsor: Hon. Mila S.D. Raquid-Arroyo

**WHEREAS**, on August 20, 2019, the Sangguniang Panlungsod adopted Resolution No. 2019-321, authorizing His Honor, the City Mayor to negotiate with Manubay Family with respect to a road named Fr. Phelan Drive leading to the Metro Naga Sports Complex, Barangay Pacol, Naga City, subject to the ratification by the Sangguniang Panlungsod;

**WHEREAS**, the said resolution is in response to the letter dated August 1, 2019 of Atty. Norman P. Barrosa, Counsel for Manubay Agro-Industrial Development Corporation (MANDECOR), reiterating their claim for just compensation for a city road named Fr. Phelan Drive that starts from San Felipe-Pacol-Carolina Road and runs up to Metro Naga Sports Complex, Ateneo de Naga University High School and San Francisco Village in Barangay Pacol, Naga City;

**WHEREAS**, negotiations with MANDECOR was conducted and proved to be futile as it only reiterated and emphasized its pervious demand of payment at P4,500.00 per square meter or return of the subject portion of property over which Fr. Phelan Drive is situated;

**WHEREAS**, records on file with the City Government of Naga show the following facts:

1. On December 18, 1996, the Sangguniang Panlungsod adopted Resolution No. 96-460 ratifying the Deed of Donation executed by MANDECOR in favor of the city government of Naga over a portion of its property covering an area of more or less 2,584 square meters as access road towards the Metro Naga Sport Complex;

2. It appears that the 2,584 square-meter portion of property donated by the MANDECOR to the city government for this purpose is around 48% of the entire stretch of the access road, now known as Fr. Phelan Drive;

3. It appears that an exchange of communication between the late Jesse M. Robredo who was then the City Mayor of Naga and MANDECOR discussing how MANDECOR will be compensated for the remaining portion of the said access road but no record of final agreement on this matter is available;

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**WHEREAS**, received by the Sangguniang Panlungsod for appropriate action is the letter dated November 8, 2019 of Atty. Mcgyver Gerard S. Orbina of the City Legal Office, transmitting for conformity, among others, the request for an authority for the City Mayor to file the necessary action against the Manubay Agro-Industrial Development Corporation (MANDECOR) for the purpose of preventing it from closing the subject road;

**WHEREAS**, in view of the foregoing, it is to the best interest of the public that and MANDECOR be prevented from closing the subject public road as the same has for over two decades now been dedicated to public use;

**NOW, THEREFORE**, on motion of Hon. Mila s.D. Raquid-Arroyo, seconded by Hon. Salvador M. del Castillo, Hon. Jose B. Perez and Hon. Jessie R. Albeus;

**BE IT RESOLVED**, as it is hereby resolved, **TO AUTHORIZE HIS HONOR, THE CITY MAYOR TO FILE THE NECESSARY ACTION IN COURT AGAINST THE MANUBAY AGRO-INDUSTRIAL DEVELOPMENT CORPORATION (MANDECOR) FOR THE DETERMINATION OF JUST COPENSATION FOR THE REMAINING PORTION OF THE ROAD, NOW KNOWN AS FR. PHELAN DRIVE, PACOL, NAGA CITY, AND TO PREVENT IT FROM CLOSING ANY PORTION THEREOF FROM PUBLIC USE:-**

**LET COPIES** of this resolution be furnished His Honor, the City Mayor, and Atty. Mcgyver Gerard S. Orbina of the City Legal Office, for their information. *ms*

APPROVED.

Adopted: November 12, 2019

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**WE HEREBY CERTIFY** to the correctness of the foregoing resolution.

*ms*  
**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

*ms*  
**CECILIA B. VELUZ-DE ASIS**  
City Vice Mayor  
& Presiding Officer