

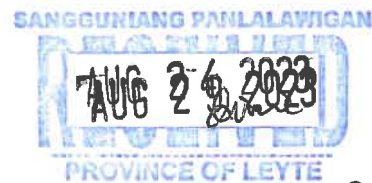
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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF KANANGA
BARANGAY TUGBONG

Item No.: 25

Date: SEP 05 2023



OFFICE OF THE SANGGUNIANG BARANGAY

August 24, 2023

AUG 29 2023
Office of the Vice Governor

HON. LEONARDO "SANDY" JAVIER
Vice Governor Province of Leyte
Tacloban, Leyte

Received
By: REBECCA
Date: 8/25/23
Time: 11:05 AM

Dear Hon. Javier


We are respectfully submitting the Barangay Council Resolution No. 35 Series of 2023 A Resolution Interposing Vehement Objection to Sangguniang Bayan Committee Report No. 2023 – 23 – 08 of the Committee as a whole authorizing the Municipal Mayor, Hon. Manuel Vicente M. Torres to Revoke or Cancel the Deed of Donation Dated June 25, 2019 entered into by LGU Kananga and BLGU of Tugbong.

Herein attached Sangguniang Barangay Member Resolution of the original copies.

Please acknowledge upon receipt

Thank you

Sincerely yours,


HON. LEAF O. EMPLEO
Punong Barangay
Brgy. Tugbong, Kananga, Leyte

Cc
Office of the Vice Governor Province of Leyte
Brgy. Tugbong Records:



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF KANANGA
BARANGAY TUGBONG

OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF ESPECIAL SESSION OF THE SANGGUNIANG BARANGAY, HELD AT BARANGAY HALL, BARANGAY TUGBONG KANANGA, LEYTE, DATED AUGUST 24, 2023 @ 2:00 IN THE AFTERNOON.

PRESENT:

HON. LEAH O. EMPLEO
HON. EMERITA P. LACNO
HON. BEATRIZ C. NAHINE
HON. ALIPIO C. CABALEJO JR.
HON. PRESCILITA O. CABINTOY
HON. ROLANDO C. YMAS
HON. GERARDO D. ODAN
HON. JERRY P. ODAN
HON. ELMER S. RUADO

PUNONG BARANGAY
SANGGUNIANG BARANGAY MEMBER
SANGGUNIANG BARANGAY MEMBER
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SANGGUNIANG BARANGAY MEMBER
SANGGUNIANG BARANGAY MEMBER
BARANGAY SK CHAIRPERSON

RESOLUTION NO. 035
Series of 2023

A RESOLUTION INTERPOSING VEHEMENT OBJECTION TO SANGGUNIANG BAYAN COMMITTEE REPORT NO. 2023 – 23 – 08 OF THE COMMITTEE AS A WHOLE AUTHORIZING THE MUNICIPAL MAYOR, HON. MANUEL VICENTE M. TORRES TO REVOKE OR CANCEL THE DEED OF DONATION DATED JUNE 25, 2019 ENTERED INTO BY LGU KANANGA AND BLGU OF TUGBONG.

WHEREAS, The Sangguniang Barangay of Tugbong, Kananga, Leyte was a receipt of a parcel of land known as Lot 2, being a portion of the consolidation subdivision survey of lot 10184 and lot 101986, covered by TLC No. T – 15094, registered in the name of Juliana Nahine located in Barangay Tugbong, Kananga, Leyte through a Deed of Donation dated June 25, 2019 executed by then Mayor Rowena Codilla by virtue of SB Resolution No. 21R – 18 – 523;

WHEREAS, immediately after the execution of the Deed of Donation, Barangay Tugbong, Kananga, Leyte implied accepted the same by taking over possession, ownership, and dominion over the above parcel of land and subsequently used for its intended purpose;

WHEREAS, after the lapse of more than four (4) years of uninterrupted possession by the barangay, a Committee Report No. 2023 – 23 – 08 was finished recommending for the revocation of the Deed of Donation and further authorizing the Municipal Mayor to revoke the same;

WHEREAS, the Sangguniang Barangay vehemently interposes objection to the unilateral act of revocation for being violated of paragraph 3, Article 764 of the Civil Code of the Philippines wit state that;

" Article 764, The donation shall be revoked at the instance of the donor, when the done fails to comply with any of the conditions which the former imposed upon the letter.

In this case, the property donated shall be returned to the donor, the alienations made by the done and the mortgages imposed thereon by him being void, with the limitations established, with regard to third person, by the mortgage Law, and the Land Registration Laws.

This action shall prescribe after four (4) years from the noncompliance with the condition, may be transmitted to the heirs of the donor, and may be exercised against the donee's " (underlining supplied)

WHEREAS, the lot donated was used for its intended purpose, subject to the limitations established and that the same shall filed within four (4) years from the noncompliance of the condition.

Manuel Vicente M. Torres *Leah O. Empleo* *Emerita P. Lacno*

WHEREAS, the lot donated was used for its intended purpose.

WHEREAS, the Deed of Donation was executed on June 25, 2019, and immediately, the barangay took possession and used the same for its intended purpose;


WHEREAS, the Committee Report No. 2023 – 23 – 08, authorizing the revocation of the Deed of Donation dated June 25, 2019, was issued on August 18, 2023, hence the action authorizing the revocation has already lapsed.

NOW THEREFORE, on mass motion, **BE IT RSOLVED**, as it is hereby **RESOLVED**, to interpose vehement objection to any action for revocation of the above lot for having been prescribe and contrary to law.

RESOLVED FURTHER that copies of this Resolution shall be forwarded to the Office of HON. LEONARDO "SANDY" JAVIER, Vice Provincial Governor of Leyte, Tacloban City for their copy furnished.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

Prepared by:


MERCEDITA T. DASAL
Barangay Secretary

Approved by:


HON. LEAH O. EMPLEO
Punong Barangay

Sangguniang Barangay Member:


HON. EMERITA P. LACNO


HON. BEATRIZ C. NAHINE


HON. ALIPIO C. CABALEJO JR.

HON. PRESCILITA O. CABINTOY

HON. ROLANDO C. YMAS


HON. GERARDO D. ODAN


HON. JERRY P. EMPLEO


HON. ELMER S. RUADO
Brgy. SK Chairperson