



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



RESOLUTION NO. 2020-255

A RESOLUTION AUTHORIZING THE CITY MAYOR HON. ATTY. JAIME R. FRESNEDI IN BEHALF OF THE CITY GOVERNMENT OF MUNTINLUPA TO FILE OF AN ACTION IN COURT, CALLED REFORMATION OF INSTRUMENT, ON THE LEASE CONTRACT INVOLVING THE LOT OF THE FORMER ALABANG JEEPNEY TERMINAL.

Sponsored by: Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Paty Katy C. Boncayao
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadea
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Cornelio M. Martinez
Hon. Coun. Walter A. Arcilla
Hon. Coun. Kenitchi D. Takagi, Jr.

WHEREAS, Section 22(a) (4-5) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that, "every local government unit, as a corporation, shall have the following powers:

1. Xxx
2. To sue and be sued
3. Xxx
4. To acquire and convey real or personal property;
5. To enter into a contract;

WHEREAS, Section 22(c) of the same Code further provide 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, on January 3, 2013 under the former administration of former City Mayor Aldrin L. San Pedro an invitation was published in the newspaper, for the offer for private lease of the management and operation of the Alabang City Terminal, a public transport terminal "to interested parties to submit letter of intent to the City Government of Muntinlupa";

WHEREAS, on January 28, 2013 the Sangguniang Panlungsod gave authority to former City Mayor Aldrin San Pedro, to sign the Lease Agreement with Alabang Prime Central Terminal Corporation to assume, operate, maintain and administer the Alabang City Terminal of Muntinlupa for a period of 50 years;



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WHEREAS, a second instrument was executed, a Deed of Donation as part of consideration for the Lease Agreement and donated in favor of the City Government of Muntinlupa a four (4) storey school building consisting of fifty-two (52) classrooms within the City of Muntinlupa to be constructed by Alabang Prime Central Terminal Corporation, ***"within a period of two (2) years upon acceptance and signing of the lease agreement"***;

WHEREAS, on February 8, 2013, former Mayor Aldrin San Pedro endorsed the Lease Agreement to the Sangguniang Panlungsod of Muntinlupa and submitted for its approval a draft resolution entitled, ***"A Resolution Ratifying the Lease Agreement with Alabang Prime Central Terminal Corporation as presented by Engr. Lamberto L. Lee, Jr., to assume, operate, maintain and administer the Alabang City Terminal of Muntinlupa"***;

WHEREAS, on February 18, 2013 the Muntinlupa City Council passed two resolutions, **Resolution No. 13-253** ratifying the Lease Agreement with Alabang Prime Central Terminal Corporation as presented by Engr. Lamberto L. Lee, Jr., to assume, operate, maintain and administer the Alabang City Terminal of Muntinlupa and **Resolution No. 13-255** ratifying the Deed of Donation with acceptance of the future, non-existent and yet to be constructed 4-storey, 52 classroom school building;

WHEREAS, in the 2014 Annual Audit Report of the Commission on Audit (COA) for the City Government of Muntinlupa, one of the audit findings cited was the following: ***"The Lease Contract with Alabang Prime Central Terminal Corporation for 50 years is questionable and invalid due to lack of proper documentation. It was recommended by the Commission on Audit that the City Government of Muntinlupa conduct an immediate review of the contract and undertake appropriate measure to validate and legalize the lease agreement so that proper recording of rental income in the books could be recognized"***;

WHEREAS, earnest efforts were made by the City Government for negotiation with the LESSEE but despite such effort the same proved futile;

WHEREAS, the City Mayor recommended that a complaint be filed in Court called, Reformation of Instrument to correct, amend and legalize the Lease Contract entered into by the previous administration and make the contract valid, legal and enforceable;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by 9th Sangguniang Panlungsod of Muntinlupa to authorize the Hon. City Mayor Atty. Jaime R. Fresnedi in behalf of the City Government of Muntinlupa to file an action in Court, called reformation of instrument, on Lease Contract involving the lot of the former Alabang Jeepney Terminal.

ADOPTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 16th day of March, 2020, on its 36th Regular Session.



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CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

(ABSENT)
COUN. MARK LESTER M. BAES
Member

COUN. MA. DHESIREE G. AREVALO
Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. CORNELIO M. MARTINEZ
Member

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman

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



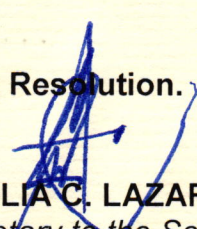
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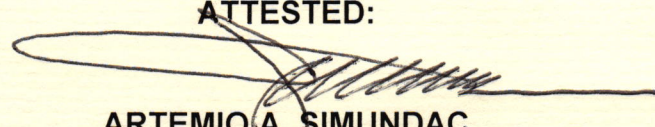


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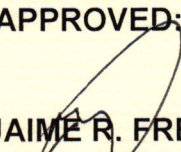
I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


CECILIA C. LAZARTE
Secretary to the Sangguniang

ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 24 MAR 2020

Norie/9th SP

