



Sangguniang Panglungsod

RESOLUTION NO. 06-233

A RESOLUTION TO CONFIRM AND RATIFY THE ENGAGEMENT OF THE ALAMPAY GATCHALIAN MAWIS AND ALAMPAY (AGMA) LAW AS THE CITY'S LEGAL COUNSEL FOR AND IN THE CASE OF MERALCO VS. ALON, CIVIL CASE NO. 90-2787 OF THE MAKATI RTC AND ALL ITS PAST, RELATED AND UNFINISHED INCIDENTS, ON EXACTLY THE SAME TERMS AND CONDITIONS SETFORTH OR FIXED IN ITS ORIGINAL ENGAGEMENT AS SUCH OUTSIDE COUNSEL DATED 15 OCTOBER 1990 EXECUTED BY THEN HON. IGNACIO "TOTING" BUNYE AND AS THE SAME WAS THEREAFTER APPROVED BY THE OFFICE OF THE SOLICITOR GENERAL, DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) AND BY THE COMMISSION ON AUDIT (COA), BEFORE THE DECISION OF THE MAKATI REGIONAL TRIAL COURT, BRANCH 66.

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- Sponsored by:
- Hon. Atty. Raul R. Corro
  - Hon. Lucio B. Constantino
  - Hon. Engr. Mamerto T. Sevilla, Jr.
  - Hon. Melchor R. Teves
  - Hon. Artemio A. Simundac
  - Hon. Christian Glenn D. Lorica
  - Hon. Allan Rey A. Camilon
  - Hon. Ma. Luisa Babaran-Echavez, M.D.
  - Hon. Allen F. Ampaya
  - Hon. Atty. Icasiano M. dela Rea
  - Hon Francis Ian T. Bagatsing
  - Hon. Marissa Cole-Rongavilla
  - Hon. Mario E. Bulay, Jr.

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**WHEREAS**, the Sangguniang Bayan of Muntinlupa adopted "Kapasiyahan na nagbibigay ng karapatan at kapangyarihan ang Punong Bayan, MggI Ignacio R. Bunye na hirangin ang Alampay and Manhit Law Offices upang litisin, ipagtanggol at tumayo bilang Manananggol sa bawat at lahat ng kaso ng Pamahalaang Bayan ng Muntinlupa, maging ito ay sibil, criminal, o administratibo, na may petsa ika-28 ng Mayo 1990;

**WHEREAS**, the said Kapasiyahang Bayan Bilang 90-148, authorized the then Mayor Ignacio R. Bunye to engage the ALAMPAY GATCHALIAN MAWIS & ALAMPAY LAW OFFICES (AGMA Law) as the said municipality's outside legal counsel;

**WHEREAS**, last October 15, 1990, pursuant to the above Kapasiyahang Bayan of the then Sangguniang Bayan ng Muntinlupa, Hon. Ignacio R, Bunye for and in behalf of the said municipality, entered into a formal retainer agreement with the abovementioned Law Firm as the latter's outside legal counsel;

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**WHEREAS**, the aforementioned retainer agreement of the then Municipality of Muntinlupa, with the AGMA Law was accordingly submitted to and approved by the Office of the Solicitor General (OSG), the Department of Interior and Local Government (DILG) and the Commission on Audit (COA);

**WHEREAS**, among the cases the AGMA Law was assigned to represent the City and/or handle in its behalf pursuant to the same retainer agreement was the Petition for prohibition filed by MERALCO with the Regional Trial Court of Makati City, Branch 66, under Case No. 90-2787 which assailed the validity of the city's garnishment of MERALCO's funds/deposits with Bank of the Philippine Islands, Metro Bank & Trust Co., and PCI Bank for the latter's unpaid real property taxes;

**WHEREAS**, overtime and in due course, the ultimate ruling on MERALCO's aforementioned petition against the City's garnishment of its funds for unpaid real property taxes was handed down by the Supreme Court in a Resolution under G.R. No. 114231 dated 29 June 2004 which, in the main, held the following, to wit:

- a) **Contrary to the MERALCO's claim that NAPOCOR was the taxpayer liable for the unpaid real property taxes in question, it was in fact MERALCO who was so liable to pay them;**
- b) **The writs of garnishment issued by the City against MERALCO's bank deposit with the BPI, MBTC and PCIBank were and/or could be valid only in the existence of proof/evidence that the City had in fact served on MERALCO and that the latter had in fact received a prior notice of assessment of the unpaid real property taxes in question;**
- c) **The Supreme Court had no such proof/evidence of such fact in the case before it, i.e. actual service to and receipt by MERALCO of the required notice of assessment.**

**WHEREAS**, on the proposition that it was not a trier of facts, the Supreme Court consequently directed the remand of the aforementioned case to the Makati Regional Trial Court, Branch 66, for the sole purpose of receiving evidence on whether or not the city in fact served on and MERALCO in fact received the required Notice of Assessment for the latter's alleged unpaid Real Property Taxes (RPT);

**WHEREAS**, the aforementioned Resolution of the Supreme Court on 29 June 2004, the city instructed/directed the AGMA Law to represent it and appear as its counsel at any such proceeding-on-remand before the Makati Regional Trial Court, Branch 66;

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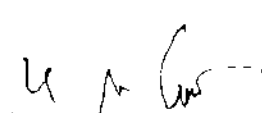
**WHEREAS**, on April 21, 2005 a letter from AGMA to the City Mayor Hon. Atty. Jaime R. Fresnedi requested for the confirmation/ratification of its engagement as the City's Legal Counsel in the aforementioned MERALCO tax case on exactly the same terms and conditions of its original engagement by the then Mayor Ignacio "Toting" Bunye and approved by the OSG, DILG, and the COA;


**WHEREAS**, the payment of their retainer fee is fifteen percent (15%) of the total payment from MERALCO to the City Government;

**NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, by the Sangguniang Panlungsod, to confirm and ratify the engagement of the Alampay Gatchalian Mawis and Alampay (AGMA) Law as the City's legal counsel for and in the case of MERALCO vs. ALON, Civil Case No.90-2787 of the Makati RTC and all its past, related and unfinished incidents, on exactly the same terms and conditions setforth or fixed in its original engagement as such outside counsel dated 15 October 1990 executed by then Hon. Ignacio "Toting" Bunye and as the same was thereafter approved by the Office of the Solicitor General, Department of interior and Local Government (DILG) and by the Commission on Audit (COA), before the decision of the Makati Regional Trial Court, Branch 66.

**APPROVED**, by the *Fourth (4<sup>th</sup>) Sangguniang Panlungsod of Muntinlupa* this 6<sup>th</sup> day of *April 2006* on its 74<sup>th</sup> Regular Session.

CONCURRED:

  
**ATTY. RAUL R. CORRO**  
 Councilor


  
**FRANCIS IAN T. BAGATSING**  
 Councilor


  
**ALLAN REY A. CAMILON**  
 Councilor

  
**MARISSA COLE-RONGAVILLA**  
 Councilor

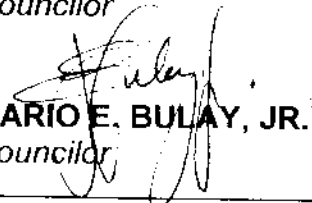
  
**MA. LUISA BABARAN-ECHAVEZ, M.D.**  
 Councilor

  
**LUCIO B. CONSTANTINO**  
 Councilor

  
**MELCHOR R. TEVES**  
 Councilor

  
**MAMERTO T. SEVILLA, JR.**  
 Councilor

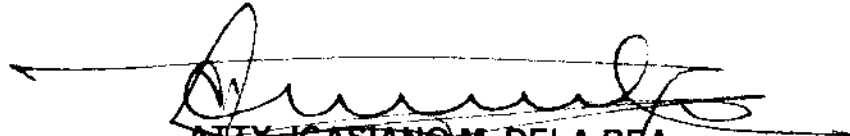
  
**ALLEN F. AMPAYA**  
 Councilor

  
**MARIO E. BULAY, JR.**  
 Councilor




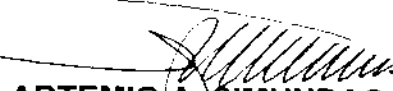
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**ATTY. CASIANO M. DELA REA**  
Councilor



  
**CHRISTIAN GLENN D. LORICA**  
Sectoral Representative  
President, Federation of  
Sangguniang Kabataan

  
**ARTEMIO A. SIMUNDAC**  
Sectoral Representative  
President, Association of  
Barangay Captains

**ABSTAIN:**

**RENE CARL S. CAYETANO**  
Councilor

**ELMER S. ESPELETA**  
Councilor

**JOSELITO V. AREVALO**  
Councilor

**ABSENT:**

**BAL NIEFES**  
Councilor

**KEVIN B. DELGADO**  
Councilor

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

  
**CECILIA C. LAZARTE**  
Secretary  
Sangguniang Panlungsod

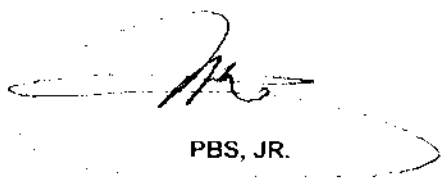
**ATTESTED:**

  
**ALDRIN L. SAN PEDRO**  
City Vice Mayor/Presiding Officer

**APPROVED:**

  
**ATTY. JAIME R. FRESNEDI**  
City Mayor

Date: \_\_\_\_\_

  
PBS, JR.