



Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)

PR95-01

182nd Regular Session

RESOLUTION NO. SP-439, S-95

A RESOLUTION AUTHORIZING THE HONORABLE ISMAEL A. MATHAY, JR., CITY MAYOR OF QUEZON CITY, TO ACCEPT THE OFFER OF THE STA. LUCIA REALTY & DEVELOPMENT, INC. TO EXCHANGE ITS PROPERTY IN TERESA HEIGHTS, BARANGAY PASONG PUTIK, NOVALICHES, QUEZON CITY, PRESENTLY OCCUPIED BY PUBLIC FACILITIES CONSTRUCTED BY THE QUEZON CITY GOVERNMENT, COVERING AN AREA OF SIX THOUSAND THREE HUNDRED SEVENTEEN (6,317) SQUARE METERS, WITH AN EQUIVALENT AREA IN THE ADJACENT PROPERTY OF THE QUEZON CITY GOVERNMENT.

Introduced by Councilors GODOFREDO T. LIBAN II, MARCIANO P. MEDALLA, MELENCIO M. CASTELO, MA. FRESCA M. BIGLANG-AWA, REYNALDO N. MEDINA and ANTONIO V. HERNANDEZ (ANTHONY ALONZO).



Sponsored by Councilors Reynaldo A. Calalay, Alberto M. Galarpe, Moises S. Samson, Herbert M. Bautista, Michael T. Defensor, Joseph Peter S. Sison, Bonifacio M. Rillon and Wencerom C. Lagumbay.

WHEREAS, the Teresa Heights, Inc. donated to the Quezon City Government several lots located in Barangay Pasong Putik, Novaliches, Quezon City, with a total area of 32,226 square meters, more or less, as an open space for public recreation, playground, and other public use of the residents of Teresa Heights Subdivision;

WHEREAS, the Quezon City Government accepted the Deed of Donation and ratified by the Quezon City Council under Res. No. 7990, S-69, but had not yet filed the same with the Register of Deeds when the records of the latter were gutted by fire on June 11, 1988, such that the titles of the donated lots remain in the name of the donor, Teresa Heights, Inc., and which titles are still unreconstituted to date;

WHEREAS, from receipt of the donated land, the Quezon City Government had, over the years, constructed thereon several public facilities which were later discovered as having encroached on about six thousand three hundred seventeen (6,317) square meters, belonging to the Sta. Lucia Realty & Development, Inc.;

WHEREAS, to resolve the matter, the Sta. Lucia Realty & Development, Inc. proposes to give up its property occupied by public facilities in exchange for



an equivalent area to be taken out of the northeastern portion of the Quezon City property which contain no improvement as yet;

WHEREAS, under the proposal embodied in a Deed of Exchange, copy of which is hereto attached marked as Annex "A" and made an integral part hereof, the Sta. Lucia Realty & Development, Inc. shall, at its own expense, undertake the reconstitution of all the titles subject of the proposed exchange, segregation and issuance of the segregated titles, and deliver to the Quezon City Government the reconstituted/re-surveyed titles over its property;


WHEREAS, the proposal has the full support of the Teresa Homeowners Association, and favorably endorsed by the Barangay Council of Pasong Putik in its Resolution No. 53, S-94, copy of which is likewise attached and marked as Annex "B";

WHEREAS, considering that the proposed exchange will not entail any expense on the part of the Quezon City Government, preserve the public facilities already constructed on the proponent's property, and acceptable to the residents in the area who are directly affected thereby;

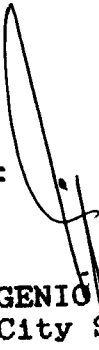
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to authorize, as it does hereby authorize, the Honorable Ismael A. Mathay, Jr., City Mayor of Quezon City, to accept the offer of the Sta. Lucia Realty & Development, Inc. to exchange its property in Teresa Heights, Barangay Pasong Putik, Novaliches, Quezon City, presently occupied by public facilities constructed thereon by the Quezon City Government, covering an area of Six Thousand Three Hundred Seventeen (6,317) square meters, with an equivalent area in the adjacent property of the Quezon City Government.

ADOPTED February 9, 1995.


CHARITO L. PLANAS
Vice-Mayor
Presiding Officer

ATTESTED:


EUGENIO W. JURILLA
City Secretary

AAA/eou/nfj*

ANNEX "B"

Republic of the Philippines
OFFICE OF THE BARANGAY COUNCIL
Barangay Pasong Putik
Quezon City

RESOLUTION NO. 53, S. of 1994

RESOLUTION REQUESTING THE QUEZON CITY COUNCIL, THRU THE HONORABLE COUNCILORS GODOFREDO T. LIBAN II AND MARCIANO P. MEDALLA, TO SPONSOR FOR APPROVAL THE DEED OF EXCHANGE OFFERED BY THE STA. LUCIA REALTY & DEV., INC., VIS-A-VIS CERTAIN QUEZON CITY GOVERNMENT PROPERTIES AND THOSE OF THE STA. LUCIA REALTY & DEV., INC., BOTH IN TERESA HEIGHTS SUBDIVISION, BARANGAY PASONG PUTIK, NOVALICHES, QUEZON CITY.

Introduced by JESS DUNGCA, Councilman

WHEREAS, the Quezon City Government was the recipient of various lots located in Barangay Pasong Putik, Novaliches, Quezon City, with a total area of 32,226 sq. m., more or less, donated by the Teresa Heights, Inc., as open space of the Teresa Subdivision;

WHEREAS, for whatever reason, the City Government inadvertently constructed playground and other public facilities beyond the boundaries of the donated area, and encroached on 6,317 sq. m of land on the adjoining property belonging to the Sta. Lucia Realty & Dev., Inc.;

WHEREAS, to remedy the situation and still save the public facilities from demolition, the Sta. Lucia Realty & Dev., Inc., is offering to exchange its property encroached upon by the Quezon City Government with an equivalent area at the other side of the open space which is still vacant of any improvement;

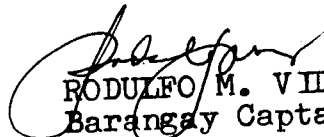
WHEREAS, the Teresa Homeowners Association is agreeable to the proposal, as in fact, its President has requested the Barangay Council of Pasong Putik to endorse the offer to the Quezon City Council for approval, copy of which request is hereto attached, marked as Annex "A", and made an integral part hereof;

WHEREAS, considering that the proposal is deemed most advantageous to the Quezon City Government and to the residents of Teresa Heights Subdivision, because aside from retaining its existing public facilities which are ideally accessible to the residents, the Sta. Lucia Realty & Dev., Inc. is even willing to shoulder the expenses of re-survey and re-titling of its properties and that of the Quezon City Government, which proposal is contained in a DEED OF EXCHANGE, copy of which is hereto attached marked as Annex "B" and likewise made an integral part of this Resolution.


NOW, THEREFORE, BE IT RESOLVED, as it is hereby RESOLVED, by the Barangay Council of Pasong Putik in session assembled, to request the Quezon City Council, thru the Honorable Councilors GODOFREDO T. LIBAN II and MARCIANO P. MEDALLA, to sponsor for approval the Deed of Exchange offered by the Sta. Lucia Realty & Dev. Inc., vis-a-vis certain Quezon City Government properties and those of the Sta. Lucia Realty & Dev., Inc., both in Teresa Heights Subdi-

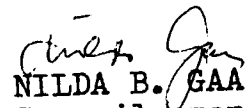
sion, Barangay Pasong Putik, Novaliches, Quezon City, and RESOLVED, Finally, That the Barangay Secretary be, as she is hereby directed, to furnish the Sta. Lucia Realty & Dev., Inc. and the President of the Teresa Homeowners Association with a copy each of this Resolution.

ADOPTED, December 3rd, 1994.

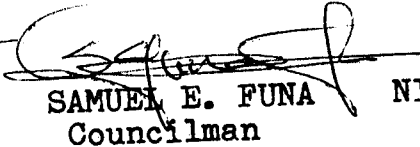

RODOLFO M. VIDAL
Barangay Captain

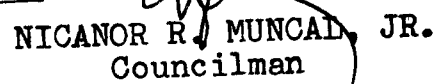

GERARDO A. HERRERA
Councilman


FLORA C. GASSER
Councilwoman


NILDA B. GAA
Councilwoman


ENGR. JESUS I. DUNGCA
Councilman

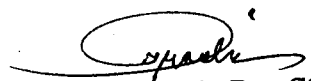

SAMUEL E. FUNA
Councilman


NICANOR R. MUNCAL, JR.
Councilman

ATTY. CHARITO F. CADIAO
Councilwoman

MICHAEL S. VALEROS
SK Chairman

ATTESTED BY:


TERESITA R. SOLIS
Barangay Secretary

ANNEX "A"

DEED OF EXCHANGE

KNOW ALL MEN BY THESE PRESENTS:

This Deed of Exchange is made and entered into by and between:

Quezon City, a local government unit created and organized in accordance with law with offices and postal address at Quezon City Hall, Quezon Memorial Circle Road, Quezon City, represented by the Honorable MAYOR ISMAEL MATHAY, JR. hereinafter referred to as the FIRST PARTY;

-and-

STA. LUCIA REALTY & DEVELOPMENT INC., a corporation duly organized and existing by virtue of the laws of the Republic of the Philippines, with offices at the Ground Floor, State Financing Center Bldg., Ortigas Avenue, Mandaluyong, Metro Manila, represented in this act by its Executive Vice President, MR. VICENTE R. SANTOS, hereinafter referred to as the SECOND PARTY.

-WITNESSETH-

WHEREAS, Teresa Heights Inc., are the registered owners of several parcels of land situated at Pasong Putik, Novaliches, Quezon City, and more particularly described to wit:

Registered Owner	TCT No.	BLOCK	LOT	AREA (sq. m.)
Teresa Heights, Inc.	162078	27	31	6,695
Teresa Heights, Inc.	151630	2	36-A	23,127
Teresa Heights, Inc.	151638	2	37	500
Teresa Heights, Inc.	151637	2	36	500
Teresa Heights, Inc.	151636	2	35	500
Teresa Heights, Inc.	151635	2	34	500
Teresa Heights, Inc.	151634	2	33	493
Total Land Area	-----			32,223 sq. m.

WHEREAS, on October 29, 1969, the said parcels of land were donated to the Quezon City Government (FIRST PARTY) and was ratified by defunct Quezon City Council under Res. No. 7990, S-69, a copy of which is herein attached and marked as Annex "A", and forming integral part of this document;

WHEREAS, the said Deed of Donation was never registered and hence the titles remain in the name of Teresa Heights, Inc.;

WHEREAS, adjacent to the property of Teresa Heights Inc., which were donated to the Quezon City Government, are the properties of Sta. Lucia Realty & Dev., Inc., (SECOND PARTY), which properties are as follows:

Registered Owner	TCT No.	PR No.	BLOCK	LOT	AREA (sq. m.)
B.C. Regalado & Co.	227143	4178	2	32	500
B.C. Regalado & Co.	227142	4177	2	31	470
B.C. Regalado & Co.	227141	4176	2	30	500
B.C. Regalado & Co.	227140	4175	2	29	500
B.C. Regalado & Co.	227139	4174	2	28	500
B.C. Regalado & Co.	227138	4173	2	27	500
B.C. Regalado & Co.	227137	4172	2	26	500
B.C. Regalado & Co.	227136	4171	2	25	500
B.C. Regalado & Co.	227135	4170	2	24	500
B.C. Regalado & Co.	227134	4169	2	23	500
B.C. Regalado & Co.	227133	4168	2	22	500
B.C. Regalado & Co.	227132	4167	2	21	500

Total Land Area -----6,817 sq. m.

Note: Registered Owner is B.C. Regalado with Provisional Registration in favor of Sta. Lucia Realty & Dev., Inc.

WHEREAS, the Quezon City Government (FIRST PARTY) constructed playgrounds and other public facilities on the lots owned by Sta. Lucia Realty & Dev., Inc. (SECOND PARTY), which properties affected the following lots of SECOND PARTY, to wit:

BLOCK	LOT	AREA in sq. m.
2	21	500
2	22	484
2	23	500
2	24	500
2	25	500

2,484 sq. m.

WHEREAS, in order not to disrupt actual possession of the parties herein, and for the park to have a wider frontage and for a more easy access by the homeowners of Teresa Heights, Inc. to the parks and playgrounds and open spaces which were donated to the Quezon City Government (FIRST PARTY) and to finally effect the donation and transfer of titles of the properties in favor of the Quezon City Government (FIRST PARTY), the parties herein agree to an exchange of lots.

WHEREAS, with an exchange of lots it is necessary to consolidate the above properties of Teresa Heights, Inc. and Sta. Lucia Realty & Dev., Inc. and to partition the consolidated lots in accordance with the actual land area pertaining to each party;

NOW THEREFORE, for and in consideration of the foregoing, the parties have agreed to wit:

1. That with the exception of Block 27 Lot 1, with an area of 6,606 sq. m. to consolidate the entire lots of the parties herein and subdivide it in accordance with their desire for an exchange of lots under PCS-04-001140, a copy of which is herein attached as Annex "C" and forming integral part of this Deed of Exchange;

2. The parties agree that with the consolidation under FCS-04-0011400, the parties shall share in the following manner:

To the Quezon City Government (FIRST PARTY)...
Lot 3 with an area of 25,620 sq. m.

Sta. Lucia Realty & Dev., Inc., the following lots:

Lot 1 with an area of 1,126 sq. m.
Lot 2 with an area of 789.60 sq. m.
Lot 3 with an area of 789.30 sq. m.
Lot 4 with an area of 789.80 sq. m.
Lot 5 with an area of 789.80 sq. m.
Lot 6 with an area of 789.30 sq. m.
Lot 7 with an area of 1,240 sq. m.

Total Area . . . 6,317 sq. m.

3. That since all the original titles have been burned in the fire that gutted the Quezon City Hall sometime June, 1988, all expenses to reconstitute the titles of all the lots subject of the exchange and consolidation, shall all be shouldered by Sta. Lucia Realty & Dev., Inc. (SECOND PARTY), including the cost of segregation and issuance of segregated titles;

4. The SECOND PARTY undertakes to deliver the titles to the Quezon City Government (FIRST PARTY) as soon as the titles have been reconstituted.

IN WITNESS WHEREOF, the parties have this _____th day of _____ 1993, signed this instrument at _____.

QUEZON CITY
FIRST PARTY
by:

ISMAEL MATHAY, JR.
Mayor

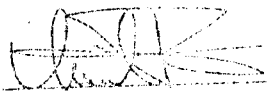
STA. LUCIA REALTY &
DEVELOPMENT, INC.
SECOND PARTY

by:

VICENTE R. SANTOS
Executive Vice President

Signed in the Presence Of:





ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES) -
_____) s.s.

BEFORE ME, a Notary Public, for and in _____ personally came and appeared the following persons:

NAME	COMMUNITY TAX CERT. NO.	DATE/PLACE ISSUED
Sta. Lucia Realty	1992764	2.09.93; Pasig
Vicente R. Santos	11321948	2.13.93; Pasig
Ismael Mathay, Jr.		

~~known to me to be the same persons who executed the foregoing instrument and acknowledged before me that the same is their free act and voluntary deed as well as the corporation/government unit represented herein.~~

This instrument pertains to a Deed of Exchange consisting of four (4) pages signed by the parties and their instrumental witnesses one each and every page, including this page whereon the acknowledgment is written.

Witness my hand and notarial seal, this _____ day of _____ at _____.

NOTARY PUBLIC
Until Dec. 31, 199_____
PTR No. _____

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 1993.
/cln

[Handwritten signatures and initials]