



Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)
19th Regular Session

PR2001-342

RESOLUTION NO. SP-**1717**, S-2002

A RESOLUTION AMENDING RESOLUTION NO. SP-1143, S-99, SO AS TO AUTHORIZE THE OFFICE OF THE CITY LEGAL OFFICER, AND THE CITY COUNCIL SECRETARY, ATTY. EUGENIO V. JURILLA, TO ACT AS THE LEGAL COUNSEL AND SPECIAL COUNSEL RESPECTIVELY, FOR THE CITY COUNCIL, THE CITY VICE MAYOR, AND ANY MEMBER OF THE CITY COUNCIL WHO WERE IMPEADED, IN THEIR OFFICIAL CAPACITY, AS A PARTY IN ALL CIVIL AND ADMINISTRATIVE CASES AND SPECIAL PROCEEDINGS AND TO APPEAR FOR SAID PARTY/IES DURING THE PRE-TRIAL CONFERENCE AND IN ALL THE STAGES OF THE PROCEEDINGS.

Introduced by Councilors JESUS "BONG" C. SUNTAY, ANTONIO E. INTON, JR., VOLTAIRE GODOFREDO L. LIBAN III, ERIC Z. MEDINA, RAMON F. MEDALLA, BERNADETTE R. CRUZ-HERRERA, ALLAN "BUTCH" T. FRANCISCO, MARY ANN L. SUSANO and DANTE M. DE GUZMAN.

WHEREAS, lawsuits and legal actions involving various causes of action had been brought against the City Council, the City Vice Mayor and other members of the City Council in their official capacity in various Courts of Justice and in the Office of the Ombudsman;

WHEREAS, pursuant to existing jurisprudence, the City Legal Officer who is the chief legal counsel of the City government or any official thereof shall represent them in all civil and administrative actions and special proceedings in their official capacity as a party;

WHEREAS, in several cases where the City Council is made a party respondent or defendant, the City Council Secretary, Atty. Eugenio V. Jurilla, had been authorized to act as counsel for the City Council in collaboration with the City Legal Officer either upon the request of the City Legal Officer or designation by the City Council, the most recent one being Civil Case No. Q-00-42030, entitled, "Acropolis Greens Homeowners Association, Inc., petitioner, versus Quezon City Council, respondent," now pending trial at the Regional Trial Court, Branch 102, Quezon City,

WHEREAS, generally, the authority to appear as counsel during the mandatory pre-trial conference stage of the proceedings is granted in the form of a special power of attorney signed by the City Vice Mayor in his capacity as the Presiding Officer of the City Council,

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WHEREAS, in one case, Civil Case No. Q-90-34003, entitled, "Felt Food, Inc., doing business under the name and style Club Giorgio, plaintiff, versus, the Hon. Mayor and the City Council of Quezon City, defendants, " of the Regional Trial Court, Branch 220, in Quezon City, the appearance of the City Legal Officer, Atty. Jose M. Puhawan and Atty. Eugenio V. Jurilla during the pre-trial conference of the case was questioned by the opposing counsel contending that the authority presented was merely a special power of attorney signed by the Vice Mayor which should have been a Resolution adopted by the City Council;

WHEREAS, to obviate such contingency and to get off on procedural points and the concomitant embarrassment arising therefrom, it is now necessary to change such practice by granting the desired authority by means of an approved resolution;

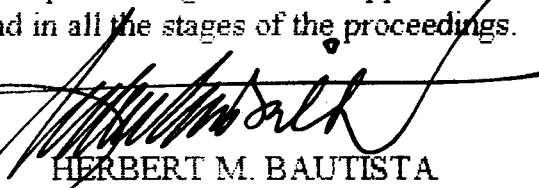
WHEREAS, under Resolution No. SP-1148, S-99, the City Council authorized the City Legal Officer, Atty. Jose M. Puhawan and the City Secretary, Atty. Eugenio V. Jurilla, as the legal counsel and special counsel, respectively, to, represent the City Council, the City Vice Mayor and any member of the City Council, in their official capacity as a party in all civil cases and special proceedings, which shall also include administrative cases filed against them;

WHEREAS, as the term of office of the City Legal Officer is co-terminus with the appointing authority, as in the case of Atty. Puhawan whose term ended when then Mayor Ismael A. Mathay, Jr., completed his term of office last June 30, 2001, it should be the Office of the City Legal Officer that should be authorized to act as the legal counsel and not the City Legal Officer, Atty. Puhawan.


NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to amend, as it does hereby amend, Resolution No. SP-1148, S-99, so as to authorize the City Legal Officer and the City Council Secretary, Atty. Eugenio V. Jurilla, to act as the Legal Counsel and Special Counsel, respectively, for the City Council, the Vice Mayor, and any member of the City Council who are impleaded, in their official capacity, as a party/ies in all civil and administrative cases and special proceedings and to appear for said party/ies during the pre-trial conference and in all the stages of the proceedings.

ADOPTED: January 22, 2002.



HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Council Secretary

CERTIFICATION

This is to certify that this Resolution which was APPROVED on Second Reading on January 22, 2002, was CONFIRMED by the City Council on February 12, 2002.


EUGENIO V. JURILLA
City Council Secretary