



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

PR2003-334

90th Regular Session

RESOLUTION NO. SP **2474** S-2004

A RESOLUTION CONDONING THE PENALTY IMPOSED BY THE CONTRACTS TO SELL EXECUTED PURSUANT TO THE MEMORANDUM OF AGREEMENT ENTERED INTO BY AND BETWEEN THE LOCAL GOVERNMENT OF QUEZON CITY AND SAMAHANG MAGKAKAPITBAHAY, INC., DATED DECEMBER 7, 1996.

Introduced by Councilors VICTOR V. FERRER, JR., ERIC Z. MEDINA, MARY ANN L. SUSANO, ANTONIO E. INTON, JR., RICARDO R. DEL ROSARIO and JUNIE MARIE L. CASTELO.

WHEREAS, the local government of Quezon City is the registered owner of that parcel of land covered by Transfer Certificate of Title Numbered 17718 of the Register of Deeds of Quezon City, situated in Barangay San Jose, District I, Quezon City;

WHEREAS, the local government of Quezon City, represented by then incumbent Mayor Ismael A. Mathay, Jr., and Samahang Magkakapitbahay, Inc., executed a Memorandum of Agreement on December 7, 1996 with regard to said parcel of land situated in Barangay San Jose, District I, Quezon City, for the sale thereof on installment;

WHEREAS, on December 21, 1994, the Quezon City Council enacted and approved Ordinance No. SP-260, S-94 entitled:

“An Ordinance For Partial Re-Classification of a Parcel of Land Covered by Transfer Certificate of Title Numbered 17718 located at Barangay San Jose, Quezon City, Issued by the Register of Deeds of Quezon City from School Site to Residential Lot and for other Purposes Therefor.”

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orig.

whereby it was decreed:

"Section 1. The Eleven Thousand (11,000) square meters of the parcel of land located at Barangay San Jose consisting of Twenty-Four Thousand Seven Hundred Eighty-Two square meters and Sixty square decimeters (24,782.60 sq.m.) covered by Transfer Certificate of Title Numbered 17718 is hereby re-classified from school site to residential lot.

Section 2. The City Planning and Development Office is hereby ordered to reasonably, practically and usefully segregate the said Eleven Thousand (11,000) square meters as stated in Section 1 hereof within thirty (30) days from the effectivity of this Ordinance.

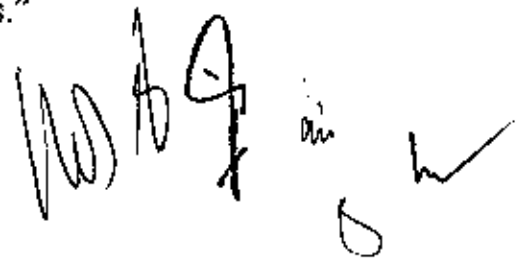
Section 3. The City Planning and Development Office is likewise tasked to prepare a reasonable, practical and useful plan in coordination with the Barangay Council of Barangay San Jose, Quezon City."

WHEREAS, on November 19, 1996, the Sangguniang Panlungsod of Quezon City passed and enacted Ordinance No. SP-460, S-96, entitled:

"An Ordinance Approving the Subdivision Plan for the Re-Blocking with Maximum Retention Plan of Residential Lots of a Parcel of Land known as Block 376 covered by Transfer Certificate of Title No. RT-9607 (17718) situated at Barangay San Jose, Quezon City, as applied for by the Samahang Makakapitbahay, Inc., subject to compliance with the conditions prescribed under Ordinance No. SP-56, S-93, Batas Pambansa 220 and Presidential Decree 1096, as amended."

WHEREAS, the respective contracts to sell executed pursuant to the Memorandum of Agreement abovementioned uniformly contain the following penalty clause:

"5. In case of failure to pay on time the monthly installments, the "BUYER" shall be charged a penalty of two percent (2%) of the total amount due but in no case shall such default or delinquency exceed twelve (12) months. Thereafter, if the "BUYER" continues to fail or refuses to pay, their Contract may be awarded to other qualified beneficiaries."

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WHEREAS, the foregoing penalty clause was imposed for the sole benefit of the Seller Local Government of Quezon City; Hence, said local government unit has the power to condone any penalty that may be due from the buyers;

NOW, THEREFORE,


BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to condone, as it does hereby condone, any and all penalties that may be due the buyer-beneficiaries as stated and described in the whereas clauses hereof reckoned as of the time of the approval of this Resolution.

RESOLVED, FURTHER, to absolve and delete from the record any default or delinquency incurred and/or recorded as of the time of the approval of this Resolution.

ADOPTED: February 24, 2004.



JORGE L. BANAL
President pro-Tempore
Acting Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Council Secretary

CERTIFICATION

This is to certify that this Resolution which was APPROVED on Second Reading on February 24, 2004, was CONFIRMED by the City Council under Suspended Rules on the same date.


EUGENIO V. JURILLA
City Council Secretary