



Republic of the Philippines  
**QUEZON CITY COUNCIL**

Quezon City  
19<sup>th</sup> City Council

PRI9CC-515

37<sup>th</sup> Regular Session

RESOLUTION NO. SP- **6093**, S-2014

**A RESOLUTION AUTHORIZING THE CITY MAYOR, HONORABLE HERBERT M. BAUTISTA, IN BEHALF OF QUEZON CITY, TO NEGOTIATE AND ENTER INTO A MEMORANDUM OF AGREEMENT INVOLVING THE USE OF THE AERIAL AND SUBTERRANEAN AREA LOCATED OVER AND BELOW ROAD LOT 303 COVERED BY TRANSFER CERTIFICATE OF TITLE (TCT) NO. RT-9987 (266573) REGISTERED IN THE NAME OF QUEZON CITY GOVERNMENT, WITH MALLERS MANAGEMENT CORPORATION FOR A PERIOD OF TWENTY-FIVE (25) YEARS AND RENEWABLE UPON MUTUAL AGREEMENT OF BOTH PARTIES.**

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**Introduced by Councilors ANTHONY PETER D. CRISOLOGO and GODOFREDO T. LIBAN II.**

**Co-Introduced by Councilors Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Roderick M. Paulate, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Jose Mario Don S. De Leon, Jesus Manuel C. Suntay Raquel S. Malafigen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julianne Alyson Rae V. Medalla, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.**

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**WHEREAS, Section 18 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, empowers local government units (LGUs) to generate sources of revenues from the properties owned by the City;**

**WHEREAS, a road lot identified as Road Lot 303 located at Diliman Estate Consolidated (Subdivision Plan Pcs-2014), Barangay Sta. Cruz, Quezon City with an aggregate area of seven hundred thirty three square meters and seventy square decimeter (733.70 sq. m.), more or less, covered by TCT No. RT-9987 (266573) registered in the name of the Quezon City Government is ideally situated in a rapidly developing commercial area;**

*WHEREAS, to maximize the use of the subject road lot, the aerial and subterranean spaces are identified as potential sources of revenue of the city;*

*WHEREAS, the law does not prohibit the utilization of the aerial and subterranean space of a road lot since it neither impedes nor adversely affects its intended purposes;*

*WHEREAS, the most feasible means by which such spaces can generate additional revenues for the City is to allow a willing business enterprise to use and develop such area;*

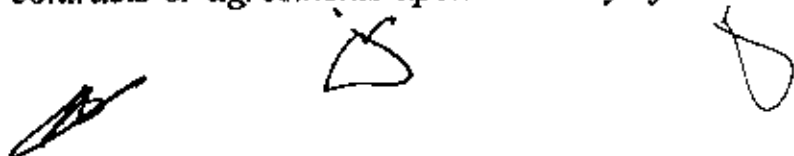
*WHEREAS, the owner of the adjacent property, Mallers Management Corporation has expressed its willingness to enter into an agreement with the Quezon City Government for the use of the aerial and subterranean area of the subject road lot following its actual footprint, which is 733.70 sq.m. for a period of twenty-five (25) years, and renewable upon mutual agreement of both parties;*

*WHEREAS, in assessing the valuation of such property, the prevailing rate for the lease of the real property should be considered;*

*WHEREAS, in exchange for a monthly rental and the obligation to improve and maintain the said road lot, the Mallers Management Corporation is authorized to utilize and develop the aerial and subterranean area located above and below Road Lot 303, provided that the intended use of Road Lot 303 shall not be impeded and shall remain the same;*

*WHEREAS, Mallers Management Corporation undertakes the obligation to preserve the integrity of Road Lot 303 as a road lot and to refrain from introducing any structures on the road lot itself, which may impede the orderly flow of motor vehicle traffic, except for those necessary to enhance the road lot as a road and its proper maintenance;*

*WHEREAS, Section 455 (b) (1) (vi) of the "Local Government Code of 1991" provides that the City Mayor shall represent the City in all its business transactions and sign in its behalf contracts or agreements upon authority of the Sangguniang Panlungsod.*



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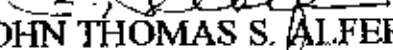
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NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN  
REGULAR SESSION ASSEMBLED, to authorize, as it does hereby authorize the

This is to certify that this Resolution was APPROVED by the City Council  
on Second Reading on August 26, 2014 and was CONFIRMED on  
September 1, 2014.

  
Atty. JOHN THOMAS S. ALFEROS III  
City Gov't. Asst. Dept. Head III 