Republic of the Philippines  
Province of Cavite  
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY RESOLUTION NO. CR 2016-091  
Series of 2016

A RESOLUTION DECLARING VILLAGE HOMES AND MAGDIWANG PHASE 2 SUBDIVISION, QUEENSROW WEST, BACOOR CITY, CAVITE AS AN “ABANDONED SUBDIVISION” FOR THE EXCAVATION AND INSTALLATION OF WATER PIPELINES BY MAYNILAD WATER SERVICES, INC. IN RELATION TO ITS NATIONAL WATER AND SEWERAGE SERVICES PROJECT.


WHEREAS, on 18 July 2016, a letter was sent to the Office of the Sangguniang Panlungsod by the United Magdiwang and Village Homes Association, Inc. (UMAVHAI) requesting for the declaration of their subdivision as an “abandoned subdivision” in order to avail the services of Maynilad Water Services, Inc.:

WHEREAS, the said request was deliberated upon by the council and was found beneficial to the residents of Village Homes and Magdiwang Phase 2 Subdivision, Queensrow West, Bacoor City, Cavite;

NOW THEREFORE, upon motion of Councilor Reynaldo D. Palabrica, duly seconded by Councilor Leandro A. De Leon in regular session assembled, BE IT RESOLVED AS IT IS HEREBY RESOLVED by the Sangguniang Panlungsod to declare Village Homes and Magdiwang Phase 2 Subdivision, Queensrow West, Bacoor City, Cavite as an “abandoned subdivision” for the excavation and installation of water pipelines by Maynilad Water Services, Inc. in relation to its national water and sewerage services project.

RESOLVED LASTLY, to furnish the United Magdiwang and Village Homes Association Inc. (UMAVHAI), Maynilad Water Services, Inc., and all concerned government offices with copies of this Resolution for their information and guidance.

APPROVED UNANIMOUSLY this 8th day of August 2016 by the Sangguniang Panlungsod of Bacoor in regular session assembled.

I hereby certify that the foregoing Resolution is true and correct.

Certified by:

CATHARINE SARINO-EVARISTO  
City Vice Mayor/Presiding Officer

City Resolution No. CR 2016-091, 8 August 2016  
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Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Attested by:
ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Noted by:
LANI MERCADO-REVILLA
City Mayor

Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. CATHERINE S. PVARISTO
City Vice Mayor/Presiding Officer

Approved by:
HON. LANI MERCADO - REVILLA
City Mayor
02 December 2016

HON. LANI MERCADO-REVILLA
City Mayor,
Bacoor City, Cavite

Re: City Resolution No. CR 2016-091

Dear Madam:

The Sangguniang Panlungsod, through the Office of the Sangguniang Panlunsod Secretary, brought to my attention the matter regarding the "Comments on City Resolution No. CR 2016-091" (Comments for brevity) allegedly made by a certain "Atty. Roy". Attached herewith is a copy of the alleged “Comments” as well as that of City Resolution No. CR 2016-091, for ready reference.

The subject “Comments” is being referred to as allegedly made by a certain Atty. Roy by reason of the fact that the undersigned is not sure who really made the said comments and whether the said comments really emanated from the Office of the City Legal Service (OCLS) taking into consideration the following matters:

1. The subject comment is handwritten and is not even written in the official letter head of the OCLS;
2. Aside from it being handwritten, it does not bear the signature of the Atty. Roy who allegedly made it; and
3. This is definitely not an official opinion coming from the OCLS since all official legal opinions of the OCLS should bear the signature of the Head of Office.

Despite having laid down the formal flaws of the “Comments” allegedly made by a certain Atty. Roy, and notwithstanding the fact that the undersigned has already disowned the same as an official opinion of the OCLS, I wish to likewise discuss the substantive aspect of the alleged “Comments” in order to clarify and to highlight the flawed reasoning behind the same.

Discussion of comment No. 1:

At the onset, the irresponsible nature of the “Comments” is readily apparent. Had the one who made the same just exerted a little effort to do some research before picking up the pen to write, he would have found that there exist a document called “City Resolution No. CR 2016-015” from which, the declaration of Abandoned Subdivision was based. In the said City Resolution though, it was initially denominated as declaration of an open community. However, the purpose is the same, to render service to residents of subdivisions, which were already abandoned by their respective developers, by allowing...
public utility companies to enter and extend their much needed services to the residents by declaring such subdivisions as an open community or abandoned subdivision.

Why do we need to do this? Simply because the common areas of these subdivisions, like the roads lots and open spaces, are still owned by the developers, as the title to such areas were not yet turned over to the Homeowners Association (HOA) of the concerned subdivision. Being still the private property of the developer, who can no longer be located, public utility companies cannot just enter and lay their pipes or lines thereon hence, the need for the declaration from the LGU that the subdivision is already an open community or an abandoned subdivision, which operates as a sort of an authority for the public utility company to enter and make their services available to the residents of the community.

The only purpose of this is for the residents of the subdivisions, abandoned by their developers, to be assisted by the LGU in making sure that the much needed public utility, like water, would be able to be provided to them. The declaration, does not in any way, affect the ownership of the areas declared to have been abandoned. It remains to be the property of whoever is stated to be the owner thereof in the title covering the same.

Discussion of comment No.2:

Such comment is obviously flawed and unsupported by either law or reason.

The Homeowners Association (HOA) of the concerned subdivision cannot do the suggested course of action of Atty. Roy simply because it is not correct.

Basic in law is the fact that you can only donate what you already own. In the case of the HOA of these abandoned subdivisions, they cannot donate the Road Lots and Open Spaces of their respective subdivisions to the City Government, as erroneously suggested by Atty. Roy, for the obvious reason that they are not yet the owners of the said properties. The titles to these pieces of properties, the road lots and open spaces, are still under the name of their respective developers. Thus, it defies logic and reason why the HOA would be advised to donate what it does not own.

On the basis of the foregoing, the suggested action of Atty. Roy, which is for the HOA to donate the Road Lots and Open Spaces to the City Government is not only incorrect, it will even expose the HOA as well as the City Government to possible law suits.

Conclusion:

Having given the foregoing discussions, the undersigned respectfully opines that, given the existence of City Resolution No. CR 2016-015, allowing the declaration of subdivisions abandoned by its developer to be declared as an open community or abandoned subdivision, under certain conditions and requirements stated therein (a copy
of which is likewise attached hereto for ready reference), City Resolution No. CR 2016-091 declaring Village Homes and Magdiwang Phase 2 Subdivision, Queensrow West, Bacoor City as an abandoned subdivision, remains to be a valid act of the Sangguniang Panlungsod of Bacoor City.

Very truly yours,

[Signature]

ARNOLD A. VALENZUELA
City Legal Officer
Comments on City Resolution No. CR 2016-091 Series of 2016

1) To begin with, what is the definition of an abandoned subdivision?

If there are residents in the said subdivision, then it would be absurd to declare it as such for the purpose of installation of fire hydrant, water pipes.

2) The correct thing to do is for the Home Owners Association (HOA) to donate to the City government their fire lot and open space so that maynilad can install its fire hydrant and water pipes.

- Atty. Roy

TO: ATTY. KIEZA/ ATTY. CARMALD
CAN WE GET A COPY WHY THE RESOLUTION WAS NOTED ON. CHECK W/ SP SECRETARY. MLINAR
15 August 2016

HON. LANI MERCADO-REVILLA
City Mayor
Bacoor City, Cavite

SUBJECT: City Resolution No. CR 2016-091

Dear Madam:

I am hereby respectfully submitting to your good office a copy of City Resolution No. CR 2016-091, Series of 2016 entitled: "A Resolution declaring Village Homes and Magdiwang Phase 2 Subdivision, Queensrow West, Bacoor City, Cavite as an "Abandoned Subdivision" for the excavation and installation of water pipelines by Maynilad Water Services, Inc. in relation to its national water and sewerages services project." For your approval and appropriate action.

Thank you very much.

Very truly yours,

ATTY. KHALID A. ATEGA, JR.
Sanggunian Panlungsod Secretary