

**RESOLUTION RESPECTFULLY REQUESTING THE CITY LEGAL OFFICE, THRU ITS DEPARTMENT HEAD, ATTY. ARMANDO T. CLARIN TO REVIEW AND EVALUATE THE LEGALITY OF THE MEMORANDUM OF AGREEMENT (MOA) ENTERED INTO BY AND BETWEEN THE CITY GOVERNMENT OF GENERAL SANTOS, REPRESENTED BY THEN CITY MAYOR DARLENE MAGNOLIA R. ANTONINO-CUSTODIO AND THE PHILIPPINE AIR FORCE (PAF) THRU RESOLUTION NO. 221, SERIES OF 2013, FOR A PERPETUAL USUFRUCT OF THE OLD BUAYAN AIRPORT AS THE RAJAH BUAYAN AIR STATION**

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**HON. RAMON R. MELLIZA, HON. LOURDES F. CASABUENA, HON. JOSE ORLANDO R. ACHARON, HON. BRIX T. TAN –Author/ Sponsors**

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**WHEREAS**, on June 4, 2013, the 16<sup>th</sup> Sanggunian Panlungsod passed Resolution No. 221, Series of 2013, Resolution Authorizing the City Mayor, Hon. Darlene Magnolia R. Antonino-Custodio, to enter into a Memorandum of Agreement (MOA) with the Philippine Air Force (PAF) for a perpetual usufruct of the old Buayan Airport as the Rajah Buayan Air Station, which allowed the Philippine Air Force to utilize the old airport and its facilities as its forward operating station;

**WHEREAS**, the Supreme Court rules that “an ordinance is a law but a resolution is merely a declaration of the sentiment or opinion of a lawmaking body on a specific matter. An ordinance possesses a general and permanent character but a resolution is temporary in nature”, subjecting the resolution itself as contradictory to its “perpetual usufruct” effectivity;

**WHEREAS**, based on the aforequoted provision, this Sanggunian deems it proper to seek legal opinion and advice from the City Legal Office to once and for all declare whether the perpetual usufruct is valid or otherwise;

**WHEREAS**, in order to address existing concerns on the Old Buayan Airport such as designing a site development plan, relocating the motorpool of the City Engineer’s Office, and erecting the permanent evacuation center of the City Disaster and Risk Reduction Management Office, this matter of perpetual usufruct must be resolved first;

**NOW, THEREFORE**, on motion of City Councilor \_\_\_\_\_, duly seconded by City Councilor/s \_\_\_\_\_, be it –

**RESOLVED**, as it is hereby resolved to respectfully request the City Legal Office, thru its Department Head, Atty. Armando T. Clarin to review and evaluate the legality of the Memorandum of Agreement (MOA) entered into by and between the City government of General Santos, represented by then City Mayor Darlene Magnolia R. Antonino-Custodio and the Philippine Air Force (PAF) thru Resolution No. 221, Series of 2013, for a perpetual usufruct of the Old Buayan Airport as the Rajah Buayan Air Station

**RESOLVED**, further that result of the thorough review of the City Legal Office be furnished to the Sangguniang Panlungsod for reference and appropriate action.

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