



PAMBANSANG MUSEO NG PILIPINAS
NATIONAL MUSEUM OF THE PHILIPPINES
NOTICE OF AWARD

Ms. Elvira Marcellana-Lerner
Owner

Dear Ms. Marcellana-Lerner,

The National Museum of the Philippines accepts your offer and hereby awards to you the amount for the **Acquisition of Rocha House and its lot in Sifio Ubos in Tagbilaran City, Bohol, a declared Important Cultural Property, as an extension of the National Museum in Bohol, including applicable taxes**, located at Lot 67 Franklin Street, Sifio Ubos, Poblacion I, Tagbilaran City, Bohol, for the total gross price of **Twenty-Seven Million Twenty-Seven Thousand Twenty-Seven Pesos and Three Centavos (Php 27,027,027.03)**, pursuant to Section 22 of Republic Act No. 11333.

Please affix your signature on the space below to signify your confirmation.

Done this 23 day of September, 2021.

Thank you.



JEREMY BARNES, CESO III
Director-General

**Acquisition of Rocha House in Sitio Ubos in Tagbilaran City, Bohol, a
declared Important Cultural Property, as an extension of the National
Museum in Bohol, including applicable taxes**

WHEREAS, it is provided for in Sec. 22 of RA 11333 that "the National Museum, as a general rule, shall be allowed to procure collections items by means of direct negotiation with the owners of such items, or their duly designated agents or representatives, in the Philippines and abroad, as follows:

- a. A written and signed quotation for the sale of the item(s), shall be issued and addressed to the National Museum by the owner, or his or her agent or representative;
- b. A certification that the item to be acquired is of appropriate significance to the National Museum and of importance to the heritage and patrimony of the Filipino people, that the negotiated price is reasonable and fair, that no conflicts of interest as may be defined by prevailing laws, rules and regulations exist, and that the item in question has not been illegally acquired or trafficked, shall be issued by the Head of Agency;
- c. For items above One million pesos (Php 1,000,000.00) or its foreign currency equivalent in price, the Head of Agency shall recommend in writing to the Board the issuance of a resolution for the approval in principle of the transaction; items under this amount may be procured upon the sole authority of the Head of Agency provided that there is no "splitting" as defined in pertinent procurement laws, rules and regulations;
- d. A resolution of the Board approving in principle the purchase of the concerned item by the National Museum and authorizing the signing by Head of Agency of a Deed of Sale as well as all other documents to the transaction shall be issued for items above One million pesos (Php 1,000,000.00) or its foreign currency equivalent in price;
- e. A resolution of the Bids and Awards Committee of the National Museum verifying that the aforementioned documents, where applicable, have been produced, certifying as to the availability of funds, and authorizing the issuance of a Notice of Award pertaining to the purchase of the item(s) for the signature of the Head of Agency, shall be issued";

WHEREAS, the National Museum of the Philippines intends to **acquire Rocha House**, a declared Important Cultural Property (ICP), and the parcel of land over which the same is built, located at Lot 67 Franklin Street, Sifio Ubos, Poblacion 1, Tagbilaran City, Bohol;

WHEREAS, Ms. Elvira Marcelliana Lerner, owner of **Rocha House**, offered to sell the same thru her Attorney-in-fact, Atty. Nerio D. Zamora II, to the National Museum based on the following breakdown of the acquisition costs:

Net Acquisition cost	Php 25,000,000.00
Add: Taxes	
Capital Gains Tax (6%)	Php 1,621,621.62
Documentary Stamp Tax (1.5%)	Php 405,405.41
Total Taxes	Php 2,027,027.03

TOTAL GROSS SALE PRICE: **Php 27,027,027.03**
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WHEREAS, a certificate was issued by the Director-General dated September 8, 2021, certifying that **Rocha House** is of appropriate significance to the National Museum and of importance to the heritage and patrimony of the Filipino people, that the negotiated price is reasonable and fair, that no conflicts of interest as may be defined by prevailing laws, rules and regulations exist, and that the item in question has not been illegally acquired or trafficked (Please see attached certificate);

WHEREAS, the Director-General, thru a Memorandum dated September 8, 2021, recommended to the Board of Trustees the issuance of resolution for the approval in principle the acquisition of **Rocha House**. (Please see attached Memorandum);

WHEREAS, funds for this purpose is included in the General Appropriations Act of FY 2021 and indicated in the National Museum Approved Annual Procurement Plan;

WHEREAS, a Board Resolution dated September 21, 2021 was issued approving in principle the acquisition of **Rocha House** by the National Museum and authorizing the Director-General to sign the Deed of Sale as well as all other documents pertaining thereto;

WHEREAS, after verification of all documents required for the acquisition of **Rocha House**, the Committee finds that said documents are in order;

NOW, THEREFORE, the members of the Bids and Awards Committee hereby recommend as we hereby recommend that the amount for the **acquisition of Rocha House and the parcel of land over which the same is built, located at Lot 67 Franklin Street, Sifio Ubos, Poblacion 1, Tagbilaran City, Bohol**, be awarded to **Ms. Elvira Marcelliana Lerner** by means of Contract to Sell and Deed of Absolute Sale for the total gross price of **Twenty-Seven Million Twenty-Seven Thousand Twenty-Seven Pesos and Three Centavos (Php 27,027,027.03)**, Philippine currency;

Done this 22nd day of September, 2021, at the City of Manila, Philippines.

National Museum of the Philippines, Bids and Awards Committee


ATTY. MA. ROSENNE M. FLORES-AVILA
Chairperson, NMPBAC

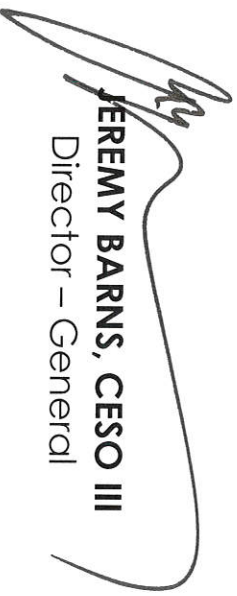

ATTY. EDWARD L. CONSOLACION
Vice-Chairperson


LAURO B. INOVERO
Member


MARIANATHE KAY F. MISA
Member


AR. NELSON L. AQUINO
Provisional Member

Approved by


JEREMY BARNS, CESO III
Director – General



PAMBANSANG MUSEO NG PILIPINAS
NATIONAL MUSEUM OF THE PHILIPPINES

NOTICE TO PROCEED

Pursuant to Sec. 22 of Republic Act 11333 and in accordance with the Deed of Sale dated 24 SEP 2021 entered into by and between the National Museum of the Philippines and Ms. Elvira Marcillana Lerner represented by her Attorney-in-fact, Atty. Nerio D. Zamora II, NOTICE is hereby given to:

Owner	:	Ms. Elvira Marcillana Lerner
Name of Project	:	Acquisition of Rocha House in Sitio Ubos in Tagbilaran City, Bohol, a declared Important Cultural Property, as an extension of the National Museum in Bohol, including applicable taxes
Location	:	Lot 67 Franklin Street, Sitio Ubos, Poblacion I, Tagbilaran City, Bohol
Contract Amount	:	PHP 27,027,027.03
Contract Effectivity	:	Upon the Receipt of this Notice

This Notice to Proceed is issued this 24 day of September, 2021 at the City of Manila, Philippines


JEREMY BARNES, CESO III
Director - General

CONTRACT TO SELL

KNOW ALL MEN BY THESE PRESENTS

This Contract to Sell is executed by and between:

ELVIRA MARCELLANA LERNER, Filipino, of legal age, married to Marc Lerner, an American National and herein represented by her Attorney-In-Fact, **ATTY. NERIO D. ZAMORA II**, likewise Filipino, of legal age, married and a resident of Taloto District, City of Tagbilaran, Bohol, Philippines, per the Special Power of Attorney hereto attached and made an integral part hereof, and hereinafter referred to as **FIRST PARTY VENDOR**;

-- and --

NATIONAL MUSEUM OF THE PHILIPPINES, a government institution of the Republic of the Philippines, with office address at the Old Legislative Building, National Museum Complex, Rizal Park, Manila, herein represented by its Director-General and Head of Agency, **Mr. JEREMY R. BARNES**, hereinafter referred to as **SECOND PARTY VENDEE**.

WITNESSETH

WHEREAS, the **FIRST PARTY VENDOR** is the lawful owner of the Rocha House and the parcel of land over which the same is built, situated at Sitio Ubos, Barangay Poblacion I, City of Tagbilaran, Bohol, Philippines and are more particularly described as follows:

LAND

TRANSFER CERTIFICATE OF TITLE NO. 112-T-47768

"A parcel of land (lot no. 67 of the Cadastral Survey of Tagbilaran), with the improvements thereon situated in the Municipality of Tagbilaran, Province of Bohol. Bounded on the NE., by Lots Nos. 66 and 69; on the SE., by Lot No. 69; on the SW., by Calle Franklin and on the NW., by Lot No.64. Beginning at a points marked "1 on plan, being S, 23 deg. 37'W., 199.29 n. from BLLM No. 2;

thence N. 50 deg. 59'W., 30.03 m. to point 2;
thence N. 36 deg. 27'E., 15.93 m. to point 3;
thence N. 46 deg. 31'W., 3.72 m. to point 4;
thence N. 35 deg. 15'E., 8.44 m. to point 5;
thence S. 60 deg. 34'E., 11.28 m. to point 6;
thence N. 42 deg. 57'E., 10.36 m. to point 7;
thence S. 42 deg. 23'E., 11.74 m. to point 8;
thence S. 13 deg. 02'W., 9.58 m. to point 9;
thence S. 39 deg. 41'E., 6.41 m. to point 10;
thence S. 36 deg. 31'W., 25.17 m. to the point of beginning;

containing an area of NINE HUNDRED FIFTY-ONE (951) Square meters, more or less. All points referred to are indicated on the plan; bearings true; declination 1 deg. 37'E, date of the original survey, September 1, 1926-Oct. 30, 1928."

NATIONAL MUSEUM
Manila, Philippines

CERTIFIED TRUE COPY OF THE ORIGINAL

Atty Ed Consolacion
Name & Signature

Atty Nerio D. Zamora II
Designation

Legal Section
Division/Section

BUILDING

TAX DECLARATION NO. 1B-0365

"A residential building situated on Cadastral Lot No. 67, situated in the City of Tagbilaran, Bohol, containing a floor area of 219.90 square meters, more or less."

WHEREAS, the transfer of ownership of the **FIRST PARTY VENDOR** over the above-described properties is evidenced by the Deed of Absolute Sale executed by Osmundo Esguerra on January 28, 2009, and duly entered as Doc. No. 212; Page No. 44, Book No. X, Series of 2009 of Notary Public Atty. Nerio D. Zamora II;

WHEREAS, the **SECOND PARTY VENDEE** expressed interest to acquire the above-described properties from the **FIRST PARTY VENDOR** and the latter is willing to sell the same to the former.

NOW, THEREFORE, for and in consideration of the total amount of **TWENTY-FIVE MILLION PESOS (PHP 25,000,000.00)**, net of capital gains and documentary stamp taxes, Philippine currency, the **FIRST PARTY VENDOR** agrees to sell and the **SECOND PARTY VENDEE** agrees to buy the above-described parcel of land and the residential house built thereon, subject to the following terms and conditions:

1. Initial payment in the amount of **SIX MILLION PESOS ONLY (Php6,000,000.00)**:

- a. Upon signing of the **DEED OF ABSOLUTE SALE** by both parties;
- b. It is hereby understood and agreed that the **FIRST PARTY VENDOR** shall undertake the processing of the transfer of title to the name of the National Museum of the Philippines;


2. Final payment in the amount of **NINETEEN MILLION PESOS ONLY (Php19,000,000.00)** upon delivery by the **FIRST PARTY VENDOR** of the original owner's copy of the Transfer Certificate of Title in the name of National Museum of the Philippines, Tax Declaration for both the land and the improvement and all relevant documents.

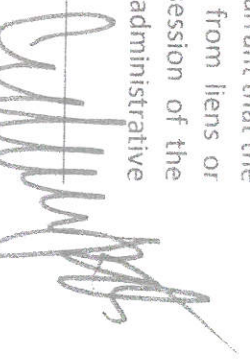
3. The **SECOND PARTY VENDEE** shall shoulder the capital gains and documentary taxes, transfer tax, registration fee and miscellaneous expenses pertaining to the transfer of the subject property to its name, National Museum of the Philippines while the **PARTY VENDOR** shall shoulder any and all unpaid real property tax.

4. **FIRST PARTY VENDOR** shall shoulder all the taxes and fees such as capital gains and documentary stamp taxes, transfer tax, registration fee and miscellaneous fees, including penalties and surcharges for late registration relative to the transfer of the subject real property from Mr. Esguerra to Mrs. Lerner.

5. Ownership and possession to the subject property shall be transferred and delivered by the **FIRST PARTY VENDOR** to the **SECOND PARTY VENDEE** before or upon full payment of the total consideration

6. The **FIRST PARTY VENDOR**, her heirs, assigns, and successors-in-interest warrant that the subject property is not leased or tenanted and that the same is free from liens or encumbrances whatsoever and further warrants to the peaceful possession of the **SECOND PARTY VENDEE** and will defend the latter against all judicial or administrative actions for eviction.

NATIONAL MUSEUM
Manila, Philippines
CERTIFIED TRUE COPY OF THE ORIGINAL

Name & Signature
Atorney II
Designation
Legal Section
Division/Section



DEED OF ABSOLUTE SALE

KNOW ALL MEN BY THESE PRESENTS

This Deed of Absolute Sale is executed by and between:

ELVIRA MARCILLANA LERNER, Filipino, of legal age, married to Marc Lerner, an American National and herein represented by her Attorney-In-Fact, **ATTY. NERIO D. ZAMORA II**, likewise Filipino, of legal age, married and a resident of Taloto District, City of Tagbilaran, Bohol, Philippines, per the Special Power of Attorney hereto attached and made an integral part hereof, and hereinafter referred to as **FIRST PARTY VENDOR**;

-- and --

NATIONAL MUSEUM OF THE PHILIPPINES, a government institution of the Republic of the Philippines, with office address at the Old Legislative Building, National Museum Complex, Rizal Park, Manila, herein represented by its Director-General and Head of Agency, **Mr. JEREMY R. BARNES**, hereinafter referred to as **SECOND PARTY VENDEE**.

WITNESSETH

WHEREAS, the **FIRST PARTY VENDOR** is the true and lawful owner of the Rocha House and the parcel of land over which the same is built, situated at Sitio Ubos, Barangay Poblacion I, City of Tagbilaran, Bohol, Philippines and are more particularly described as follows:


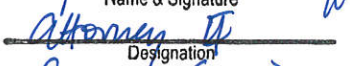

LAND

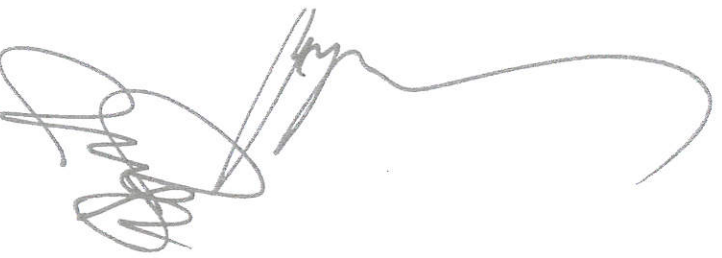
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NATIONAL MUSEUM
Manila, Philippines
CERTIFIED TRUE COPY OF THE ORIGINAL

Name & Signature

Designation

Division/Section



SPECIAL POWER OF ATTORNEY

KNOW BY ALL MEN BY THESE PRESENTS

I, **JEREMY R. BARNES**, Filipino, of legal age, single, the Director-General and Head of Agency of the National Museum of the Philippines and a resident of Makati City, Philippines, do hereby name, constitute and appoint **GEMMA BALUCA CUERING**, Filipino, of legal age, married and a resident of Tagbilaran City, Philippines, to be my true and lawful Attorney-In-Fact, for me and in my name, place and stead, to do and perform all or any of the following acts and things and under the following terms and conditions, to wit:

1. To act for and represent in my behalf in all government offices, including the Bureau of Internal Revenue, City Assessor's Office and Register of Deeds of the City of Tagbilaran, Bohol, in the processing of the registration of that certain parcel of land located at Poblacion 1, Tagbilaran City, Bohol, which property covered by TCT No. T-47768, and that building on said parcel of land covered by Tax Declaration No. 1B-0365, under the name of **NATIONAL MUSEUM OF THE PHILIPPINES**;
2. To coordinate and/or follow-up with the different government agencies in furtherance and/or necessary and in relation to the foregoing purpose;
3. To make, sign, execute, receive and deliver papers, instruments or documents necessary to or in relation with the foregoing purpose, including the TCT issued in the name of **NATIONAL MUSEUM OF THE PHILIPPINES**;
4. This Special Power of Authority automatically expires within **SIX (6) MONTHS**;
5. Third parties may rely upon the representations of the Attorney-In-Fact as to all matters regarding the powers granted to her. No person who acts in reliance on the representations of the Agent shall incur any liability to the National Museum of the Philippines provided the authority given has not been terminated or expired by operation of law.

HEREBY GIVING AND GRANTING unto my said Attorney-In-Fact full power and authority to do and perform any and every act and thing whatsoever requisite, necessary and proper to be done in and about the premises as to fully and to all intents and purposes as I might or could do if personally present and acting in person, with full power of substitution and revocation; and **HEREBY AND CONFIRMING** all that my said Attorney-In-Fact shall lawfully do or cause to be done under and by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 SEP 2021, 2021,
in the City of Tagbilaran, Bohol, Philippines.

JEREMY R. BARNES
Principal

Conforme:

GEMMA BALUCA CUERING
Attorney-In-Fact

NATIONAL MUSEUM
Manila, Philippines

CERTIFIED TRUE COPY OF THE ORIGINAL

Name & Signature

Designation

Division/Section

Signed in the presence of

1) 

CHARLEAINE R. TANTINGCO
Museum Researcher II, NMP-Bohol

2) 

AUDREY DAWN M. TOMADA
Administrative Officer V, NMP-Bohol

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF TAGBILARAN) S.S.

BEFORE ME, this 24 SEP 2021

Fuller
2021, in the City of Tagbilaran, Philippines, personally came and appeared **JEREMY R. BARNES** with his Philippine Passport No. P5076851B issued on March 12, 2020 at DFA Manila known to me to be the same person who executed the foregoing instrument and he acknowledged to me that the same is his free act and deed.

WITNESS MY HAND AND SEAL.


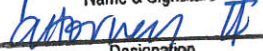


ATTY. ADAM RELSON L. JALA
NOTARY PUBLIC FOR TAGBILARAN CITY, BOHOL

NOTARY PUBLIC FOR TAGBILARAN CITY, BOHOL
COMM. EXPIRES ON DEC. 31, 2021
3 - F PAMBONGS BLDG. J.A. CLARIN STREET
TAMPASUNYI TAGBILARAN CITY, BOHOL
PHIL NO. 53192, ORP 08893, TIN 232-794-746
SCALE COMPL. NO. WF-0006672, VALID UNTIL 4-4-25
PTR NO. 0845884 12-15-20, FOR 2021

Doc. No. 187
Page No. 39
Book No. XVII
Series of 2021.



NATIONAL MUSEUM
Manila, Philippines
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Name & Signature

Designation
Legal Section
Division/Section

