

Republic of the Philippines
Province of Davao del Norte
CITY OF TAGUM

BEFORE THE 4TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 64TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON OCTOBER 14, 2008 AT THE SP SESSION HALL.

PRESENT:

Hon. ALLAN L. RELLON, MPA,	City Vice Mayor (Presiding Officer)
Hon. MARIA LINA F. BAURA,	Member
Hon. ROBERT L. SO,	Member
Hon. DE CARLO L. UY,	Member
Hon. RAYMOND JOEY D. MILLAN,	Member
Hon. VICENTE C. ELIOT, SR.,	Member
Hon. JOEDEL T. CAASI,	Member
Hon. ALAN D. ZULUETA,	Member
Hon. NICANDRO T. SUAYBAGUIO, JR.,	Member
Hon. REYNALDO T. SALVE,	Member
Hon. FRANCISCO C. REMITAR,	Member
Hon. CYRIL LEONARD L. MURING,	Member (SKF Representative)
Hon. ALFREDO R. PAGDILAO,	Member (ABC Representative)

RESOLUTION NO. 504, S-2008

“A RESOLUTION AUTHORIZING HON. REY T. UY, CITY MAYOR, TO ENTER INTO AND SIGN FOR AND UN BEHALF OF THE CITY GOVERNMENT OF TAGUM THE AMENDED DEED OF USUFRUCT WITH THE SOCIAL SECURITY SYSTEM REPRESENTED BY MR. EDDIE A. JARA AND EMMANUEL R. PALMA”.

WHEREAS, on November 19, 2007, Resolution No. 153, s-2007 was passed and approved by the Sangguniang Panlungsod authorizing Hon. Rey T. Uy, City Mayor, to enter into and sign for and in behalf of the City Government of Tagum the Amended Deed of Usufruct with the Social Security System represented by Mr. Eddie A. Jara and Mr. Emmanuel R. Palma;

WHEREAS, in the above-mentioned amended Deed Of Usufruct, the construction of SSS Office building shall commence within one (1) year from the approval of the said resolution;

WHEREAS, considering the economic crisis that our country is facing nowadays which also brought financial constraint to the SSS agency, and considering the costs in the preparation of the plans, specifications, designs, and particularly the construction of its office building, the City Government of Tagum has granted their request for an extension of two (2) years from the approval of this resolution;

WHEREAS, it is the paramount objective of the City Government of Tagum that offices, like SSS, being identified as one of the beneficiaries of the said program/offer will bring closer its services and/or for purposes of accessibility and convenience of its members/clientele who are mostly constituents of Tagum City, the owner (City Government of Tagum) has offered the Second lot from the main gate/entrance of the energy park for future site of SSS office building;

NOW THEREFORE, be it resolved, by the Sangguniang Panlungsod to authorize Hon. Rey T. Uy, City Mayor, to enter and sign for and in behalf of the City Government of Tagum the amended Deed of Usufruct with the Social Security System (SSS) represented by Mr. Eddie A. Jara and Mr. Emmanuel R. Palma.

RESOLVED FURTHER, that the full text of the amended Deed of Usufruct shall be read as follows:

AMENDED DEED OF USUFRUCT

KNOW ALL MEN BY THESE PRESENTS:

This Deed is made and executed by:

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The **CITY GOVERNMENT OF TAGUM**, a political subdivision, created under the laws of the Republic of the Philippines, with office address at the Tagum City Hall, Tagum City, represented in this instance by its City Mayor, **HON. REY T. UY**, hereinafter referred to as the **OWNER**;

-and-

The **SOCIAL SECURITY SYSTEM**, a government owned and controlled corporation, created pursuant to Republic Act No. 1101, as amended, with principal office address at the SSS Building, East Avenue, Diliman, Quezon City, represented in this instance by its Vice President for the Visayas and Mindanao Group, **EDDIE A. JARA** and its Assistant Vice President, Southern Mindanao Cluster, **EMMANUEL R. PALMA**, hereinafter referred to as the **USUFRUCTUARY**.

WITNESSETH:

WHEREAS, the **OWNER** has a parcel of land consisting of 24 hectares situated in Barangay Apokon, City of Tagum, being developed as a Social and Development Center, also known as **ENERGY PARK** intended to accommodate vital government offices and installations to establish a one-stop shop government services area to the constituents of Tagum City and nearby municipalities and provinces;

That the **OWNER** offered for the perpetual use of the **USUFRUCTUARY** a THREE THOUSAND (3,000) square meters portion of the **ENERGY PARK (SITE)**, particularly the second lot from the main gate of the park, identified as Annex "A" in this Deed, as future site of its Tagum City Branch Office (Annex "A" is a Sketch Plan for the entire ENERGY PARK with an indication of the present and expected occupants thereof, together with the Technical Description of the exact location of the **SITE** hereto attached as Annex "B" hereof);

WHEREAS, the **USUFRUCTUARY** accepts the above-stated offer of the **OWNER** with gratitude and deep appreciation;

WHEREAS, pursuant to Resolution No. _____, dated _____, of the Sangguniang Panlungsod through its City Mayor, REY T. UY, has been authorized to sign, execute and deliver this Amended Deed of Usufruct for and in behalf of the City of Tagum;

WHEREAS, pursuant to Resolution No. _____, dated _____, the Social Security Commission approved the usufructuary agreement between the parties and this Amended Deed of Usufruct, under such terms and conditions mutually beneficial to both parties;

NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants hereinafter contained, the parties hereby agree to the following terms and conditions:

1. **TERM** – The Term of the usufruct shall be **IN PERPETUITY** and/or the **USUFRUCTUARY** is hereby given the right and privilege to use the **SITE** as future site of its Tagum City Branch Office for as long as it deems necessary and useful for the implementation of its mandate of providing social security services to the constituents of the City of Tagum including nearby municipalities and provinces.
2. **OWNERSHIP** – While the usufruct and/or the beneficial use of the **SITE** is transferred to the **USUFRUCTUARY** in perpetuity, the ownership and title of the **SITE** remains with and continues to be in the name of the **OWNER**.
3. **INTRODUCTION OF INFRASTRUCTURES, FACILITIES AND IMPROVEMENTS** – The **OWNER** shall provide, introduce and/or maintain proper infrastructures, facilities and improvements, e.g. roads, electricity, communication and water facilities, that shall make the **SITE** a sustainable and viable future site of the Tagum Branch Office of the **USUFRUCTUARY**.
4. **MAINTENANCE OF CLEANLINESS AND PEACE AND ORDER** – The **OWNER** shall maintain the cleanliness and peace and order in the common areas of the **SITE** while the **USUFRUCTUARY** shall be responsible for maintaining the cleanliness and peace and order in the area in usufruct.

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5. OTHER TERMS AND CONDITIONS:

1. The SITE shall be used exclusively by the **USUFRUCTUARY** as future site of its Tagum City Branch Office. The construction of the building shall commence within **two (2) years** from the approval of Resolution of the Sangguniang Panlungsod of the **OWNER**;
2. The **USUFRUCTUARY**, upon proper coordination with the **OWNER**, may construct a building, introduce other structures, facilities and/or improvements that may be necessary for the proper and beneficial use of the SITE;
3. The **USUFRUCTUARY** shall construct and maintain its building and/or facilities, structures and improvements in the SITE in accordance with local ordinance and/or national laws on environmental safety, maintenance and preservation.

IN WITNESS WHEREOF, the herein parties accepts have set their hands this ____day of _____ 2008 at Tagum City, Davao del Norte, Philippines.

**CITY GOVERNMENT OF TAGUM
(OWNER)**

**SOCIAL SECURITY SYSTEM
(USUFRUCTUARY)**

Represented by:

Represented by:

REY T. UY
City Mayor

EDDIE A. JARA
Vice President

EMMANUEL R. PALMA
Assistant Vice President

Signed in the Presence of:

_____ and _____

ACKNOWLEDGEMENT

Republic of the Philippines.)
Province of Davao del Norte) s.s.
City of Tagum)
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BEFORE ME, this ___th day of _____ 2008 at Tagum City, Philippines, personally appeared the following persons to wit:

Name	Comm. Tax Cert. No.	Date Issued	Place Issued
REY T. UY			
EDDIE A. JARA			
EMMANUEL R. PALMA			

known to me to be the same persons who executed the foregoing Deed, and who acknowledged to me that the same is their free and voluntary act and deed of the entities that they represent in this instance.

This Deed, consisting of ____ (__) pages, including the page on which this Acknowledgement is written, signed by the Parties and their instrumental witnesses, refers to a Deed of Usufruct of a parcel of land.

WITNESS MY HAND AND SEAL at the place and on the date first above-written.

Doc. No. ____
Page No. ____
Book No. ____
Series of 2008

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RESOLUTION NO. 504, s-2008, cont'd:

RESOLVED FURTHERMORE, that copies of this resolution be furnished to all concerned.

CARRIED AND APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing.

(Sgd) REY A. BUHION
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**

(Sgd) ALLAN L. RELLON, MPA
City Vice Mayor
(Presiding Officer)

Fname: RN50408
*ffm****