

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. 505, s-2008

A RESOLUTION AUTHORIZING HON. REY T. UY, CITY MAYOR, TO ENTER INTO AND SIGN FOR AND IN BEHALF OF THE CITY GOVERNMENT OF TAGUM THE DEED OF USUFRUCT WITH THE PRESIDENTIAL COMMISSION FOR THE URBAN POOR REPRESENTED BY ITS CHAIRMAN, PERCIVAL C. CHAVEZ.

WHEREAS, the City Government of Tagum has a parcel of land containing a total area of 24 hectares situated at Barangay Apokon, this city, being developed as a Social and Development Center/Energy Park which is intended to accommodate the establishment of one-stop shop government services area;

WHEREAS, portion of the said parcel of land was offered for perpetual use to the Presidential Commission for the Urban Poor as future site of the PCUP Mindanao Resource Center and Office;

WHEREAS, the city government, while retaining the naked and full ownership over the subject property, is willing to give the Presidential Commission for the Urban Poor the legal right of using the said lot and building to meet its vision, mission and goal for the good of the constituents of Tagum City;

NOW THEREFORE, be it resolved by the 4th City Council of Tagum to authorize Hon. Rey T. Uy, City Mayor, to enter into and sign for and in behalf of the City Government of Tagum the Deed of Usufruct with the Presidential Commission for the Urban Poor represented by its Chairman, Percival C. Chavez.

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

DEED OF USUFRUCT

KNOW ALL MEN BY THESE PRESENTS:

This DEED is made and executed by:

The **CITY GOVERNMENT OF TAGUM**, a government 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-

-over-

The **PRESIDENTIAL COMMISSION FOR THE URBAN POOR**, a government agency, created pursuant to Executive Order No. 82, with principal office address at North Edsa, Quezon City, represented in this instance by its Chairman, PERCIVAL C. CHAVEZ, hereinafter referred to as the USUFRUCTUARY.

WITNESSETH

WHEREAS, the OWNER has a parcel of land consisting 24 hectares situated in Barangay Apokon, City of Tagum, being developed as a Social and Development Center, also known as ENERGY PARK 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), identified as Annex "A" in this Deed, as future site of its PCUP Mindanao Resource Center and 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 Deed of Usufruct for and in behalf of the City of Tagum;

WHEREAS, pursuant to Resolution No. 001-08, dated April 29, 2008, the Presidential Commission for Urban Poor approved the usufructuary agreement between the parties and this 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 PCUP Mindanao Resource Center and Office for as long as it deems necessary and useful for the implementation of its mandate of providing services to the constituents of the City of Tagum including Key cities, municipalities and provinces In Mindanao.
2. **OWNERSHIP** – while the usufruct and/or the beneficial use of the SITE is transferred to 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 Mindanao Resource Center and 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.
5. **OTHER TERMS AND CONDITIONS.**
 - 5.1 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, failure to comply will automatically cancel this agreement;
 - 5.2 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;

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5.3 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 have set their hands this ___ day of _____ 2008 at Tagum City, Davao del Norte, Philippines.

CITY GOVERNMENT OF TAGUM

Owner
Represented by:

REY T. UY
City Mayor

PRESIDENTIAL COMMISSION FOR THE URBAN POOR

Usufructuary
Represented by:

PERCIVAL C. CHAVEZ
Chairman

Signed in the Presence of:
_____ and _____

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF DAVAO DEL NORTE)
CITY OF TAGUM)
X-----X

BEFORE ME, this ___ day _____ of 2008, at Tagum City, Philippines, personally appeared the following persons, to wit:

Name	Comm. Tax Cert. No.	Place Issued	Date Issued
REY T. UY			
PERCIVAL C. CHAVEZ			

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.

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)

