

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

BEFORE THE 4TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 68TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON NOVEMBER 10, 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)

ON OFFICIAL BUSINESS:

Hon. ALFREDO R. PAGDILAO,	Member	(ABC Representative)
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RESOLUTION NO. 546, s-2008

“A RESOLUTION AUTHORIZING THE HONORABLE CITY MAYOR, REY T. UY, TO ENTER INTO CONTRACT WITH MR. CARLO M. LOPEZ AND CONSEQUENTLY, SIGN FOR AND IN BEHALF OF THE CITY GOVERNMENT OF TAGUM FOR THE DUMPING FACILITY, LOCATED AT BARANGAY SAN AGUSTIN, TAGUM CITY”.

WHEREAS, Article 1, Section 2 of Republic Act 9003 affirm the policy of the state to adapt a systematic comprehensive and ecological Solid Waste Management Program that shall ensure protection and public health and environment;

WHEREAS, Article 4, Section 37 of Republic Act 9003 requires all Local Government Units throughout the country to establish sanitary landfill in substitute to the open dumping or controlled dumping system;

WHEREAS, an effort was manifested to the implementation of Ecological Solid Waste Management Program through the reduction of solid waste materials thrown at the disposal facility now to be replaced with new engineered waste management facility;

WHEREAS, the Initial Environment Examination (IEE) which was required to safeguard our environment was already approved and the Environment Compliance Certificate (ECC) was issued last July 12, 2007;

WHEREAS, the termination of the contract of the city's existing solid waste dumping facility of Tagum which is located at Sitio Casilak, Barangay San Agustin, will be this month, October 2008;

WHEREAS, it is necessary to extend the Contract of Lease on the existing waste disposal facility at Barangay San Agustin for another one (1) year to be used for the daily dumping of waste subject for extension, while the new sanitary landfill is undergoing a ground preparation for the construction of the new engineered waste depository cells;

NOW THEREFORE, be it resolved by the Sangguniang Panlungsod of Tagum to authorize the Honorable City Mayor, Rey T. Uy to enter into Contract with Mr. Carlo M. Lopez and consequently, sign for and in behalf of the City Government of Tagum for the Dumping Facility, located at Barangay San Agustin, Tagum City.

RESOLVED FURTHER, that the full text of the Contract of Lease shall be as follows:

CONTRACT OF LEASE

KNOW ALL MEN BY THESE PRESENT:

This instrument is made and entered into by and between:

CARLO M. LOPEZ, of legal age, Filipino, married and resident of Barangay La Filipina, Tagum City, Davao del Norte, Philippines, hereinafter called the LESSOR;

-and-

CITY GOVERNMENT OF TAGUM, represented in this act by the City Mayor, Rey T. Uy, of legal age, Filipino, married and a resident of Tagum City, hereinafter called the LESSEE;

WITNESSETH

That the LESSOR is the rightful owner of a portion of land identified as Lot 6019-A, Psd-11-062634 containing an area of SEVENTEEN THOUSAND EIGHT HUNDRED SEVENTY THREE (17,873) square meters, more or less, situated in Casilak, San Agustin, Tagum City, Davao del Norte, which is a portion of a parcel of land covered by Original Certificate of Title No. (P-15609) P-5664, pursuant to Extrajudicial Settlement of Estate Among Heirs executed on August 9, 2000 and entered in the Notarial Register of Atty. Roland G. Tumanda as Doc. No. 444; Page No. 90; Book No. 1; Series of 2000, which portion of land is particularly described as follows:

TECHNICAL DESCRIPTION
Lot No. 6019-A, Psd-11-062634

A parcel of land (Lot 6019-A, Psd-11-062634, being a portion of Lot 6019, Csd 1378, situated in the Barrio of San Agustin, Tagum City, Province of Davao del Norte, Island of Mindanao. xxx

xxx

Containing an area of SEVENTEEN THOUSAND EIGHT HUNDRED SEVENTY THREE (17,873) SQUARE METERS, more or less. xxx

That the above-described lot is a paraphernal property of the LESSOR;

That the LESSEE desires to lease the above-described property, to be used as site for its Controlled Dumpsite and the LESSOR agrees to lease the said premises for a period of One (1) Year, renewable to another period under the terms and conditions acceptable to both parties;

That the LESSOR hereby lease unto the LESSEE and the latter hereby accepts to lease the above-described property for Solid Waste Disposal purpose, which lease shall commence on November 1, 2008 and expires on October 31, 2009, subject to the following terms and conditions to wit:

1. That the LESSEE shall pay the LESSOR a monthly rental of Seven Thousand Pesos (P7,000.00), Philippine Currency to be paid every first week of the month;
2. That both Parties agree to impose a management scheme to control unlawful activities in the recovery of useful waste materials within the lease premise;
3. That the LESSEE shall not directly or indirectly sublease the leased premises or any portions thereof without the written consent of the LESSOR being obtained.

IN WITNESS WHEREOF, the parties have hereunto set their hands this ____ day of _____ 2008 at Tagum City, Davao del Norte, Philippines.

CARLO LOPEZ
Lessor

CITY GOVERNMENT OF TAGUM
Lessee
Represented by:

REY T. UY
City Mayor

-over-

SIGNED IN THE PRESENCE OF:

_____ and _____

ACKNOWLEDGEMENT

Republic of the Philippines ()
Province (of Davao del Norte)
City of Tagum -----x

BEFORE ME, this _____ day of _____ 2007 in the City of Tagum, personally appeared the following persons, with their corresponding Community Tax Certificates, to wit:

Name	Community Tax Cert. No.	Date Issued	Place Issued
Carlo M. Lopez			Tagum City
Rey T. Uy	04959723	01-08-08	Tagum City

Known to me to be the same persons who executed the foregoing instrument and they acknowledgement to me that the same is their free act and deed.

This instrument consisting of two () pages including the page on which this acknowledgement is written has been signed by the parties and their instrumental witnesses, and sealed with my Notarial Seal.

Doc. No. _____
Page No. _____
Book No. _____

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:RN54608
*ffm****