

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

**BEFORE THE 5<sup>TH</sup> CITY COUNCIL**

**EXCERPT FROM THE MINUTES OF THE 7<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON AUGUST 23, 2010 AT THE SP SESSION HALL.**

**PRESENT:**

Hon. ALLAN L. RELLON, MPA,	City Vice Mayor (Presiding Officer)
Hon. DE CARLO L. UY,	Member
Hon. NICANDRO T. SUAYBAGUIO, JR.,	Member
Hon. ROBERT L. SO,	Member
Hon. JOEDEL T. CAASI,	Member
Hon. OSCAR M. BERMUDEZ,	Member
Hon. GETERITO T. GEMENTIZA,	Member
Hon. TRISTAN ROYCE R. AALA,	Member
Hon. FRANCISCO C. REMITAR,	Member
Hon. ALFREDO R. PAGDILAO,	Member (ABC Representative)
Hon. CYRIL LEONARD L. MURING,	Member (SKF Representative)

**ON OFFICIAL BUSINESS:**

Hon. MARIA LINA F. BAURA,	Member
Hon. ALAN D. ZULUETA,	Member

**RESOLUTION NO. 59, s-2010**

**“A RESOLUTION AUTHORIZING THE CITY MAYOR, HON. REY T. UY, TO SIGN FOR AND IN BEHALF OF THE CITY GOVERNMENT, THE EXTRA-JUDICIAL SETTLEMENT OF ESTATE WITH SALE OF PORTIONS OF LOT 6108 COVERED AND EMBRACED BY ORIGINAL CERTIFICATE OF TITLE NO. (P-21517) P-8801 REGISTERED IN THE NAME OF MACARIO ESCOBAL, SR., SITUATED IN BARANGAY SAN AGUSTIN, TAGUM CITY TO BE UTILIZED AS REFORESTATION AND WATERSHED AREA OF THE CITY GOVERNMENT OF TAGUM.”**

**WHEREAS**, the City Government of Tagum desires to purchase parcels of land with an aggregate area of Forty Three Thousand Six Hundred Ninety Six (43,696) square meters more or less to be utilized as planting area of trees in support to the clean and green program of the national government and for other purposes that the City Government may deem necessary;

**WHEREAS**, the Heirs of Macario Escobal, Sr., namely Macario Escobal, Jr., and Diosdado Escobal in their letter of January 28, 2010 addressed to the Honorable Mayor, signified their intention to sell their inherited properties identified as Lot 6108-C, Psd-11-030392 and Lot 6108-D, Psd-11-030392 with an area of 21,849 square meters and 21,847 square meters respectively which are portions of Lot 6108, Csd-1378 covered and embraced by Original Certificate of Title No. (P-21517) P-8801;

**WHEREAS**, one way of supporting the national government's effort of greening the country, the city government sees the urgent need to plant trees to the denuded forest in the rural areas;

**WHEREAS**, the present administration's priority program is geared towards the upliftment and security of the inhabitants of Tagum in pursuance to the vision for progress and prosperity, the city government is considering the amount of One Million Five Hundred Twenty Nine Thousand Three Hundred Sixty Pesos (P1,529,360.00) for land acquisition;

**WHEREAS**, on July 09, 2010, the City Appraisal Committee submitted its appraisal report with the recommendation that the market value for Lot 6108-C, Psd-11-030392 with an area of 21,849 square meters and Lot 6108-D, Psd-11-030392 with an area of 21,847 square meters is Thirty Five Pesos (P35.00) per square meter or a total of P1,529,360.00 Pesos;

**WHEREAS**, funding of this project is already appropriated in the regular budget as certified by the Office of the City Budget Officer;

**WHEREAS**, considering that all necessary supporting documents are already in place, it is just proper and appropriate that the purchase of the aforementioned property be now acted favorably with dispatch;

**NOW THEREFORE**, be it resolved by the Sangguniang Panlungsod of Tagum to authorize the City Mayor, Honorable Rey T. Uy, to sign for and in behalf of the City Government the Extra – Judicial Settlement of Estate with Sale of portions of lot 6108 covered and embraced by Original Certificate of Title No. (P21517) P-8801 registered in the name of Macario Escobal, Sr., situated in Barangay San Agustin, Tagum City to be utilized as reforestation and watershed area of the City Government of Tagum;

**RESOLVED FURTHER**, that the full text of the Extra – Judicial Settlement of Estate with Sale shall be read as follows:

**EXTRA-JUDICIAL SETTLEMENT OF ESTATE WITH SALE OF PORTIONS OF LOT 6108, CSD-1378**

**KNOW ALL MEN BY THESE PRESENTS:**

This **DEED**, made and executed in Tagum City, Philippines, by and among:

**DIOSDADO ESCOBAL**, of legal age, Filipino, married to Herminia Escobal and a resident of Barangay San Agustin, Tagum City;

**MACARIO ESCOBAL, JR.**, of legal age, Filipino, widower and a resident of Barangay San Agustin, Tagum City;

**PRAXEDES E. TADENA**, of legal age, Filipino, married to Armando Tadena and **AIBLE JAMES ROBERT E. TADENA**, of legal age, Filipino, single, all residents of Sison Subdivision, Tagum City;

**ARSENIA ESCOBAL (deceased)**, represented by **GENNIFER E. FERNANDEZ**, of legal age, Filipino, single and **GENNE ZARETH E. FERNANDEZ**, likewise of legal age, Filipino, single all residents of Osmeña Extension, Tagum City;

**ROGELIO ESCOBAL**, of legal age, Filipino, single and a resident of Barangay San Agustin, Tagum City, hereinafter known and referred to as the **HEIRS-VENDORS**;

-and-

The **CITY GOVERNMENT OF TAGUM**, a public corporation with office address at Rizal St., Tagum City, Philippines, represented herein by the City Mayor, **HON. REY T. UY**, likewise of legal age, Filipino, married and a resident of Tagum City, hereinafter known and referred to as the **VENDEE**.

**WITNESSETH; that**

The Heirs-Vendors are the legitimate and compulsory heirs of the late Macario P. Escobal, Sr., and Eustaquia P. Escobal, who died on July 18, 1999 and November 18, 2008 respectively in Tagum City, Davao del Norte, Philippines;

That, Macario P. Escobal, Sr., and Eustaquia P. Escobal died without a will and testament and without any outstanding debts in favor of any person or entity.

That at the time of their demise, Macario P. Escobal, Sr., and Eustaquia P. Escobal left a certain parcel of land identified as Lot 6108, Csd-1378 embraced by Original Certificate of Title No. (P-21517) P-8801 issued by the Registry of Deeds for the Province of Davao del Norte and more particularly described as follows:

-over-

**ORIGINAL CERTIFICATE OF TITLE NO. (P-21517) P-8801**  
**Lot No. 6108**

Beginning at a point marked "1" of Lot No. 6108 of Csd-1378, being N. 37-26 E., 2819.87 m. from  
BLLM No. 1, Csd-276, thence.....

N. 29-32 E.,	238.23 m. to point 2;
N. 41-25 E.,	129.17 m. to point 3;
S. 25-57 E.,	28.32 m. to point 4;
S. 44-36 E.,	66.80 m. to point 5;
S. 7-52 E.,	212.21 m. to point 6;
S. 4-17 W.,	101.89 m. to point 7;
S. 61-52 W.,	97.29 m. to point 8;
S. 17-10 W.,	141.03 m. to point 9;
N. 69-23 W.,	109.61 m. to point 10;
N. 55-37 W.,	104.30 m. to point 11;
N. 11-13 E.,	167.00 m. to point 1;

Containing an area of **ONE HUNDRED NINE THOUSAND TWO HUNDRED FORTY (109,240)**  
**SQUARE METERS**, more or less. xxxxx

That the herein HEIRS – VENDORS have caused the subdivision/segregation of the  
aforedescribed parcel of land with the resultant lots indicated in the approved plan, as follows:

- a) Lot No. 6108 – A - 21,848 sq.m.
- b) Lot No. 6108 – B - 21,849 sq.m.
- c) Lot No. 6108 – C - 21,849 sq.m.
- d) Lot No. 6108 – D - 21,847 sq.m.
- e) Lot No. 6108 – E - 21,841 sq.m.

That it is the best interest of the herein HEIRS – VENDORS to adjudicate among themselves  
the parcels of land herein mentioned in a manner provided by law, to wit:

To :	Praxedes Escobal-Tadena	-	Lot No. 6108 – A
To :	Arsenia Escobal (deceased)	-	Lot No. 6108 – B
To :	Macario Escobal, Jr.	-	Lot No. 6108 – C
To :	Diosdado Escobal	-	Lot No. 6108 – D
To :	Rogelio Escobal	-	Lot No. 6108 – E

That the HEIRS – VENDORS have offered to sell and the VENDEE has agreed to buy the  
two parcels of the segregated portion identified as Lot No. 6108 – C containing an area of  
21,849 square meters and Lot No. 6108 – D containing an area of 21,847 square meters under the  
following conditions:

- a. That the HEIRS/VENDORS shall borne the expenses of Capital gains and documentary  
stamp tax; transfer Fee and Estate Tax while Registration and other incidental  
expenses for the transfer of title shall be for the account of the VENDEE;
- b. That upon payment, the HEIRS/VENDORS shall surrender the Original Certificate of  
Title No. (P21517) P-8801 including the approved plan and technical descriptions to  
the VENDEE or his duly authorized representative for segregation and transfer.

**NOW THEREFORE**, for and in consideration of the sum of ONE MILLION FIVE HUNDRED  
TWENTY NINE THOUSAND THREE HUNDRED SIXTY (P1,529,360.00) PESOS, Philippine Currency,  
receipt of which is hereby acknowledged by the HEIRS-VENDORS to their entire satisfaction, the  
latter do hereby SELL, TRANSFER and CONVEY in a manner absolute and irrevocable unto the  
said VENDEE his assigns and successors-in-interest the portion of the herein described property  
which is the subject of this instrument.

**IN WITNESS WHEREOF**, the Parties have hereunto set their hands this \_\_\_\_day of  
\_\_\_\_\_, 2010 at Tagum City, Davao del Norte, Philippines.

**DIOSDADO P. ESCOBAL**

Heir – Vendor  
CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**MACARIO P. ESCOBAL, JR.**

Heir – Vendor  
CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**PRAXEDES E. TADENA**

Heir – Vendor  
CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**AIBLE JAMES ROBERT E. TADENA**

Heir – Vendor  
CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**ARSENIA ESCOBAL (deceased)**

Heir – Vendor

**ROGELIO P. ESCOBAL**

Heir – Vendor  
CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**Represented by:**

**GENNIFER FERNANDEZ**

CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**GENNE ZARETH FERNANDEZ**

CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**CITY GOVERNMENT OF TAGUM**

Vendee

**Represented by:**

**REY T. UY**

CTC No. \_\_\_\_\_  
Issued on \_\_\_\_\_  
Issued at \_\_\_\_\_  
TIN : \_\_\_\_\_

**Signed in the Presence of:**

\_\_\_\_\_ and \_\_\_\_\_

**ACKNOWLEDGEMENT**

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

s.s.

**BEFORE ME**, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, at Tagum City, personally appeared Macario Escobal, Jr., Diosdado Escobal, Praxedes E. Tadena, Aible James Robert E. Tadena, Gennifer Fernandez, Genne Zareth Fernandez, Rogelio P. Escobal and Rey T. Uy with their Community Tax Certificate indicated below their names and signatures, known to me to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free act and deed.

This instrument consisting of three (    ) pages, including this page on which this acknowledgement is written, all of which are signed by the parties and their instrumental witnesses on the day and place above-written refers to a Deed of Absolute Sale.

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

Doc. No. \_\_\_\_\_;  
Page No. \_\_\_\_\_;  
Book No. \_\_\_\_\_;  
Series of 2010

**RESOLVED FURTHERMORE**, that copies of this resolution shall be furnished to all offices concerned for their information and guidance.

**CARRIED AND APPROVED.**

**I HEREBY CERTIFY to the correctness of the foregoing.**

**REY A. BUHION**  
**Secretary to the Sanggunian**

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

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