

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

BEFORE THE 4TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 144TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON MAY 24, 2010 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. REYNALDO T. SALVE,	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. NICANDRO T. SUAYBAGUIO, JR.,	Member	
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RESOLUTION NO. 1126, s-2010

“A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. REY T. UY TO ENTER INTO AND SIGN FOR AND IN BEHALF OF THE CITY GOVERNMENT OF TAGUM THE DEED OF USUFRUCT WITH THE DEPARTMENT OF SCIENCE AND TECHNOLOGY FOR THE LATTER TO CONSTRUCT THE DAVAO DEL NORTE PROVINCIAL SCIENCE AND TECHNOLOGY CENTER AT THE ENERGY PARK, BARANGAY APOKON, TAGUM CITY.”

WHEREAS, four of the major thrusts of the City Government of Tagum are: the enhanced, sustained and increased Educational and Learning adequacies of the City's populace; the Environmental Protection & Preservation efforts; the Food Security & Sufficiency undertakings; and Job Generation & Poverty Alleviation endeavors;

WHEREAS, these approaches that are being practiced by the Local Government Unit aims to bring about a balanced development of the City and assure the residents of a secure, sustainable, dynamic and prosperous living condition for the present and future generations of Tagumeños;

WHEREAS, the Department of Science and Technology (DOST), the main National Government Agency tasked to develop, nurture and apply the different science and technology programs and services that can be made available to the different sectors of the society is desirous to enter into partnerships with the Local Government Units (LGUs), Non-Government Organizations, People's Organization, the Academe and the like, in moving forward the agenda of securing a better future for the people and planet;

WHEREAS, the Department of Science and Technology has embarked on a mission of empowering the citizenry through its outreach program of making available in the frontline the different science and technology programs and services being developed by the agency and making its presence felt by the people by putting up the necessary Science Centers in the progressive areas of the country;

WHEREAS, since the Core Values and Beliefs of DOST and the sense of responsibility, urgency and accountability of City Government are in congruence with one another, there is a need for the Sangguniang Panlungsod of Tagum to pass a resolution relative to the intentions and desires of both Government Institutions;

NOW THEREFORE, be it resolved by the Sangguniang Panlungsod to authorize the Local Chief Executive, Hon. Rey T. Uy to enter into and sign for and in behalf of the City Government of Tagum the Deed of Usufruct with the Department of Science and Technology (DOST) for the latter to construct the Davao del Norte Provincial Science and Technology Center at the Energy Park, Barangay Apokon, Tagum City.

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 Instrument made and entered into by and between:

CITY GOVERNMENT OF TAGUM, a government political subdivision, created under the laws of the Philippines, represented herein by the City Mayor, REY T. UY, of legal age, Filipino, married and a resident of Tagum City, Davao del Norte, Philippines, hereinafter referred to as the OWNER;

-and-

The **DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST)**, a government agency created pursuant to Executive Order No. 128 with principal office address at Bicutan, Taguig, Metro Manila, represented in this instance by its Secretary, DR. ESTRELLA F. ALABASTRO, hereinafter referred to as the USUFRUCTUARY.

WITNESSETH

WHEREAS, the OWNER has a parcel of land consisting of 24 hectares situated in Barangay Apokon, this city, being developed as a Social and Development Center now known as ENERGY PARK intended to accommodate vital government offices and installation to establish a one-stop shop government services area to the constituents of Tagum City and its 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 Davao del Norte Provincial Science and Technology Center (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._____, dated_____, the Department of Science and Technology 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 Davao del Norte Provincial Science and Technology Center (PSTC) 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 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 PSTC and Office of the USUFRUCTUARY.

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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 PSTC. The construction of the building shall commence within Two (2) years from the approval of Resolution of the Sangguniang Panlungsod of the OWNER;

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;

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 _____ 2010 at Tagum City, Davao del Norte, Philippines.

CITY GOVERNMENT OF TAGUM

Owner
Represented by:

REY T. UY
City Mayor

DEPARTMENT OF SCIENCE AND TECHNOLOGY

Usufructuary
Represented by:

DR. ESTRELLA F. ALABASTRO
Secretary

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 _____ 2010 at Tagum City, Philippines, personally appeared the following persons to wit:

Name	Comm. Tax Cert. No.	Place Issued	Date Issued
REY T. UY			
ESTRELLA F. ALABASTRO			

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 present in this instance.

This Deed, consisting of three (3) 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 2010.

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)