

Republic of the Philippines  
Province of Ilocos Sur  
**MUNICIPALITY OF NARVACAN**

**OFFICE OF THE SANGGUNIANG BAYAN**

6<sup>th</sup> Regular Session  
Held at the SB Session Hall  
On 09 February 2009

**RESOLUTION NO. 04**  
**Series of 2009**

**RESOLUTION AUTHORIZING HONORABLE MAYOR EDGARDO D. ZARAGOZA  
TO ENTER INTO A DEED OF USUFRUCT WITH THE BUREAU OF JAIL  
MANAGEMENT AND PENOLOGY OF A 1,500 SQUARE METER PORTION OF A  
LOT COVERED BY TAX DECLARATION NO. 92-033-00161 LOCATED AT  
BARANGAY TUROD FOR THE CONSTRUCTION  
OF THE NARVACAN MUNICIPAL JAIL**

**WHEREAS**, the Narvacan Municipal Jail is presently located in one of the spaces of the Local PNP Station building;

**WHEREAS**, the Narvacan Municipal Jail needs more space and a new location in order to meet the standards of humane treatment of prisoners;

**WHEREAS**, to accomplish this purpose the Municipal Government of Narvacan and the Bureau of Jail Management and Penology shall each provide a counterpart share such that the former shall be responsible in providing for a 1,500 square meters lot where the building will be constructed and the latter to shoulder the cost of the construction;

**WHEREAS**, the usufruct constituted over the parcel of land shall be used actually and exclusively for the construction of the Narvacan Municipal Jail;

**WHEREAS**, this joint undertaking is not only beneficial to the prisoners, the Municipal Jail Officials and employees but to the public in general;

**NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED** to authorize Honorable Mayor Edgardo D. Zaragoza to enter into a Deed of Usufruct with the Bureau of Jail Management and Penology of a 1,500 square meter portion of a lot covered by Tax Declaration No. 92-033-00161 located at Barangay Turod for the construction of the Narvacan Municipal Jail;

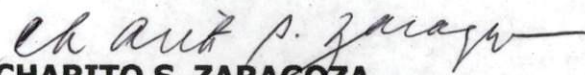
**RESOLVED FURTHER** that the Deed of Usufruct to be executed by the Municipal Mayor shall be subject to certain conditions above-stated and such others as he may deem fit for the welfare of the municipality;

**RESOLVED FINALLY** that copies of this Resolution be furnished to the Office of the Honorable Mayor Edgardo D. Zaragoza and to the Bureau of Jail Management and Penology.

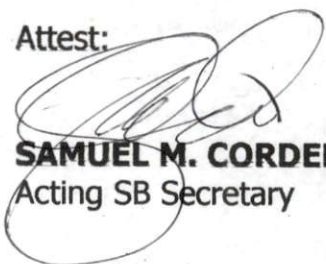
**PASSED AND APPROVED.**



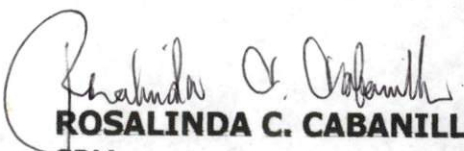
Certified Correct:


  
**CHARITO S. ZARAGOZA**  
Vice Mayor/Presiding Officer


Attest:

  
**SAMUEL M. CORDERO**  
Acting SB Secretary


CONFORME:


  
**ROSALINDA C. CABANILLA**  
SBM

  
**CARLITO T. CORRALES**  
SBM


  
**MARIA PAZ V. CACHOLA**  
SBM

**THELMA C. COPIOZO**  
SBM

  
**TERESITO C. VALERA, SR.**  
SBM

  
**ELISEO D. CABRADILLA**  
SBM


  
**IRVIN R. LIM**  
SBM

  
**PRIEMSON J. CABOTAGE**  
SBM

  
**EDUARDO PEDRO Q. CABUENA**  
ABC President

**JESKA MEDINA C. DELA CUADRA**  
SKF President

Approved:

  
**EDGARDO D. ZARAGOZA**  
Municipal Mayor

## DEED OF USUFRUCT

### KNOW ALL MEN BY THESE PRESENTS:

This **DEED OF USUFRUCT** made and entered into this 17<sup>th</sup> day of February, 2009, in Narvacan, Ilocos Sur, by and between:

The **MUNICIPAL GOVERNMENT OF NARVACAN**, with principal office at Narvacan Municipal Hall, represented herein by its Mayor, **HON. EDGARDO D. ZARAGOZA**, pursuant to Resolution No. 04, S. 2009, herein referred to as the **OWNER**;

The **BUREAU OF JAIL MANAGEMENT AND PENOLOGY**, a government office existing under and by virtue of the laws of the Republic of the Philippines, represented herein by **INSP ROBERTO S. REBUALOS**, head of the Narvacan Municipal Jail, referred to as the **FIRST PARTY**;

### WITNESSETH

**WHEREAS**, the Narvacan Municipal Jail is presently located in a small space of the Narvacan PNP building;

**WHEREAS**, the **USUFRUCTUARY** proposes that it will construct a new building in the property of the **OWNER** for the relocation of the Narvacan Municipal Jail;

**WHEREAS**, the **OWNER** recognizes this noble purpose of the **USUFRUCTUARY** and shares its vision of standardizing the treatment of prisoners in accordance with accepted international laws on human treatment of prisoners;

**NOW THEREFORE**, in consideration of the foregoing premises and the mutual covenants and stipulations hereafter set forth, the parties hereby agree as follows:

### SECTION 1. RIGHTS AND OBLIGATIONS OF THE USUFRUCTUARY

1. That the **FIRST PARTY** shall construct a building in a 1,500 square meter area of a portion of parcel of land owned by the Municipal Government of Narvacan located at Brgy. Turod, Narvacan;
2. That the said building shall be exclusively used for the purpose of relocating the Narvacan Municipal Jail currently located at the Narvacan PNP building;
3. That the building to be constructed shall meet the national standard for jails as provided under existing laws and regulations;
4. That the **USUFRUCTUARY** shall be responsible for the ordinary and extraordinary expenses for the preservation of the said portion of land subject of usufruct;
5. That the **USUFRUCTUARY** cannot alienate its rights under this **DEED** to any third party;
6. That the **USUFRUCTUARY** shall enjoy the other rights over the said parcel of land and shall observe the obligations of a usufructuary during the existence of this **DEED** as provided under the provisions of the Civil Code of the Philippines in so far as they are not in conflict with above-stated rights and obligations of the **USUFRUCTUARY**;



## SECTION 2. RIGHTS AND OBLIGATIONS OF THE OWNER

1. That the **OWNER** grants to the **USUFRUCTUARY** the exclusive right to use that 1,500 square meter area portion of a parcel of land located at Brgy. Turod, Narvacan for the above-stated purpose;
2. That the **OWNER** may cause any work for the necessary preservation of the thing subject to usufruct even without notice from the **USUFRUCTUARY** and reimburse the amount expended for its preservation;
3. That the **OWNER** may construct any work and make any improvements over the said portion of land subject of usufruct or make any plantings thereon provided that such acts do not prejudice the right of the **USUFRUCTUARY**;
4. That the **OWNER** may cause the nullification of this **DEED** should the **FIRST PARTY** fail to start the construction of the Municipal Jail until the last day of December 2011.

## SECTION 3. DURATION

This **DEED OF USUFRUCT** shall be valid until the **USUFRUCTUARY** abandons the use of the said land for the said purpose as a Municipal Jail;

## SECTION 4. CAPACITY AND AUTHORIZATION

The parties herein warrant that they have the capacity, power, and requisite authorization to enter into this **DEED**.

## SECTION 5. SEPARABILITY CLAUSE

Should any part of this Agreement be judicially declared null and void, such nullity shall not affect the validity of the remaining provisions hereof.

## SECTION 6. BREACH OF CONTRACT

The violation or omission of any provisions of this Agreement shall be ground for the cancellation or remission of the same without need for legal or court action.


By:

OFFICE OF THE MAYOR  
Narvacan, Ilocos Sur



**HON. EDGARDO D. ZARAGOZA**  
Municipal Mayor

BUREAU OF JAIL MANAGEMENT  
AND PENOLOGY



**INSP ROBERTO S. REUALOS**  
Head – Narvacan Municipal Jail

**WITNESSES**

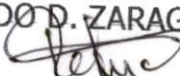
*LM Regua*  
LUISA M. REGUA

*STOR Amado B. Martinez*  
STOR AMADO B. MARTINEZ

REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF ILOCOS SUR ) S.S.  
MUNICIPALITY OF NARVACAN )

ACKNOWLEDGEMENT

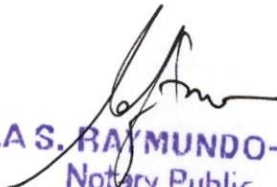
BEFORE ME, a Notary Public for and in the Municipality of Narvacan, Province of Ilocos Sur, personally appeared the following exhibiting to me a competent evidence of identity:

NAME	EVIDENCE OF IDENTITY	DATE / PLACE OF ISSUE
EDGARDO D. ZARAGOZA 	20994951	Jan. 5, 2009 / Narvacan, I. Sur
ROBERTO S. REBUALOS	13874067	Jan. 5, 2009 / Magsingal, I. Sur

Known to me to be the same persons who executed the foregoing DEED OF USUFRUCT, consisting of three (3) pages, including this page where this Acknowledgement is written, duly signed by the parties and their instrumental witnesses on each and every page thereof and they further acknowledgement to me that the same is their own free and voluntary act and deed.

WITNESS MY HAND AND SEAL, this 12<sup>th</sup> day of Nov., 2009 at Narvacan, Province of Ilocos Sur.

Doc No. 103  
Page No. 22  
Book No. 11  
Series of 2009

  
**LEONILA S. RAMUNDO-FORTUNA**  
Notary Public  
Until December 31, 2010  
IBP Lifetime No. 02256  
PTR No. 01414501/21/05 *Carson City*  
Roll No. 44761