



OFFICE
of the
**SANGGUNIANG
BAYAN**

MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 9TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MONCADA, TARLAC FOR CY 2021 HELD ON THE 1ST DAY OF MARCH 2021 AT THE SB SESSION HALL, LEGISLATIVE BUILDING

PRESENT:

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| HON. JAIME O. DUQUE | .. VICE MAYOR/PRESIDING OFFICER |
| HON. CLEOFÉ D. FAVIS | .. MEMBER |
| HON. RODOLFO C. ESPEJO, JR. | .. MEMBER |
| HON. ALBERTO C. MARZAN, JR., MD | .. MEMBER |
| HON. RUBEN V. GAMBOA, JR | .. MEMBER |
| HON. THELMAFLOR A. ESPEJO | .. MEMBER |
| HON. GEORGE MICHAEL P. AGUILAR | .. MEMBER |
| HON. JANIVUS M. YASAY | .. MEMBER |
| HON. CELESTE A. AYSON | .. MEMBER |
| HON. EZEKIEL C. RIVERA | .. SKF PRESIDENT |

ABSENT:

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| HON. GEORGE R. CUCHAPIN, MD | .. LnB PRESIDENT (Sick Leave) |
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**RESOLUTION NO. 19
Series of 2021**

Sponsored by: COUN. ALBERTO C. MARZAN, JR., MD

RESOLUTION DENYING THE REQUEST OF ENVIROKONSULT EQUIPMENT AND SERVICES, INC., THROUGH THEIR CHIEF EXECUTIVE OFFICER MR. ANTHONY V. GEDANG, TO AMEND THE USUFRUCT AGREEMENT WITH THE MUNICIPAL GOVERNMENT OF MONCADA

WHEREAS, on February 2, 2021, Mr. Anthony V. Gedang, CEO of Envirokonsult Equipment and Services, Inc. (Envirokonsult) submitted a letter to the Honorable Mayor Estelita M. Aquino, requesting for the amendment of the Usufruct Agreement with the Municipal Government of Moncada;

WHEREAS, said request intends to expunge the entire item no. 11 of the Agreement which reads:

"11. OWNERSHIP AFTER TERMINATION. Upon termination of this Agreement, all structures erected on the property shall be owned by the Client as agreed upon in the JVA. Ownership over the improvements shall also vest to Client if the JVA, SMP or this Agreement is pre-terminated due to the fault, negligence, mismanagement, or bad faith of Usufructuary."



MW



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WHEREAS, taking into account the compromise agreement between two parties which states two possible scenarios on the ownership of the plant after 25 years, to wit:

- 1) Ownership of plant after 25 years may vest to the LGU, subject to CEO Anthony V. Gedang's approval;
- 2) If the Joint-Venture Agreement is not renewed, the Envirokonsult may opt to sell the plant to the LGU at depreciated value.

WHEREAS, after a series of dialogues between the legal counsels of both parties, proponent Envirokonsult subsequently endorsed to the LGU the final draft of the Usufruct Agreement on January 5, 2021, duly signed by their CEO, Mr. Anthony V. Gedang, containing therein item no. 11 in the provisions thereof;

WHEREAS, by virtue of SB Resolution No. 02, series of 2021, dated January 4, 2021, the Honorable Mayor Estelita M. Aquino was granted authority to sign the finalized Usufruct Agreement for and on behalf of the Municipal Government of Moncada;

WHEREAS, considering the finality of the said Agreement duly signed by both parties, the same was sent back to the proponent for their appropriate action and disposition, hence, this August Body finds no merit to grant the request of Envirokonsult to further amend the Agreement;

NOW, THEREFORE, premises considered, and on motion by Coun. Alberto C. Marzan, Jr., duly seconded;

RESOLVED, that this Sanggunian, acting on the favorable recommendation of the Committee on Health and Social Services, hereby **denies** the request of Envirokonsult Equipment and Services, Inc., through their Chief Executive Officer Mr. Anthony V. Gedang, to amend the Usufruct Agreement with the Municipal Government of Moncada;

RESOLVED, FURTHER, that the provisions, terms and conditions stipulated in the Usufruct Agreement duly approved by the SB by virtue of Resolution No. 02, Series of 2021 dated January 4, 2021 are hereby **affirmed in toto**;



Handwritten signature



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RESOLVED, FINALLY, that this Resolution be forwarded to the Honorable Mayor Estelita M. Aquino and Envirokonsult Equipment and Services, Inc., through their Chief Executive Officer Mr. Anthony V. Gedang, for their information;

CARRIED.

**CERTIFIED to have been duly
ADOPTED on the above-
mentioned date and place:**


VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian

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


JAIME O. DUQUE
Vice-Mayor & Presiding Officer

