



Republic of the Philippines
VISAYAS STATE UNIVERSITY
Visca, Baybay, Leyte

BOR RESOLUTION NO. 148, s. 2022

**A RESOLUTION APPROVING THE CONTRACT OF USUFRUCT BETWEEN
VISAYAS STATE UNIVERSITY (VSU) AND THE LOCAL GOVERNMENT UNIT (LGU)
OF THE CITY OF BAYBAY**

WHEREAS, Republic Act 9158 converted the then Visayas State College of Agriculture (ViSCA) into a state university, the Leyte State University, on 11 August 2001 and was later renamed Visayas State University (VSU) by virtue of R.A. 9437;

WHEREAS, Section 7, Paragraph (b) of R.A. 9158 empowers the Governing Board “to receive and appropriate all sums as may be provided for the support of the University in the manner it may determine, in its discretion, to carry out the purposes and functions of the University”;

WHEREAS, Visayas State University owns a lot consisting of over a thousand square meters covered by TCT No. T-16395 also known as Lot No. 7397-A, more or less situated in Barangay Pangasugan, Baybay City, Leyte as part of the VSU Main Campus used for educational purposes;

WHEREAS, President Edgardo E. Tulin, is authorized by the university’s Governing Board to sign a Memorandum of Agreement, on behalf of VSU, with the City of Baybay’s Local Government Unit with Mayor Jose Carlos L. Cari as the signatory, to grant Baybay LGU Usufruct rights on a lot consisting of a thousand square meters, more or less, covered by TCT No. T-16395 which is also known as Lot No. 7397-A that is being occupied by a covered gymnasium/sports facility;

WHEREAS, the usufruct shall be twenty-five (25) years and the USUFRUCTUARY is hereby given the right and privilege to use the SITE for its covered gymnasium/sports facility, such period commencing at July 1, 2012 until June 30, 2037, unless earlier terminated or further renewed by the parties;

WHEREAS, the usufruct and/or the beneficial use of the SITE is transferred to the Baybay City LGU, the ownership and the title of the SITE remains and continues to remain in the name of Visayas State University;

WHEREAS, Baybay City LGU shall provide, introduce and/or maintain proper infrastructures, facilities and improvements e.g. roads, electricity, communication and water facilities, that shall make the SITE sustainable and viable for the covered gymnasium/sports facility as mutually agreed by the Baybay City LGU and the VSU;

WHEREAS, Baybay City LGU shall bear sole responsibility and liability for any death, damage or injury arising from or incidental to the construction, use and maintenance of the covered gymnasium/sports facility during the full term of this Contract while Baybay City LGU shall also endure compliance with the Building Code of the Philippines and shall guarantee the structural integrity of the building for the whole duration of the usufruct grant;

WHEREAS, Baybay City LGU shall be responsible for maintaining the cleanliness and peace and order in the area in usufruct and the surrounding area in order to protect the research activities of VSU;

WHEREAS, Baybay City LGU shall 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;

WHEREAS, the covered gymnasium/sports facility constructed by the Baybay City LGU in the SITE shall be used primarily by the barangay and its residents without reference to political affiliation, social class or other categorization, as venue for legitimate activities such as but not limited to basketball games and other sports activities, barangay activities subject to the regulatory measures enacted by the barangay pursuant to Sec. 391 (7) of the Local Government Code;

WHEREAS, Baybay City LGU shall temporarily surrender to VSU and its students its right to the use of the gymnasium/sports facility during school-sponsored activities such as but not limited to sportsfests, playground demonstrations and intramurals while VSU may submit to Baybay City LGU a copy of its academic calendar at the beginning of every academic year for the duration of this usufructuary grant where amendments to or changes of the schedule must be communicated by VSU to Baybay City LGU not later than one week prior to the actual holding of the event;

WHEREAS, Baybay City LGU shall prioritize the interests of VSU and its students to conduct classes in the covered gymnasium/sports facility when campus facilities are not available for use due to fortuitous events such as but not limited to unfavorable weather conditions;

WHEREAS, Baybay City LGU shall provide priority access to VSU for the use of the covered gymnasium/sports facility for its extension activities, provided that such use will not cause deterioration or destruction of the covered gymnasium/sports facility nor impair the rights or diminish the benefits accruing to the Baybay City LGU;

WHEREAS, Baybay City LGU waives its right under the Local Government Code to collect fees from VSU for the use of the covered gymnasium/sports facility for the purposes enumerated in the earlier part of this BOR Resolution;

WHEREAS, Baybay City LGU shall completely fence (concrete) the assigned area to prevent encroachment on the remaining land of VSU;

WHEREAS, unless otherwise agreed upon by the Baybay City LGU and VSU, the ownership of the covered gymnasium/sports facility upon the termination of this Contract shall be subject to the provisions of Art. 448 of the New Civil Code;

WHEREAS, the proposal was discussed and endorsed by the VSU BOR Finance Committee to the Full Board for approval during its 20 January 2023 meeting via zoom.

THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED to approve the contract of usufruct between Visayas State University (VSU) and the Local Government Unit (LGU) of the City of Baybay.

IN WITNESS of our approval thereof, we hereby affix our signatures this 25th day of January 2023.

VSU BOARD OF REGENTS



HON. J. PROSPERO E. DE VERA III
*CHED Chairperson and Chairperson
VSU-Board of Regents*

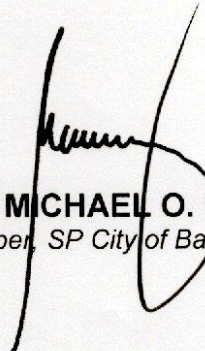


HON. EDGARDO E. TULIN
Vice Chairperson and President, VSU

HON. FRANCIS JOSEPH G. ESCUDERO
*Chair, Committee on Education, Arts & Culture
Senate of the Philippines*

HON. MARK O. GO
*Chair, Committee on Higher & Tech. Educ.
House of Representatives*

Represented by:

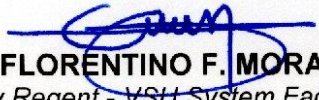


HON. MARK MICHAEL O. UNLU-CAY
Ex-Officio Member, SP City of Baybay

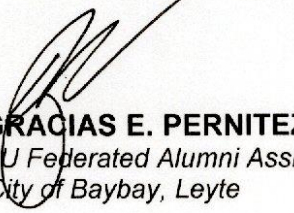


HON. MEYLENE C. ROSALES
*Regional Director
National Economic & Dev. Authority-RO8
Government Center, Palo, Leyte*


HON. ANGEL C. ENRIQUEZ
*Regional Executive Director
Department of Agriculture-RO8
Tacloban City*



HON. FLORENTINO F. MORALES, JR.
*Faculty Regent - VSU System Faculty Union
VSU, Visca, City of Baybay, Leyte*



HON. DEOGRACIAS E. PERNITEZ
*President, VSU Federated Alumni Assn.
VSU, Visca, City of Baybay, Leyte*



HON. PRINCESS REY ANN LENE E. ROMO
*Student Regent – VSU Student Council Federation
VSU, Visca, City of Baybay, Leyte*