

Republic of the Philippines  
**PHILIPPINE PORTS AUTHORITY**  
PPA Building, Bonifacio Drive, South Harbor,  
Port Area, Manila, Philippines

**CONTRACT AGREEMENT**  
**FOR THE BANAGO PORT IMPROVEMENT PROJECT,**  
**PORT OF BANAGO, BACOLOD CITY, NEGROS OCCIDENTAL**

AUG 02 2023

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2023, in  
Manila, Philippines, by and between:

**PHILIPPINE PORTS AUTHORITY (PPA)**, a government instrumentality  
created under Presidential Decree No. 857, as amended, with principal office at  
PPA Building, Bonifacio Drive, South Harbor, Port Area, Manila, represented  
herein by its General Manager, **JAY DANIEL R. SANTIAGO**, duly authorized for  
this purpose under Board Resolution No. 2445, Series of 2015, attached herein  
as **Annex A**.

- and -

**MAMSAR CONSTRUCTION & INDUSTRIAL CORPORATION/SILVER**  
**DRAGON CONSTRUCTION & LUMBER & GLASS SUPPLY, INC./JV**, duly  
organized and existing in accordance with Philippine laws, with principal office  
address at #7 JJ Gonzaga Village, Bakyas, Mansilingan, Bacolod City,  
represented herein by its Authorized Managing Officer, **ALMITA**  
**DASMARIÑAS-BARUG**, duly authorized for this purpose as shown in Joint  
Venture Agreement dated 06 June 2023, attached herein as **Annex B**.

WHEREAS, the Entity is desirous that the Contractor execute the Banago Port  
Improvement Project, Port of Banago, Bacolod City, Negros Occidental, with an approved  
Budget for the Contract (ABC) of Php **570,747,837.79** and the Entity has accepted the Bid for  
**FIVE HUNDRED SIXTY EIGHT MILLION SEVEN HUNDRED SIXTY FIVE THOUSAND**  
**THREE HUNDRED NINETY FOUR AND 73/100 (Php 568,765,394.73)** by the Contractor for  
the execution and completion of such Works and the remedying of any defects therein.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In this Agreement, words and expressions shall have the same meaning as are  
respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents as required by the 2016 Revised Implementing Rules and  
Regulations of Republic Act No. 9184 shall be deemed to form and be read and  
construed as part of this Agreement, viz:
  - a. Philippine Bidding Documents (PBDs);
    - i. Drawings/Plans;
    - ii. Specifications;
    - iii. Bill of Quantities;
    - iv. General and Special Conditions of Contract;
    - v. Supplemental or Bid Bulletins, if any

MAMSAR CONSTRUCTION & INDUSTRIAL CORPORATION/SILVER  
DRAGON CONSTRUCTION & LUMBER & GLASS SUPPLY, INC./JV  
Witness:  
XERXES B. CABAHUG  
Pre-Qualification Officer

ALMITA DASMARIÑAS-BARUG  
Authorized Managing Officer

BY :

Witness:  
MARK JON S. PALOMAR  
Chairperson, HO-BAC-EP

PHILIPPINE PORTS AUTHORITY  
BY :  
JAY DANIEL R. SANTIAGO  
General Manager



MAMSAR CONSTRUCTION & INDUSTRIAL CORPORATION/SILVER  
DRAGON CONSTRUCTION & LUMBER & GLASS SUPPLY, INC./JV  
Witness :  
XERXES B. CABAHUG  
Pre-Qualification Officer  
ALMITA DAS-MARIÑAS-BARUG  
Authorized Managing Officer

BY :

Witness  
MARK JON S. PALOMAR  
Chairperson, HO-BAC-EP

PHILIPPINE PORTS AUTHORITY  
BY :  
JAY DANIEL R. SANTIAGO  
General Manager

- b. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents or statements submitted;

Bid form, including all the documents/statements contained in the Bidder's bidding envelopes, as annexes, and all other documents submitted (e.g., Bidder's response to request for clarifications on the bid), including corrections to the bid, if any, resulting from the Procuring Entity's bid evaluation;

- c. Performance Security;
- d. Notice of Award of Contract and the Bidder's conforme thereto; and
- e. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the PBDs. Winning bidder agrees that additional contract documents or information prescribed by the GPPB that are subsequently required for submission after the contract execution, such as the Notice to Proceed, Variation Orders, and Warranty Security, shall likewise form part of the Contract.

3. In consideration of the sum of **FIVE HUNDRED SIXTY EIGHT MILLION SEVEN HUNDRED SIXTY FIVE THOUSAND THREE HUNDRED NINETY FOUR AND 73/100 (Php 568,765,394.73)** or such other sums as may be ascertained, **MAMSAR CONSTRUCTION & INDUSTRIAL CORPORATION/SILVER DRAGON CONSTRUCTION & LUMBER & GLASS SUPPLY, INC./JV** agrees to execute the Banago Port Improvement Project, Port of Banago, Bacolod City, Negros Occidental, in accordance with its Bid.
4. The Philippine Ports Authority agrees to pay the above-mentioned sum in accordance with the terms of the Bidding.
5. In execution of its Works, **MAMSAR CONSTRUCTION & INDUSTRIAL CORPORATION/SILVER DRAGON CONSTRUCTION & LUMBER & GLASS SUPPLY, INC./JV** shall likewise hold PPA free and harmless from any liability due to actions, damages, or accident it may cause in the course thereof.
6. The failure of PPA to insist upon a strict performance of any of the terms, conditions and covenants hereof shall not be deemed a relinquishment or waiver of any of the rights or remedies that it may have, nor shall it be construed as a waiver of any subsequent breach or default of its terms, conditions and covenants which shall continue to be in full force and effect. Silence on the part of PPA shall not be considered as condonation or waiver of any breach or default by **MAMSAR CONSTRUCTION & INDUSTRIAL CORPORATION/SILVER DRAGON CONSTRUCTION & LUMBER & GLASS SUPPLY, INC./JV** of any covenant or condition herein provided. No waiver by PPA of its rights under this Contract shall be deemed to have been made unless expressly made in writing and signed by its duly authorized representative.

IN WITNESS whereof, the Parties have hereto caused this Agreement to be executed in accordance with the laws of the Republic of the Philippines, on the day and year first above written.



PHILIPPINE PORTS AUTHORITY  
TIN No. 000-352-232-000  
By:

JAY DANIEL R. SANTIAGO  
General Manager

MARK JON S. PALOMAR  
Chairperson, HO-BAC-EP

MAMSAR CONSTRUCTION &  
INDUSTRIAL CORPORATION TIN No. 00-  
273-578-000/SILVER DRAGON  
CONSTRUCTION & LUMBER & GLASS  
SUPPLY, INC. TIN No. 440-147-995-  
000/JV  
By:

ALMITA DASMARIÑAS-BARUG  
Authorized Managing Officer

WITNESSES

XERXES B. CABAUG  
Pre-Qualification Officer

### ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)  
City of Manila ) S.S.

AUG 02 2023

BEFORE ME, a Notary Public for and in the City of Manila, this \_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared the following :

NAME	COMPETENT EVIDENCE OF IDENTITY	DATE OF ISSUE OR EXPIRY DATE	PLACE OF ISSUE
Jay Daniel R. Santiago	PPA ID No. 00102016		
Almita Dasmariñas-Barug	SSS No. 08-0759070-0		

known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their own free act and deed as well as the free and voluntary act of the entities they represent.

POSITION	COMPANY	CTC No.	DATE	PLACE
General Manager	Phil. Ports Authority	00453661	1-12-23	Manila
Authorized Managing Officer	Mamsar Construction and Industrial Corporation/ Silver Dragon Construction & Lumber & Glass Supply, Inc./JV			

The foregoing instrument is a Contract for the Banago Port Improvement Project, Port of Banago, Bacolod City, Negros Occidental, consisting of three (3) pages, including this page on which this Acknowledgment is written, signed by the parties and their instrumental witnesses on each and every page hereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal on these presents at the place and on the date first above written

Doc. No. 961;  
Page No. 96;  
Book No. 24;  
Series of 2023

ATTY. EMILLO A. AGREGADO  
NOTARY PUBLIC  
UNTIL DECEMBER 31, 2023  
PTR NO. 8782110 15-7-2023  
B.P. NO. 119522, ROLL NO. 27738  
VCE COMPLIANCE NO. VI-11785