

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON JULY 27, 2017

PRESENT:

Vincent L. Rama,	(Temporary Presiding Officer),
	SP Member, Asst. Majority Floor Leader
Rolando M. Villasencio,	(Acting City Vice Mayor),
	SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.,	(Acting City Mayor),
	Vice Mayor & Presiding Officer

ON LEAVE:

Benjamin S. Pongos, Jr.,	SP Member
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PREFATORY STATEMENT

WHEREAS, it is the policy of the City Government of Ormoc to provide better benefits and services to its inhabitants. As a City with high regard to agriculture it shall provide utilities to be enjoyed by its farmers;

WHEREAS, the City has furnished farm tractors for the use and benefit of all Ormocanons and its farmers under the City Agriculture Office (CAO) as assigned for its safekeeping, maintenance and management in order to regulate its operation and safety;

WHEREAS, the City in order to maintain the use and safety of the farm tractors has provided a scheme to collect fees as security for anyone who shall use the farm tractors and generate funds for its maintenance and for future provision of utilities/material for the farmers;

WHEREAS, such fee and/or imposition is levied and collected only for public purpose and is equitable and based as far as practicable on the taxpayer's ability to pay;

WHEREAS, such fee and/or imposition is not unjust, excessive, oppressive or confiscatory and not contrary to law, public policy, national economic policy, or in restraint of trade;

WHEREAS, a public hearing was conducted on June 23, 2017, Friday at 9 o'clock in the morning at the Liga ng mga Barangay Conference Room, Liga ng mga Barangay Office, Ormoc City, attended by more than Ninety (90) participants representing different farmer's associations on which this proposed Ordinance was approved unanimously;

FOREGOING, PREMISES CONSIDERED, on motion of SP Member Tomas R. Serafica, Chairman, Committee on Ways & Means, severally seconded by SP Members Mariano Y. Corro, Eusebio Gerardo S. Penserga, Lea Doris C. Villar, Nolito M. Quilang and Gregorio G. Yrastorza III; be it

RESOLVED, to enact:

ORDINANCE NO. 039

**AN ORDINANCE SETTING GUIDELINES AND POLICIES
IN THE USE OF ORMOC CITY FARM TRACTORS,
PROVIDING RENTAL FEES FOR USAGE AND FOR
OTHER PURPOSES.**

BE IT ENACTED, by the Fourteenth Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. TITLE – This Ordinance shall be known and cited as the "Ormoc City Farm Tractors Usage Ordinance of 2017".

SECTION 2. DECLARATION OF POLICY – It is hereby declared the policy of the City to promote agriculture productivity thru Farm Mechanization in various high value crops for increased income and inclusive growth.

SECTION 3. DEFINITION OF TERMS AND ACRONYMS – As defined in this Ordinance, the following terms and acronyms shall mean:

- a. Alternate/Assistant Operator shall refer to a person designated by the City Agriculture Office as an alternate operator/assistant to the farm tractor driver-operator and assists the farm tractor driver-operator in the operations/tasks;
- b. CAO shall refer to the City Agriculture Office;
- c. CA shall refer to the City Agriculturist;
- d. Debris – things (such as broken pieces and old objects) that are lying where they fell or that have been left somewhere because they are not wanted;
- e. Designated Parking Area shall refer to the official parking area for the farm tractors;
- f. Farm Tractor – a large vehicle that has two (2) large back wheels and two (2) smaller front wheels and that is used to pull farm equipments;
- g. Farm Tractor Driver-Operator shall refer to a person designated by the City Agriculture Office to operate the farm tractor;
- h. Field Inspector shall refer to the CAO personnel designated by the City Agriculturist to inspect fields where the services will be rendered;
- i. Furrowing shall mean making of a long narrow depression or groove made on the ground by the use of a furrower ;
- j. Furrower - a piece of farm equipment used in furrowing;
- k. Harrowing shall mean pulverizing and smoothing the soil using a harrow;
- l. Harrow - a cultivating implement set with spikes, spring teeth or disks and used primarily for pulverizing and smoothing the soil;
- m. Plowing shall mean turning over the soil using a plow;
- n. Plow - a piece of farm equipment that is used to dig into and turn over soil especially to prepare the soil for planting;
- o. Rotavating - stirring and pulverizing the soil using a rotary cultivator;
- p. Rotary Cultivator – a piece of farm equipment used in rotavating the soil;
- q. Services shall mean specified work to be performed using the farm tractor;

- r. Upland Areas shall refer to flat or sloping areas that are rarely flooded and with soil mostly aerobic;
- s. User/Renter shall refer to individual or group of individuals who will rent the said farm tractor after complying all the rental requirements;

SECTION 4: TERMS AND CONDITION:

A. Users-

An individual or group of individuals opting to use the farm tractors shall be allowed to apply for only a maximum of three (3) hectares regardless of actual farm size however, if the farm tractors are idle, they can extend of its services.

B. Documents Required –

- 1) For individual user- a Certificate signed by the Barangay Chairperson, where the farm is located, will be secured and submitted by the user to the City Agriculture Office applying for the use of the farm tractor. The certificate shall bear the user's present address, tenurial status, actual farm area and its specific location. This will be an additional document to be presented before filling-up Form 1. Any document attesting membership to any agri-cooperative or association may be presented to break complaints on prioritization.
- 2) For group of individuals – a recent Certificate of Registration from DOLE, SEC, or CDA and LGU-Ormoc Accreditation will be submitted to the City Agriculture Office upon applying for the use of the farm tractor. A resolution from the BOD in availing the services of the farm tractor will be an additional document to be presented before filling-up the Form 1.
- 3) Field Inspection and Validation Form (Form 1). Form 1 will be filled up by the user and designated field inspector from City Agriculture Office who will validate information in the form, to determine the following:
 - a) Correctness of location of the site where services will be rendered, area (hectare), travel distance from designated parking area and safety of the farm tractor and operator;
 - b) Estimate the duration of operation;
 - c) Recommends approval of the request to be rendered;
 - d) Schedule of payment based on pre-inspection.
- 4) Official Receipt of Payment.
 - a) The filled-up Form 1 will then be submitted to the City Treasurer's Office for payment which in turn issues an Official Receipt to the qualified user;
 - b) The City Agriculture Office may receive payment and issue official receipt through its bonded official. Report of collections/remittances shall be remitted to the City Treasurer's Office the following working day.

All these documents will now be the basis for the setting of the final date when the services will be actually rendered.

C. Basis of Prioritization:

1. The farm tractor will be used solely for agri-farms within the jurisdiction of Ormoc City;
2. The First-come-first-serve basis scheme will be adopted after complying all the requirements needed;

3. In case of conflict, member of a cooperative or association will be prioritized over non-member individual farmers; cooperative or association members over private individuals, farmers with smaller area over bigger area; and farms accessible by the tractor will be served first.

D. Designated Parking Area:

The designated parking area will be at the Ormoc Agri-Tech Building, Brgy. San Pablo, Ormoc City. Government establishment site can also be designated as Alternate Parking Area as the need arises as long it is duly approved by the Officer-In-Charge. Proper recording should be done indicating the usage of the alternate parking area.

E. Payment Scheme:

Mode of Payment: Rental Terms and Conditions

Distance from Designated Parking Area	Service Requested /rendered	Regular Fees (per pass/ha.)	Additional Fees		
			Land topograp hy (slope beyond 18%)	Distance	Excess of declared area
1st 15 km.	Plowing	P1,800.00	Regular fee x 2	Regular Fee Plus Php150.00/ pass/ha. for every km above 15.0 km	Will be based on existing regular rental fees
	Harrowing	P1,500.00			
	Furrowing	P1,200.00			
	Rotavating	P2,500.00			

Payment will be made prior the actual render of requested service.

F. Creation of Separate Trust Fund Account:

To ensure availability of funds for the maintenance and for other operating expenses of the farm tractors, a Trust Fund account a separate depository bank account shall be created wherein all fees collected by the City Treasurer’s Office from the operation of the farm tractors will be deposited. All expenditures relative thereto shall be charged for the said account subject however to the usual accounting and auditing rules and regulations.

SECTION 5. FUNCTIONS AND OBLIGATIONS:

A. City Agriculturist:

1. Approves application after being cleared by the field inspector;
2. Delegates the Agricultural Engineering Section to supervise the operation of the farm tractor; and



3. Oversees the over-all operation of the farm tractors.

B. Designated Field Inspector:

1. Verifies actual site and areas where the farm tractors will be used;
2. Receives and recommends approval of service requests;
3. Gives schedules of service requests;
4. Double checks condition of the farm tractors before and after usage;
5. Facilitates purchase of necessary items for the operation of the equipments;
6. Submits weekly operation status and bi-annual report to the City Agriculturist; and
7. Keeps records of operation for future reference.

C. The Driver Operator:

1. Operates the farm tractor assigned to him and should not allow any person, except his alternate, to operate the said tractor;
2. Inspects the tractor and the equipment prior to and after the operation;
3. Thoroughly cleans the equipment and execute preventive maintenance of farm tractors, implements after every use;
4. Reports any damages for necessary repairs;
5. Secures the signature of the user on the request form as confirmation of service rendered;
6. Ensures the safety of the equipment;
7. Smoking and drinking alcoholic beverages is strictly prohibited throughout farm tractor operation/working hours.

D. The alternate/assistant operator:

1. In case of the absence or incapability of the operator he/she will take over the operator's responsibilities;
2. Cleaning of the tractor will be his main responsibility; and
3. Performs minor works/jobs in the actual operation.

E. The User/Renter:

1. Submits all the necessary requirements and pay all corresponding fees;
2. Allow the field inspector to validate and make necessary activities to verify information as stated in the application for field inspection and validation;
3. Clear his/her area from debris once the field inspector approves requested service/s;
4. Ensure the safety and security of both the farm tractor and operator;
5. By all means the user is not allowed to operate, designate an operator and impose repairs;

SECTION 6. APPROPRIATIONS. The City Government shall yearly allocate an amount under General Fund Account thru the City Agriculture Office for the maintenance, improvement of the services and procurement of units and other necessary parts of the said tractors.

SECTION 7. IMPLEMENTING OFFICE. The CAO shall be primarily tasked in implementing this ordinance in coordination with other units of the City Government.

SECTION 8. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared invalid or unconstitutional, the other provisions not affected shall remain in full force and effect.

SECTION 9. REPEALING CLAUSE. All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect immediately after the compliance of the necessary publication and posting in conspicuous places as provided in the Local Government Code of 1991.

ENACTED, July 27, 2017.

RESOLVED, FURTHER, to furnish copies of the Ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the OIC-City Accountant; the City Budget Officer; the City Auditor; the OIC-City Agriculture Office; the OIC-City Director, DILG; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


VINCENT L. RAMA
(Temporary Presiding Officer)
SP Member
Asst. Majority Floor Leader

APPROVED:


RICHARD I. GOMEZ
City Mayor

31 JUL 2017

(Date)

Form 1. Application for Field Inspection and Validation Form

Republic of the Philippine
CITY AGRICULTURE OFFICE
OrmocAgri-Tech. Bldg., Brgy. San Pablo
Ormoc City

PRE-INSPECTION:
Name of User: _____
Residential Address: _____
Farm Location: _____
Farm size (ha.): _____
Date requested/Approved: _____

Service Requested:	Area (ha.)	to be filled up by the field inspector				Total (Php)
		Topography	Regular fee (Php)	Pre field Inspection		
				Distance above 5km from Designated Parking Area (km)	Above 18% slop	
<input type="checkbox"/> Plowing						
<input type="checkbox"/> Harrowing						
<input type="checkbox"/> Furrowing						
<input type="checkbox"/> Backhoe						
1 st payment						
2 nd payment						
Sub TOTAL (Php)						
GRAND TOTAL (Php)						

Recommending Approval: _____ I agree with the above assessment: _____
(Signature over the Name of Field Inspector) (Signature over the Name of Renter)

Approved: _____
Signature over the Name of City Agriculturist Date