

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 MARCH 11, 2019

PRESENT:

Vincent L. Rama,	(OIC-City Vice-Mayor & Temporary Presiding Officer), SP Member, Majority Floor Leader
Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.	(OIC - City Mayor), City Vice Mayor & Presiding Officer
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ON LEAVE:

John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader

RESOLUTION NO. 2019-055

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR THE ACTING CITY
MAYOR TO ENTER INTO AND SIGN A MEMORANDUM
OF AGREEMENT (MOA) FOR AND ON BEHALF OF THE
LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC),
WITH THE DEPARTMENT OF HEALTH- REGIONAL
OFFICE VIII (DOH-RO VIII) RELATIVE TO THE RED
ORCHID AWARD ON THE IMPLEMENTATION OF THE
TOBACCO PREVENTION AND CONTROL PROGRAM IN
THE CITY.**

WHEREAS, this Fourteenth Sangguniang Panlungsod was in receipt of an Indorsement dated March 8, 2019 from the Office of the City Mayor, relative to the Memorandum of Agreement (MOA) to be entered into by the Local Government Unit of Ormoc (LGU-Ormoc) with the Department of Health- Regional Office VIII (DOH-RO VIII) requesting that the City Mayor be granted authority to sign the said MOA for and on behalf of LGU-Ormoc, relative to the Red Orchid Award, and further classifying the same as EXTREMELY URGENT, a photocopy of the final MOA is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, in a letter dated March 7, 2019, Dr. Edmund B. Kierulf, OIC-City Health Officer, communicated that a MOA is necessary to ensure the sustainability of the implementation of the Tobacco Prevention and Control Program in Ormoc City;

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, accords every local government unit the power and authority to promote the general welfare within its territorial jurisdiction, including the promotion of health and safety of its constituents;

WHEREAS, in pursuit of the policy of the State to guarantee the enjoyment of the right of every citizen to breathe clean air, Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, prohibits smoking inside enclosed public places including public utility vehicles and other means of transport, and other enclosed areas, and directs local government units to implement the prohibition;

WHEREAS, Republic Act No. 9211, otherwise known as the Tobacco Regulation Act of 2003, prohibits smoking in certain public places whether enclosed or outdoors in certain places, prohibits the purchase and sale of cigarettes and other tobacco products to and by minors and in certain places frequented by minors, imposes bans and restrictions on advertising, promotion and sponsorship activities of tobacco companies, and directs local government units to implement these provisions;

WHEREAS, the Department of Health (DOH), as the principal health agency in the Philippines, is cognizant of the public health significance of the devastating effect of tobacco use and its impact on society;

WHEREAS, the Red Orchid Award or the Search for 100% Tobacco-Free Environment has continued to be a major gain for achieving smoke-free environments among different administrative levels;

WHEREAS, through the Red Orchid Award, the DOH and the World Health Organization (WHO) aims to combat tobacco use and work for a tobacco-free environment in leading the advocacy campaign against the ill-effects of tobacco use to a person's health;

WHEREAS, this Sanggunian finds this MOA in order, pursuant to the provisions of Section 455, Paragraph (b) (1) (vi) of Republic Act 7160, otherwise known as the Local Government Code of 1991, which authorizes the City Mayor to represent the city in all its business transactions and sign in its behalf all bonds, contracts and obligations, and such other documents upon authority of the Sangguniang Panlungsod concerned pursuant to law or ordinance;

WHEREAS, in a letter dated March 8, 2019 sent by Atty. Burt J. Pades, OIC-City Legal Officer, it stated that the City Legal Office, upon review, finds nothing legally objectionable thereto and further recommends the endorsement thereof to this Sanggunian, a copy of said letter is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, the MOA clearly and plainly encapsulates the terms and conditions of the agreement of the parties thereto, including their specific roles and responsibilities, towards the implementation and attainment of the ends of the same, and this Sanggunian finds that the same for the aforementioned reasons will indeed immensely benefit the City of Ormoc and its constituents in order to implement a 100-percent tobacco-free environment using the WHO's tobacco-control policies, and therefore, most deserving of this august Body's utmost support and favorable consideration;

WHEREFORE, on joint motion of SP Member Mario M. Rodriguez, Chairman, Committee on Health & Sanitation and SP Member Benjamin S. Pongos Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Tomas R. Serafica, Gregorio G. Yrastorza III, Esteban V. Laurente and Jasper C. Yerro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN A MEMORANDUM OF AGREEMENT (MOA) FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE DEPARTMENT OF HEALTH- REGIONAL OFFICE VIII (DOH-RO VIII) RELATIVE TO THE RED ORCHID AWARD ON THE IMPLEMENTATION OF THE TOBACCO PREVENTION AND CONTROL PROGRAM IN THE CITY;

ADOPTED, March 11, 2019.

RESOLVED, FURTHER, that a copy of the final and notarized Memorandum of Agreement (MOA) be furnished to this Sanggunian for its information and files;

RESOLVED, FINALLY, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez, the City Administrator, Mr. Vincent L. Ennas; the City Legal Officer, Atty. Josephine Mejia-Romero; the City Health Office; the Department of Health- Regional Office VIII; the OIC-City Director, DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


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

ATTESTED:


VINCENT L. RAMA
(OIC-City Vice Mayor & Temporary Presiding Officer)
Majority Floor Leader
SP Member

Annex "B"

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte



March 8, 2019

MAYOR RICHARD I. GOMEZ

Ormoc City

CITY MAYOR
RECEIVED
DATE 3/8/19
TIME 11:00 AM
SIGNATURE [Signature]

THRU: MA. VICTORIA LYRA P. DELA CERNA RRT, MBA-HA, MPA
City Govt. Asst. Dept Head I
City Mayor's Office
LGU – Ormoc City

Re: Review of the MOA between LGU Ormoc and DOH-Regional Office VIII


References:

1. Endorsement dated March 7, 2019 requesting comments/recommendations;
2. MOA between LGU Ormoc and DOH-Regional Office VIII

Dear Mayor Gomez:

This Office has reviewed the attached draft MOA and finds that there is a need to properly identify the LGU as a city instead of a municipality. Apart there from, this Office finds nothing legally objectionable in the subject MOA. The undersigned recommends the endorsement thereof to the Sangoniang Panlungsod.

Most Respectfully,


ATTY. BURT J. PADES
OIC-City Legal Officer

CMOMACabrera

New Ormoc City Hall, Aunubing St., Cogon, Ormoc City
(053)255-7395 loc. 1010 ++ clo.ormoc@gmail.com

MEMORANDUM OF AGREEMENT

by and between

DEPARTMENT OF HEALTH- EASTERN VISAYAS CENTER FOR HEALTH DEVELOPMENT

and

LOCAL GOVERNMENT OF ORMOC

KNOWN ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement (MOA) entered into and executed this 28th day of March 2019 by and between:

THE DEPARTMENT OF HEALTH- EASTERN VISAYAS CENTER FOR HEALTH DEVELOPMENT, a government agency created and existing under the laws of the Republic of the Philippines with principal office address at Government Center, Candahug, Palo, Leyte herein represented by MINERVA P. MOLON, MD, MPH, FPPA, CESO III in her capacity as the Regional Director of Eastern Visayas Center for Health Development, and hereinafter referred to as DOH-EV CHD.

The CITY GOVERNMENT OF ORMOC, with office address at New Ormoc City Hall, Anubing St., Cogon, Ormoc City, Leyte, represented herein by HON. RICHARD I. GOMEZ, in his capacity as the City Mayor of Ormoc and hereinafter referred to as LOCAL GOVERNMENT UNIT OF ORMOC.

WITNESSETH, THAT:

WHEREAS, the Philippine Constitution of 1987 declares that the State shall protect and promote the right to health of people and instill health consciousness among them;

WHEREAS, the Republic of the Philippines, under the World Health Organization Framework Convention on Tobacco Control (FCTC) to which it is a party, being determined to give priority to the right to public health and to promote measures of tobacco control based on current and relevant scientific, technical considerations, agreed to implement the measures provided in that treaty.

WHEREAS, the Republic Act No. 9211 or the Tobacco Regulation Act of 2003 prohibits smoking in certain public places whether enclosed or outdoors in certain places; prohibits the purchase and sale of cigarettes and other tobacco products to and by minors and in certain places frequented by minors; imposes bans and restrictions on advertising, promotion and sponsorship activities of tobacco companies; and directs local government units to implement these provisions;

WHEREAS, the Department of Health (DOH) cognizant of the public health significance of the devastation effect of tobacco use and its impact on the society, shall institutionalize the National Tobacco Prevention and Control Program;

WHEREAS, the DOH Administrative Order No. 10 series of 2009, dated May 11, 2009, was issued to impose the Comprehensive 100% Smoke-Free Environment Policy that calls on the absolute smoking ban in all DOH Offices, hospitals and attached agencies and encouraging the Local Government Unit to do the same in their Health Facility and other public places;

WHEREAS, the DOH and the World Health Organization (WHO) conceptualized the Red Orchid Awards to combat tobacco use and to work for a tobacco-free environment by providing financial incentives to LGU who successfully implement a 100% Smoke-Free Environment;

WHEREAS, the Red Orchid Award as an offshoot of the Tobacco Prevention and Control Program is operationalized at the local level in coordination with the DOH, whose role is crucial in providing support and technical assistance most importantly during screening and validation;

WHEREAS, DOH, recognize the commitment and ownership of local chief executive as well as health leaders which are crucial in the attainment of better health outcomes of all its constituents by protecting them from harmful effects of smoking and tobacco consumption, reduce potential exposure to marketing and advertising, restricting its accessibility, provide support, and a conducive environment for tobacco users to quit;

WHEREAS, the DOH, through the Tobacco Prevention and Control Program and Health Education and Promotion Media Affairs Unit nominates Ormoc City as an entry to Red Orchid Award under LGU category upon submission of a Self-Assessment Form to DOH-EV CHD and is validated and adjudicated based on the comprehensive efforts to implement a 100% Tobacco-Free Environment

CELESTE JANE B. TAN, CPA
Accountant II

MINERVA P. MOLON, MD, MPH, FPPA, CESO III
Director IV

CARMEN P. GARADO, MD, MPH
Chief, LHSD

ROSARIO G. SERAFICA, CPA, MPA
City Accountant

HON. RICHARD I. GOMEZ, MBA
City Mayor

HON. EUSEBIO GERARDO S. PENSERGA, MD
SP Vice Chairman on HEALTH

using the World Health Organization's 6 effective Tobacco Control Strategies, the MPOWER initiative;

WHEREAS, pursuant to DOH Memorandum No. 2017-0498, dated December 18, 2017, the DOH, shall provide cash grant in the amount of P100,000 to those municipalities/cities who won the Red Orchid Awards which shall be used for Tobacco Control-Related Activities. Furthermore, a P490,000 (with tax deduction) cash grant will be provided to LGUs that won Hall of Fame or Red Orchid Awardee for three consecutive years.

WHEREAS, HON. RICHARD I. GOMEZ is authorized under Sangguniang Panglungsod Resolution No. 2019-055 to enter into this Memorandum of Agreement;

I. RESPONSIBILITIES OF THE DOH- EV CHD

- a. The DOH- EV CHD shall review and validate the Project Proposal and Work and Financial Plan prepared and submitted by the LGU in accordance with existing guidelines related to Tobacco Control and Prevention Program;
- b. The DOH- EV CHD shall allocate One Hundred Thousand Pesos (P100,000.00) under PHM CONAP, to the LGU to be used for the sustainability of the implementation of Tobacco Prevention and Control Program .
- c. The DOH- EV CHD shall monitor and evaluate the progress of implementation of the program by the LGU;

II. RESPONSIBILITIES OF THE LGU

- a. Upon entering to this agreement, the LGU shall submit a Sangguniang Panglungsod Resolution authorizing the Honorable Mayor of the LGU to enter and sign for and in behalf of the City a Memorandum of Agreement with the DOH relative to the identified and approved program of work;
- b. The LGU shall submit the Project Proposal together with the work plan to the DOH- EV CHD for consolidation, review and approval by the Regional Director on or before March 29, 2019;
- c. The LGU shall implement the work plan provided under the Project Proposal in accordance with the DOH and Tobacco Prevention and Control Program guidelines, specifications, and government accounting and auditing rules and regulations;
- d. Fund can be utilized to support the operations of the program including but not limited to trainings, seminars, development and production of IEC materials, launching activities, events or improvement of smoking cessation clinics such as purchase of medicines, laptop for database, CCTV for monitoring purposes i.e. community and public places. Purchases of vehicles are not allowed.
- e. The LGU shall be responsible for the utilization and disbursement of funds in accordance with the approved work plan, as well as the government accounting and auditing rules and regulations.
- f. The LGU shall submit Completion Report and Fund Utilization Report (FUR) to the DOH- EV CHD duly signed by the Auditor, City Accountant, City Health Officer and the Local Chief Executive.

III. EFFECTIVITY

- a. This Memorandum of Agreement (MOA) shall take effect upon signing hereof by the parties concerned and shall remain in full force and in effect until December 31, 2019 or unless otherwise modified or revoked by mutual consent of the said parties.
- b. Should it become evident to either party that an extension beyond termination date is necessary to achieve the objectives of this program, that party shall immediately inform the other party by written notice at least thirty (30) days prior to its termination. This agreement may be extended beyond the termination date only by written agreement between parties.

CELESTE ANNE B. TAN, CPA
Accountant II

MINERVA P. MOLON, MD, MPH, FPPA, CESO III
Director IV

CARMEN P. GARADO, MD, MPH
Chief, LHSD

ROSARIO G. SERAFICA, CPA, MPA
City Accountant

HON. RICHARD I. GOMEZ, MBA
City Mayor

HON. EUSEBIO GERARDO S. PENSERGA, MD
SP Vice Chairman on HEALTH

- C. Either party shall have the right to terminate this agreement by giving a written notice to the other party within thirty (30) days in the event of inability, unwillingness of either party to perform its obligations or for any other reason, provided that prior consultations have been made.

IV. SEPARABILITY CLAUSE

In the event that any provisions of this agreement is declared void, illegal or unenforceable in any respect, the remaining valid or legal provisions thereof shall be enforceable if cable of substantial compliance or performance.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the date and place written below.

REGIONAL OFFICE VIII:

MINERVA P. MOLON, MD, MPH, FPPA CESO III
Regional Director

CITY GOVERNMENT:

HON. RICHARD I. GOMEZ, MBA
City Mayor
As Per SP Resolution 2019-055

SIGNED IN THE PRESENCE OF:

ROSARIO G. SERAFICA, CPA, MPA
City Accountant

HON. EUSEBIO GERARDO S. PENSERGA, MD
SP Vice Chairman on Health

CARMEN P. GARADO, MD, MPH
Chief, LHSD

ANTONIO O. JDA, MD, MPH
DMO V

CERTIFICATE OF AVAILABILITY OF FUNDS:

WILSON R. MORALLOS, CPA
Budget Officer

CELESTE JANE B. TAN, CPA
Accountant II

ACKNOWLEDGMENT

Republic of the Philippines

PROVINCE OF LEYTE
City of ORmoc
CITY OF TACLOBAN

SUBSCRIBED AND SWORN TO before me this MAY 02 2019, affiants exhibiting to me their component proof of identities indicated below:

Name

Government ID Number

Date and Place of Issue

MINERVA P. MOLON, MD, MPH, FPPA CESO III

TIN NO. 146-722-907

HON. RICHARD I. GOMEZ, MBA

DRIVER'S LICENSE

NO. 1-85-028343

EXP DATE 4/07/2020

ORMOC CITY

Known to me to be same persons who executed the foregoing instrument and acknowledged to me that same is their free and voluntary act and deed that of the institution they respectfully represent.

This instrument refers to Memorandum of Agreement consisting of 4 pages, including this page whereon this Acknowledgment is written and signed by the parties and their instrument witnesses.

WITNESS MY HAND AND SEAL on the date and place first mentioned.

Doc. No. 91
Page No. 20
Book No. III
Series of 2019 _____

ATTY. ROSELLE GO GERENA
NOTARY PUBLIC FOR TACLOBAN CITY, LEYTE
AND PROVINCE OF LEYTE
COMMISSION NO. 2012-24-102-1-1 DECEMBER 31, 2020
ROLL OF ATTORNYS NO. 67419
IBP LIFE MEMBER ROLL NO. 018365/LEYTE CHAPTER
PTR NO. 10386577 JANUARY 17, 2019/TACLOBAN CITY
JUSTICE ROMUALDEZ ST., TACLOBAN CITY/LEYTE

DEMO COPY