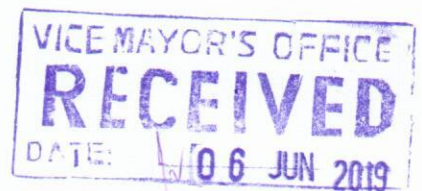


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 JUNE 4, 2019 IN LIEU OF
JUNE 3, 2019



PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Majority Floor Leader
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member, Minority Floor Leader
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President,
Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc	

ON OFFICIAL BUSINESS:

Tomas R. Serafica	(Acting-City Mayor), SP Member,
	Asst. Majority Floor Leader
Esteban V. Laurente,	(O.B. - Tacloban City)Ex-Officio SP Member,
	Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Nolito M. Quilang,	SP Member
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Roiland H. Villasencio	SP Member

RESOLUTION NO. 2019-118

A RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE PHILIPPINE NATIONAL POLICE - ORMOC CITY POLICE OFFICE (PNP-OCPO) AND THE 802ND BRIGADE OF THE ARMED FORCES OF THE PHILIPPINES (AFP), AS IMPLEMENTOR/RECIPIENT, IN CONNECTION WITH THE FINANCIAL ASSISTANCE TO BE GIVEN FOR THE CONDUCT OF SWAT TRAINING.

WHEREAS, this Sanggunian was in receipt of an Endorsement Letter from the Office of the City Mayor dated May 31, 2019 respectfully requesting for the issuance of a Resolution granting the City Mayor the authority to enter into and sign the attached Memorandum of Agreement (MOA) in behalf of the Local Government Unit of Ormoc, further stating that this matter be treated as extremely urgent;

WHEREAS, Republic Act No. 7160 (RA 7160), otherwise known as the Local Government Code of 1991, in its general welfare clause under Section 16 states, among others, that Local Government Units (LGUs) shall "xxx shall ensure and support xxx maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, under Republic Act 6975 (RA 6975), it is declared that it is the policy of the State to promote peace and order through the establishment of a highly efficient and competent police force; and towards this end, the State shall bolster a system of coordination among the local executives and the integrated law enforcement and public safety agencies, among others;

WHEREAS, for the attainment of the abovementioned mandate and policy, it is imperative that the PNP and AFP, government agencies at the forefront in maintaining peace and order and ensuring public safety, and complementary in their pursuit to suppress insurgency, and other serious threats to national security and in times of national emergency, undergo periodic trainings and seminars to enhance their capability and interoperability for effective and efficient law enforcement operations;

WHEREAS, the subject MOA provides that personnel of the IMPLEMENTOR/RECEIPIENT shall undergo Special Weapon and Tactics (SWAT) trainings to which LGU-Ormoc shall provide Financial Assistance for the registration of said personnel, a copy of said MOA is attached hereto as Annex "A" and made an integral part hereof;

WHEREAS, said MOA clearly and plainly provides the terms and conditions of the agreement of the parties thereto;

WHEREAS, the Assistant City Legal Officer, with the conformity of the City Legal Officer, has expressed an opinion dated May 29, 2019 recommending for the issuance of a Resolution granting the City Mayor to enter into said agreement in behalf of LGU-Ormoc City, a copy of said opinion as attached hereto as Annex "B" and made an integral part hereof;

WHEREAS, after a thorough examination of the aforementioned request of the City Mayor, this Sanggunian finds that the MOA and its subject matter will greatly redound to the further improvement of the peace and order situation of the City, and that the same is for the best interest of the City and her constituents, and therefore deserving of this august Body's full support, endorsement and prompt affirmative consideration;

NOW, THEREFORE, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Vincent L. Rama, Eusebio Gerardo S. Penserga, Gregorio G. Yrastorza III 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 THE MEMORANDUM OF AGREEMENT (MOA) FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE PHILIPPINE NATIONAL POLICE - ORMOC CITY POLICE OFFICE (PNP-OCPO) AND THE 802ND BRIGADE OF THE ARMED FORCES OF THE PHILIPPINES (AFP), AS IMPLEMENTOR/RECIPIENT, IN CONNECTION WITH THE FINANCIAL ASSISTANCE TO BE GIVEN FOR THE CONDUCT OF SWAT TRAINING;

ADOPTED, June 4, 2019.

RESOLVED, FURTHER, that a copy of the final and notarized MOA be submitted to the Sangguniang Panlungsod ng Ormoc 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. Emnas; the City Legal Officer, Atty. Josephine A. Mejia-Romero; PCOL. Armel S. Congona, PNP-OCPO Acting City Director; BGEN. Lope C. Dagoy, 802nd Brigade Commander, AFP; the City Local Government Operations Officer, DILG; and all other offices concerned for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


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

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

Republic of the Philippines)
City of Ormoc) S.S

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement entered into by and between:

The **LOCAL GOVERNMENT UNIT OF ORMOC CITY**, represented by the City Mayor, **HON. RICHARD I. GOMEZ**, hereinafter referred to as the **CITY**;

and

The **PHILIPPINE NATIONAL POLICE – Ormoc City Police Office**, represented by **PCOL ARMEL S CONGONA**, Acting City Director; and the **802nd Brigade of the ARMED FORCES OF THE PHILIPPINES**, represented by **BGEN LOPE C DAGOY**, hereinafter, referred to, collectively, as the **IMPLEMENTOR/RECEIPT**;

WITNESSETH:

WHEREAS, the **CITY** is authorized by provisions of R.A. No.7160, otherwise known as the Local Government Code of 1991, and other pertinent rules and regulations, to extended Financial Assistance to Municipalities, Barangay, Public Schools in the city and accredited Non-Government Organizations (NGOs) and other Public Organizations(POs);

WHEREAS, the same Local Government Code of 1991 authorizes local government units to group themselves, consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them through and by means of this memorandum of financial assistance that seeks to attain coordination of efforts, services as well as resources for common welfare, benefits and/or promoting well-being of individuals and communities;

WHEREAS, the **PNP** shall enforce the law, prevent and control crimes, maintain peace and order, and ensure public safety and internal security with the active support of the community. In the same manner, as counterpart in attaining peace and order the **AFP** is responsible for upholding the sovereignty, supporting the Constitution, and defending the territory of the Republic of the Philippines against all enemies foreign and domestic; advancing the national aims, interest and policies; and planning the organization, maintenance, development, and deployment of its regular and citizen armed force for National Security. Thus, under RA 6975, the Local Executives who has the operational control and supervision over PNP units in their respective territorial jurisdiction shall oversee the implementation of peace and order and likewise sponsor periodic seminars/trainings from the members of the PNP/AFP assigned within the City;

WHEREAS, Fifty (50) personnel of the **IMPLEMENTOR/RECIPIENT** are to undergo Special Weapon and Tactics (SWAT) Trainings to enhance their capability and interoperability for effective and efficient law enforcement operations, to which the **CITY** shall provide Financial Assistance for the registration of said personnel;

NOW THEREFORE, for and in consideration of the foregoing, the parties hereby agree as follows:

1. **IMPLEMENTOR/RECIPIENT** shall commence the program implementation on June 17, 2019;
2. It shall be the primary responsibility of the **IMPLEMENTOR/RECEIPT** to submit related documentations from the commencement up to the completion of the course, including, but not limited to, Certificates of Completion, Photos of the actual Training, and Undertaking for Liquidation of the account with the City Government of Ormoc;
3. The **CITY** reserves the right to recall or cancel the Financial Assistance and **IMPLEMENTOR/RECIPIENT** shall return the full amount to the City if, unless by

reason of force majeure, **IMPLEMENTOR/RECIPIENT** fails to implement the project on the date set for commencement of the program;

4. The Financial Assistance received by the **IMPLEMENTOR/RECIPIENT** shall be fully liquidated to its depository bank shall be subject to proper monitoring of disbursements and utilization of the fund by City Accountant who shall conduct audit thereof in accordance with existing COA/DBM rules and regulations;
5. The **IMPLEMENTOR/RECIPIENT** shall let the 50 participants of the SWAT Training execute Affidavits of Undertaking indicating their commitment to assignment with SWAT unit of Ormoc City Mobile Force Company for the minimum of Five (5) years from the completion of the course. Participants of SWAT Training from the AFP shall be required to execute Affidavits of Undertaking indicating that they will support the PNP during the conduct of Simultaneous Anti Criminality and Law Enforcement Operation and other related security operations and will remain in their present assignment for a minimum of Five (5) years upon completion of the Course;
6. The **IMPLEMENTOR/RECIPIENT**, through its heads, undertakes not to reassign/move/transfer any similar movement, participants and supervisors of the SWAT Training subject of the Financial Assistance provided by the LGU, out of the jurisdiction of Ormoc City, and in accordance to the preceding provision.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this _____ day of _____ 2019 at Ormoc City, Philippines.

PCOL ARMEL S CONGONA
Acting City Director

BGEN LOPE C DAGOY
802nd Brigade Commander

HON RICHARD I GOMEZ
City Mayor

Witness

Witness

" Annex B "

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

29 May 2019

MAYOR RICHARD I. GOMEZ

Ormoc City



OFFICE OF THE CITY MAYOR

RECEIVED

DATE: 5/31/19

TIME: 1:20

SIGNATURE: *[Signature]*

Thru: **MA. VICTORIA LYRA P. DELA CERNA**
City Gov't, Asst. Dept. Head I

Dear Ms. Dela Cerna:

1. This pertains to your request for legal opinion on the draft MOA between LGU-Ormoc City and PNP-Ormoc City Police Office and 802nd Brigade of the Philippine Army in connection with the financial assistance to be extended by LGU-Ormoc City for the conduct of SWAT Training to PNP OCPO and 802 Brigade, PA.
2. To recall, this office has previously reviewed the draft MOA with findings and recommended for its return for consideration in our legal review/opinion dated March 6, 2019. Considering, however, that our findings/comments on the MOA were already incorporated on the amended/revised draft MOA, this office finds the same to be legally in order.
3. It is recommended that the draft MOA be endorsed to SP for the issuance of a Resolution granting the City Mayor the authority to enter into the said agreement in behalf of LGU-Ormoc City pursuant Section 22 (c) in relation to Section 455 (b) 1 (vi) of R.A. No. 7160 (Local Government Code). It is further recommended that this matter be treated as urgent considering that the implementation of the training/program is scheduled on June 17, 2019.
4. This comment/opinion is hereby being rendered on the bases of the documents submitted without prejudice to contrary opinion from competent authorities or ruling of proper court.
5. For your consideration.

Most Respectfully,

[Signature]
ATTY. BURT J. PADES
Assistant City Legal Officer

WITH CONFORMITY:

[Signature]
ATTY. JOSEPHINE A. MEJIA- ROMERO
City Legal Officer

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