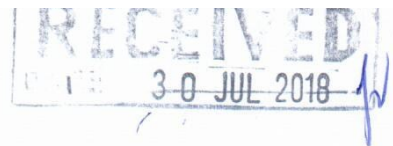


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 26, 2018

PRESENT:

| | |
|---------------------------------------|--|
| Leo Carmelo L. Locsin, Jr. | City Vice Mayor & Presiding Officer |
| Vincent L. Rama, | SP Member, Majority Floor Leader |
| 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 |
| John Eulalio Nepomuceno O. Aparis II, | SP Member |
| | Minority Floor Leader |
| Lea Doris C. Villar | SP Member, Asst. Minority Floor Leader |
| Melbur N. Melgazo, | Ex-Officio SP Member, Acting 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:

Mario M. Rodriguez, (O.B. – Tacloban City),
SP Member, Presiding Officer "Pro-Tempore"

RESOLUTION NO. 2018-184

A RESOLUTION GRANTING THE CITY MAYOR RICHARD I. GOMEZ TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC) WITH DEPARTMENT OF AGRICULTURE-REGIONAL FIELD OFFICE VIII (DA-RFO VIII), FOR THE PROVISION OF ONE (1) UNIT CASSAVA PULVERIZER UNDER THE DA-CORN PROGRAM/CASSAVA PROJECT 2018.

WHEREAS, the 14TH Sangguniang Panlungsod ng Ormoc received an endorsement letter from the Office of the City Mayor on July 10, 2018 for consideration of a Memorandum of Agreement (MOA) to be entered into by the Local Government Unit of Ormoc City (LGU-ORMOC) and the Department of Agriculture-Regional Field Office VIII (DA-RFO VIII), represented by its Regional Executive Director, ATTY. CIPRIANO G. SANTIAGO, CESO III, a copy of the final MOA is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, the Department of Agriculture (DA), through its Regional Field Office, is implementing the Corn Program/Cassava Project in pursuit of food security and poverty alleviation in the agricultural sector as envisioned under Republic Act No. 8435, otherwise known as the Agriculture and Fisheries Modernization Act (AFMA) of 1995;

WHEREAS, one of the objectives of the AFMA is to modernize the agricultural and fisheries sectors by transforming them from a resourced-based to a technology-based industry;

WHEREAS, the DA-RFO VIII is mandated to provide support and assistance to the local government units in the pursuit for agricultural development and the promotion of farmer's welfare;

WHEREAS, one of the components of the Corn Program/Cassava Project is the provision of farm machineries and equipment to qualified farm organizations and/or local government units;

WHEREAS, LGU-ORMOC is proposing and has signified its intention to avail of one(1) unit Cassava Pulverizer through full grant financing scheme from the DA;

WHEREAS, this MOA shall involve the provision of one (1) unit Cassava Pulverizer, through a full grant scheme from DA-RFO VIII to LGU-ORMOC in which the direct beneficiaries shall be the cassava farmers of Ormoc City;

WHEREAS, the provision of Cassava Pulverizer will help in the modernization of farm operations by mechanizing farming activities and contribution to the cassava production in Ormoc City;

WHEREAS, after review of the draft MOA by the City Legal Officer, Atty. Jasper M. Lucero, he finds it in order, not detrimental to the interest of the City, not contrary to law, morals and public policy recommending the approval of the aforementioned MOA, and that a Sangguniang Panlungsod Resolution be secured for the Authority of the Mayor to sign the same, a copy of the letter is hereto attached as Annex "B" and made an integral part hereof;

WHEREAS, upon close and thorough review, this Sanggunian finds the aforementioned request by the City Mayor advantageous and for the best interest of the City and its inhabitants, especially the cassava farmers;

NOW THEREFORE, on motion of SP Member Serafica, Chairman of the Committee on Agriculture, Fisheries and Agrarian Reform, severally seconded by SP Members Vincent L. Rama, Nolito M. Quilang, Lea Doris C. Villar, Melbur N. Melgazo, Jasper C. Yerro and Gregorio G. Yrastorza III; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION AUTHORIZING THE CITY MAYOR RICHARD I. GOMEZ TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY WITH THE DEPARTMENT OF AGRICULTURE-REGIONAL FIELD OFFICE VIII, FOR THE PROVISION OF ONE(1) UNIT CASSAVA PULVERIZER UNDER THE DA-CORN PROGRAM /CASSAVA PROJECT 2018;

ADOPTED, July 26, 2018.

RESOLVED FURTHER, that a copy of the final and notarized Memorandum of Agreement (MOA) be submitted to the Sangguniang Panlungsod of Ormoc City for its information and files;

RESOLVED FINALLY, that copies of this resolution be furnished each to the City Mayor, the City Administrator, City Legal Officer, City Agriculture Office, the Department of Agriculture-Regional Field Office VIII, through its Regional Executive Director, Atty. Cipriano G. Santiago, the OIC-City Director of 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

DEMO COPY



Republic of the Philippines
OFFICE OF THE CITY LEGAL OFFICER
Ormoc City, Leyte

02 July 2018

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 Six (6) MOAs between LGU Ormoc and the Department of
Agriculture – Regional Field Unit 8 for the Provision of Various Farm
Machineries/Equipment

Dear Ms. Dela Cerna:

The undersigned has reviewed the aforementioned MOAs against RA 8435 (the Agriculture and Fisheries Modernization Act of 1995) and finds the substance of the same to be in order, not detrimental to the interests of the City, not contrary to law, morals and public policy. It is recommended that funds be checked to ensure that the City is able to comply with its obligations under the MOAs.

The undersigned further recommends approval of the aforementioned MOAs, and further recommends that an SP Resolution be secured for the Authority of the Mayor to sign the same.

Thank you.

Very Truly Yours,

ATTY. JASPER M. LUCERO
City Legal Officer

CERTIFIED TRUE COPY

CORNELLI DELINE P. MAGLASANG
ADMINISTRATIVE AIDE I

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement is made and entered into by and between:

The **DEPARTMENT OF AGRICULTURE – REGIONAL FIELD OFFICE 8**, a national government agency, with office address at Kanhuraw Hill, Tacloban City, represented by Regional Executive Director **ATTY. CIPRIANO G. SANTIAGO, CESO III**, hereinafter referred to as **"DA-RFO 8"**,

and

The **CITY OF ORMOC**, with office address at Ormoc City, Leyte, represented by City Mayor **HON. RICHARD I. GOMEZ**, hereinafter referred to as **"CLGU ORMOC"**,

WITNESSETH:

WHEREAS, the Department of Agriculture (DA), through its Regional Field Office 8 (RFO 8), is implementing the Corn Program/Cassava Project in pursuit of poverty alleviation in the agricultural sector and food security as envisioned under Republic Act 8435, otherwise known as the Agriculture and Fisheries Modernization Act (AFMA) of 1995;

WHEREAS, one of the objectives of the AFMA is to modernize the agricultural and fisheries sectors by transforming them from a resource-based to a technology-based industry;

WHEREAS, the DA-RFO8 is mandated to provide support and assistance to the local government units in their pursuit for agricultural development and the promotion of farmers' welfare;

WHEREAS, one of the components of the Corn Program/Cassava Project is the provision of farm machineries and equipment to qualified farmer organizations and/or local government units;

WHEREAS, said program aims to transform cassava farm clusters into modern agribusiness system thru mechanized farming;

WHEREAS, CLGU ORMOC is proposing and has signified its intention to avail of one (1) unit **CASSAVA PULVERIZER** through a full grant financing scheme from the DA, hereinafter referred to as "Project";

WHEREAS, the provision of Cassava Pulverizer will help in the modernization of farm operations by mechanizing farming activities and contributing to the cassava production in Ormoc City, Leyte;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereto agree to jointly undertake the said Project under the following terms and conditions:

HON. RICHARD I. GOMEZ
City Mayor, Ormoc City, Leyte

ATTY. CIPRIANO G. SANTIAGO, CESO III
Regional Executive Director, DA-RFO 8

EDUARDO M. GUERRA
City Mayor, Ormoc City, Leyte

ATTY. CIRILANO G. SANTIAGO, CESO III
Regional Executive Director, DA-RFO 8

I. GENERAL CONDITIONS

- A. This Agreement shall involve the provision of one (1) unit **CASSAVA PULVERIZER** by the DA-RFO 8 to **CLGU ORmoc** through a full grant financing scheme.
- B. The direct beneficiaries of this Agreement shall be the cassava farmers of **Ormoc City, Leyte**

II. OBLIGATIONS OF THE PARTIES

A. The **DA-RFO 8** shall:

1. Procure **one (1) unit CASSAVA PULVERIZER** under the Corn Program/Cassava Project Fund (CO-Grant) amounting to Sixty Thousand Pesos (Php60,000.00) in accordance with RA 9184, otherwise known as the New Government Procurement Act and its Implementing Rules and Regulations.
2. Turn-over the procured **CASSAVA PULVERIZER** to **CLGU ORmoc** upon the latter's signature in the IR and ARE.
3. Train the **CLGU ORmoc** on the operation and maintenance of the unit through the Regional Corn Program Management Unit (RCPMU) and the Regional Agriculture Engineering Division (RAED).
4. Ensure that the goals and objectives of the project are achieved through periodic monitoring and evaluation.
5. Provide other forms of technical assistance whenever necessary and upon request by the **CLGU ORmoc**.

B. The **CLGU ORmoc** shall:

1. Acknowledge receipt of the Cassava Pulverizer from the DA-RFO 8 through an Invoice Receipt (IR) and Acknowledgment Receipt of Equipment (ARE).
2. Ensure that the unit is used primarily in the cassava cluster areas of the province for cassava related activities.
3. Provide the manpower necessary for the operation and management of the unit.
4. Ensure that the unit is secured and sheltered from sunlight, rain and other adverse conditions when not in use.
5. Secure a comprehensive insurance coverage for the equipment from the Philippine Crop Insurance Corp (PCIC) for a period of ten (10) years from acceptance of

6. Should the repair and maintenance cost of the equipment upon expiration of the warranty period of the manufacturer.
7. Maintain a separate and detailed logbook/record of the equipment operations and whenever requested by the monitoring team/representatives, allow them complete access to the same.
8. Submit quarterly status and performance reports.
9. Lend the unit for quick-response activities for the rehabilitation of areas struck by calamity when requested by the DA-RFO 8.

III. OTHER COVENANTS

- A. This Agreement shall take effect upon signing by the parties and shall be in force and effect until the satisfactory fulfillment of the herein terms and conditions.
- B. Any amendment or supplement to this Agreement shall be binding only upon the written consent of both parties.
- C. Non-compliance to the herein terms and conditions shall be a ground for the rescission of this Agreement.
- D. Any dispute arising from this Agreement shall be submitted for arbitration in accordance with the provisions of RA 876 or other modes of speedy and amicable dispute resolution prior to court action.

IN WITNESS WHEREOF, the parties have hereunto set their respective signature this _____ day of _____, 2018 at Tacloban City, Philippines.

DEPARTMENT OF AGRICULTURE-
REGIONAL FIELD OFFICE NO. 8

CITY LOCAL GOVERNMENT UNIT
OF ORMOC, LEYTE

By:

By:

ATTY. CIPRIANO G. SANTIAGO, CESO III
Regional Executive Director

HON. RICHARD L. COMEZ
City Mayor

Signed in the presence of:

JUANITO M. BARING
Regional Corn Program Focal Person

MA. ELENA S. MENDOZA
City Agriculturist

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF _____)
CITY OF _____)

BEFORE ME, a Notary Public for and in the above jurisdiction, personally appeared:

| Name | Valid ID | Expiry |
|----------------------------|-------------|--------|
| ATTY. CIPRIANO G. SANTIAGO | 129-601-038 | |
| RICHARD I. GOMEZ | | |

known to me to be the same persons who executed the foregoing MEMORANDUM OF AGREEMENT and they acknowledged to me that the same is their free and voluntary act and deed, and of the entities they respectively represent.

This instrument consisting of four (4) pages, including the page whereon this Acknowledgement is written, has been signed by the parties and their instrumental witnesses, and sealed with my notarial seal.

WITNESS MY HAND AND NOTARIAL SEAL, this ____ day of _____, 2018 in _____, Philippines.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of 2018.

Regional Executive Director, DA-RFO 8

City Mayor, Ormoc City, Leyte