

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON AUGUST 13, 2019

PRESENT:

Tomas R. Serafica,
Benjamin S. Pongos, Jr.,

SP Member, Presiding Officer "Pro-Tempore"
(Acting City Vice-Mayor),

SP Member, Majority Floor Leader

SP Member, Asst. Majority Floor Leader

SP Member

SP Member

SP Member

SP Member

SP Member

SP Member

SP Member

Roiland H. Villasencio,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc

Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Jasper C. Yerro,

(Acting City Mayor),
City Vice Mayor & Presiding Officer

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.

RESOLUTION NO. 2019-022

**A RESOLUTION AUTHORIZING THE ORMOC CITY MAYOR
RICHARD I. GOMEZ, 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 NATIONAL
MARITIME POLYTECHNIC (NMP), MARITIME
INDUSTRY AUTHORITY (MARINA) AND PHILIPPINE
COAST GUARD (PCG) ON THE CONDUCT OF BASIC
SAFETY TRAINING FOR MOTORBOAT
HANDLERS/OPERATORS AND FISHERMEN.**

WHEREAS, the Sangguniang Panlungsod was in receipt of an Endorsement Letter from the Office of the City Mayor dated July 8, 2019 requesting for the issuance of a Resolution granting the City Mayor, the authority to enter into and sign the Memorandum of Agreement (MOA) by and among the National Maritime Polytechnic (NMP), Local Government Unit of Ormoc (LGU-ORMOC), Maritime Industry Authority (MARINA) and Philippine Coast Guard (PCG) for the Conduct of Basic Safety Training for Motorboat Handlers/Operators and Fishermen, a copy of the final MOA is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, the request for authority was made following the receipt by the Office of the City Mayor of a letter from the NMP dated June 13, 2019 that proposing therein that a MOA with the LGU, together with the MARINA and PCG be carried out to realize the common goal of the aforementioned parties of the MOA to enhance the safety skills of motorboat handlers/operators and fisherfolk in order to promote the safety of life at sea, a copy of said letter is hereto attached as Annex "B";

WHEREAS, the Local Government Code states that National agencies and offices with project implementation functions shall coordinate with one another and with the local government units concerned in the discharge of these functions. They shall ensure the participation of local government units both in the planning and implementation of said national projects;

WHEREAS, maritime incidents and loss of lives have been attributed to accidents involving marginalized fishing vessels and motorboats;

WHEREAS, the NMP, a government institution created under Presidential Decree No. 1369, is tasked to train and update the country's maritime manpower through the conduct of specialized and upgrading courses, has an on-going 2-day program on "Basic Safety Training for Motorboat Handlers/Operators and Fishermen" as part of its poverty-free zone program thrust;

WHEREAS, the MARINA is tasked to ensure that all vessels operated by all domestic ship operators shall at all times be in seaworthy conditions and properly equipped with life-saving, safety and communication equipment;

WHEREAS, the PCG is tasked to promote safety of life at sea, safeguard the marine resources and environment, promote maritime security and enforce applicable maritime laws;

WHEREAS, LGU-Ormoc realized the need to enhance the basic safety skills of resident motorboat handlers/operators and fishermen in Ormoc City to promote safety of life at sea;

WHEREAS, under the Local Government Code, the City Mayor shall 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 or pursuant to law or ordinance ;

WHEREAS, the City Legal Officer, after thorough review on the draft MOA, finds nothing legally objectionable therein. The same is not contrary to law, morals, public order or public policy much less detrimental to the best interest of the city, a copy of said legal opinion is hereto attached as Annex "C";

WHEREAS, this Sanggunian believes that the terms and conditions stipulated in the MOA is beneficial to the city and its people;

WHEREFORE, FOREGOING PREMISES CONSIDERED, on joint motion of SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Public Safety and Disaster Management and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, duly seconded by SP Member Vincent L. Rama; be it

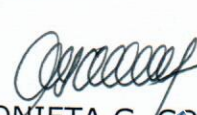
RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION AUTHORIZING THE ORMOC CITY MAYOR RICHARD I. GOMEZ, TO ENTER INTO AND SIGN A MEMORANDUM OF AGREEMENT (MOA) FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC) WITH THE NATIONAL MARITIME POLYTECHNIC (NMP), MARITIME INDUSTRY AUTHORITY (MARINA) AND PHILIPPINE COAST GUARD (PCG) ON THE CONDUCT OF BASIC SAFETY TRAINING FOR MOTORBOAT HANDLERS/OPERATORS AND FISHERMEN;

ADOPTED, August 13, 2019.

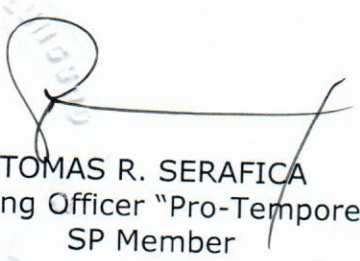
RESOLVED, FURTHER, to furnish copies of this resolution each to the City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; the City Agriculture Office; the City Budget Office; the City Treasurer's Office; the City Local Government Operations Officer, DILG, Engr. Jesus Jeremy D. Bagares; the Executive Director III, National Maritime Polytechnic, Joel B. Maglunsod; Officer-In-Charge, MARINA, Engr. Rodolfo P. Paner; the District Commander, Coast Guard District Eastern Visayas, Commo. Edgar B. Boado; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


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

ATTESTED:


TOMAS R. SERAFICA
Presiding Officer "Pro-Tempore"
SP Member

Annex "A"

**MEMORANDUM OF AGREEMENT
ON THE CONDUCT OF BASIC SAFETY TRAINING FOR
MOTORBOAT HANDLERS / OPERATORS AND FISHERMAN**

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement entered into by and between:

The **NATIONAL MARITIME POLYTECHNIC**, an ISO certified government maritime training and research center under the Department of Labor and Employment, with address at Cabalawan, Tacloban City and represented by its **Executive Director III, JOEL B. MAGLUNSOD**, hereinafter referred to as **NMP**;

The **CITY OF ORMOC** represented by its **City Mayor, HON. RICHARD I. GOMEZ** with principal office at Western Leyte, hereinafter referred to as the **Partner Municipality**;

The **MARITIME INDUSTRY AUTHORITY - Maritime Regional Office No. 8**, represented by its **Officer-In-Charge, ENGR. RODULFO P. PANER**, with principal office at Uytingkok Building, Senator Enage St., Tacloban City, hereinafter referred to as **MARINA**;

and

The **PHILIPPINE COAST GUARD - Coast Guard District Eastern Visayas**, represented by its **COMMO EDGAR B BOADO PCG**, with principal office at Ebony St., Port Area, Ormoc City, herein referred to as **PCG**.

WITNESSETH

WHEREAS, maritime incidents and loss of lives have been attributed to accidents involving marginalized fishing vessels and motorboats;

WHEREAS, there is a need to optimize resources and harmonize efforts among government sectors and the LGU to promote safety of marginalized fishermen at sea;

WHEREAS, the NMP, a government institution created under Presidential Decree No. 1369, is tasked to train and update the country's maritime manpower through the conduct of specialized and upgrading courses, has an on-going 2-day program on "Basic Safety Training for Motorboat Handlers/Operators and Fishermen" as part of its poverty-free zone program thrust;

WHEREAS, LGUs have been acknowledged in a better position to assume effective control and supervision in the implementation of safety standards, rules and regulations to motorboats and fishing vessels 3 gross tons and below, thus the Partner Municipality realized the need to enhance the basic safety skills of resident - motorboat handlers/operators and fishermen to promote safety of life at sea;

WHEREAS, the MARINA is tasked to ensure that all vessels operated by all domestic ship operators shall at all times be in seaworthy conditions and properly equipped with life-saving, safety and communication equipment;

WHEREAS, the PCG is tasked to promote safety of life at sea, safeguard the marine resources and environment, promote maritime security and enforce applicable maritime laws;

WHEREAS, the NMP in cooperation with the Partner Municipality, MARINA and PCG will conduct a series of Basic Safety Training to thirty (30) motorboat handlers/operators and fishermen per batch, the succeeding batches at the option of the Partner Municipality;

NOW THEREFORE, for and in consideration of the above premises, the parties hereto mentioned have agreed to the following terms and conditions:

DUTIES and OBLIGATIONS OF NMP

1. Design the training course in consultation with relevant external entities;
2. Provide resource persons/lecturers who are members/organic of NMP with expertise on Personal Survival Techniques, Fire Prevention and Fire Fighting, Elementary First Aid, Personal Safety and Social Responsibility with Gender Sensitivity, Rules of the Road and Basic Marine Meteorology (Typhoon Awareness) at no cost to the participants nor the Partner City;
3. Provide for necessary and allowable supplies and training materials;
4. Coordinate with the Partner City, MARINA and PCG in the planning and implementation of the Project;
5. Issue the Certificate of Completion to the complying participants;
6. Allow the participation of identified trainers in the Program on Official Time;
7. Pay the honorarium of involved NMP trainers, as appropriate, based on approved rate as contained in OED Memo Circular No. 011.2017 (*Policies and Guidelines in the Implementation of the NMP Training Staff Workload System*) and OED Memo Circular 006.2017 (*Revised Schedule of Honoraria for Guest Trainers/Assessors and Supervisors Handling NMP Regular Maritime Training Courses*) and in accordance with existing COA and other pertinent rules and regulations.
8. Allow the involved NMP trainer/s to claim transportation allowance, per diems, and other allowances subject to the availability of funds and the usual COA and other government rules and regulations.

DUTIES AND OBLIGATIONS OF THE PARTNER CITY

1. Nominate, identify and invite participants to the training in coordination with the NMP;
2. Provide meals and snacks of participants and involved trainers, t-shirts (**optional**) and necessary administrative support;
3. May provide accommodation to instructors & support staff of NMP. (**optional**)
4. Provide the venue for training and support staff to assist in the conduct of the training;
5. Coordinate with NMP, MARINA and PCG in the planning and implementation of the Project;
6. Submit the necessary qualifying documents of participants such as medical certificates;
7. Issue the Certificate of Appearance to NMP, MARINA & PCG personnel involved in the conduct of the course.

DUTIES AND OBLIGATIONS OF MARINA

1. Assist NMP in the implementation and continuing improvement of the training course;
2. Coordinate with NMP, Partner City and PCG in the planning and implementation of the Project;
3. Provide Resource Person/s who are personnel of MARINA to discuss Debriefing, Certification and Regulation Requirements, among others at no cost to the participants, the involved LGU and NMP; and
4. Provide administrative and technical support to the involved Resource Person/s.

DUTIES AND OBLIGATIONS OF PCG

1. Assist NMP in the implementation and continuing improvement of the training course;
2. Coordinate with NMP, Partner City and MARINA in the planning, implementation and evaluation of the Project;
3. Provide Resource Person/s who are organic/members of PCG to discuss Debriefing and Marine Environment Protection, among others at no cost to the participants, the involved LGU and NMP; and
4. Provide administrative and technical support to the involved Resource Person/s.

IN WITNESS WHEREOF, the parties, through their authorized representatives have hereunto affixed their signatures this _____ day of _____ at Tacloban City.

NATIONAL MARITIME POLYTECHNIC

By:

JOEL B. MAGLUNSOD
Executive Director III

MARITIME INDUSTRY AUTHORITY

By:

ENGR. RODULFO P. PANER
Officer-In-Charge
Maritime Regional Office No. 8

LGU OF ORMOC CITY

By:

HON. RICHARD I. GOMEZ
City Mayor

PHILIPPINE COAST GUARD:

By:

COMMO EDGAR B BOADO
District Commander
Coast Guard District Eastern Visayas

WITNESSES

CAPT. EMMANUEL JESUS M. LAGUITAN
Head, Maritime Training and
Assessment Division, NMP

MARINA 8

PCG

CERTIFIED AS TO THE AVAILABILITY OF FUNDS:

JESSA KELLY N. MARAYA
Accountant III, NMP

City Accountant

CONDUCT OF BASIC SAFETY TRAINING FOR MOTORBOAT HANDLERS / OPERATORS AND FISHERMAN WITH GENDER SENSITIVITY

BUDGETARY REQUIREMENTS

Particulars		Total Cost	NMP	Partner City
Lunch and 2 Snacks x 2 days for participants (30 trainees and 10 instructor and support staff)		17,600.00		440 x 40 (17,600)
Accommodation for 2 days of instructors & support staff				(Optional)
Honorarium of NMP instructors			✓ based on existing NMP Issuances	
Cost of Training Kit	P50.00/kit x 30 participants	1,500.00	1,500.00	
Supplies and Materials		1,200.00	1,200.00	
Participants' T-shirt	P150.00 x 30 participants	P4,500.00		P4,500.00 (Optional)
Cost of Certificates	P100.00/certificate x 30 participants	P3,000.00	P3,000.00	
Total Cost		P10,200.00	P5,700.00	P22,100.00
Add: Miscellaneous Expenses	Five percent (5%) of the Total Cost (emergency drugs provision & others)		510.00	
GRAND TOTAL			P28,310.00	

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Leyte) s.s.
City of Tacloban)

Before me, a Notary Public for and in the above jurisdiction, this _____ day of _____, 2019, personally appeared **JOEL B. MAGLUNSOD**, representing the National Maritime Polytechnic with _____ ID No. _____ issued on _____ in _____; and **HON. RICHARD I. GOMEZ** representing the CITY OF ORMOC, LEYTE with _____ ID No. _____ issued on _____ in _____; and **ENGR. RODULFO P. PANER** representing the Maritime Industry Authority, with _____ ID No. _____ issued on _____ in _____; and **COMMO EDGAR B BOADO PCG** representing Philippine Coast Guard with _____ ID No. _____ issued on _____ in _____ known to me to the same persons who executed the foregoing instrument of contract and acknowledged to me that the same is their free act and deed.

WITNESS MY HAND AND SEAL, on the date and at the place above written.

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

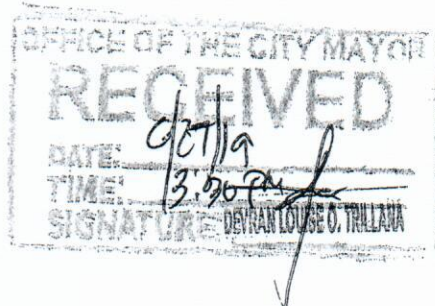


Republic of the Philippines
Department of Labor and Employment
NATIONAL MARITIME POLYTECHNIC
Cabalawan, Tacloban City



13 June 2019

Hon. RICHARD ICASIANO GOMEZ
City Mayor
Ormoc City



Dear Mayor Gomez,

Greetings!

The National Maritime Polytechnic (NMP) was established in 1978 by virtue of Presidential Decree No. 1369. It is mandated to upgrade the competence of Filipino seafarers both for officers and ratings through upgrading and specialized training programs that would enhance their employability in the International Labor Market. Being the premier government maritime training institution, it offers training courses pursuant to International Maritime Organization's (IMO) Convention on Standards of Training Certification and Watchkeeping (STCW) for Seafarers of 1978, as amended. NMP is aiming to continuously and consistently pursue the provision of quality training, assessment and research services to our Filipino seafarers.

On top of the above cited directions, NMP also envisions to promote the safety of life at sea of our marginalized fishermen because of the noted occurrence of many maritime incidents and loss of lives in the course of carrying out their livelihoods. The need to enhance the basic safety skills of our motorboat handlers/operators and fisher folks is imminent, hence, there is a necessity to tap and harmonize the efforts with other government sectors, together with the LGUs who are in the best position to assess and implement effective control and supervision over the fishing vessels under their respective jurisdiction.

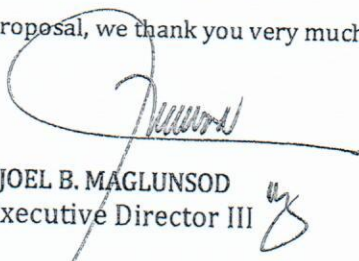
With the said premises considered, the NMP, through the undersigned, is proposing to enter into a Memorandum of Agreement (MOA) with you, together with the Maritime Industry Authority (MARINA) and the Philippine Coast Guard (PCG), in conducting a Basic Safety Training for Motorboat Handlers / Operators and Fishermen in your locality, which will be conducted within this year.

Hereto attached is the draft MOA for your review and perusal.

Further, with our aim of expanding the reach of our communication activities and strengthen our visibility within the region, may we humbly request authorization to display tarpaulin at any available space inside the city hall office or at any conspicuous place in Ormoc City.

Should you need clarifications on this matter, Mr. Jay Arr Bryan U. Margallo can be reached through mobile number 0926-135-8323 / 0921-734-5364 or email us at info@nmp.gov.ph.

Anticipating your kind favorable response to this proposal, we thank you very much.


JOEL B. MAGLUNSOD
Executive Director III

MAIN OFFICE
Cabalawan, Tacloban City 6500
Contact Nos: 0949 376 6204 / 0956 278 4572
Email: info@nmp.gov.ph (Information) / nmp_oed@yahoo.com (OED)
Website: www.nmp.gov.ph

MANILA OFFICE
2nd Floor, ECC Bldg.
355 Sen. Gil Puyat Ave., Makati City
TeleFax: (02) 899 - 3683 / 897 - 2767
Email: nmpmnl@yahoo.com

Annex "C"

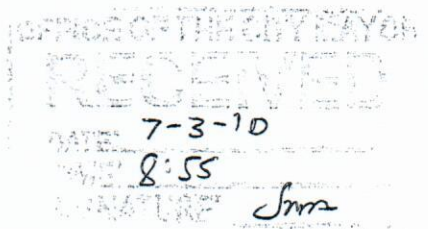
OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

2 July 2019

MAYOR RICHARD I. GOMEZ
Ormoc City

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



Dear Ms. Dela Cerna:

1. This has reference to your referral letter dated June 28, 2019 requesting for review on the draft Memorandum of Agreement (MOA) by and among National Maritime Polytechnic (NMP), City of Ormoc (Partner City), Maritime Industry Authority (MARINA) and Philippine Coast Guard (PCG) for the conduct of "Basic Safety Training for Motorboat Handlers/Operators and Fishermen in Ormoc City to promote the safety of life at sea.

2. This Office has reviewed the draft MOA and, on the main, finds nothing legally objectionable therein. The same is not contrary to law, morals, public order or public policy much less detrimental to the best interest of LGU-Ormoc City. Nonetheless, the following are our comments/observations to wit:

- a. The City of Ormoc should be referred to as "Partner City" instead of "Partner Municipality"; and
- b. The mention of the words "Partner Municipality" in the 4th and 7th Whereas Clauses and the duties and obligations of the parties be replaced with "Partner City";
- c. As regards to the obligation of the City of Ormoc to provide, among others, meals and snacks to the participants and trainers, necessary administrative support, venue for training, issue Certificates of Appearances, which entail financial expenses to the City Government of Ormoc, it is recommended that this matter be referred to the appropriate office for further comments, inputs and suggestions.

3. Thereafter, 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 and sign 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).

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,

BURT J. PADES
Assistant City Legal Officer

WITH CONFORMITY:

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