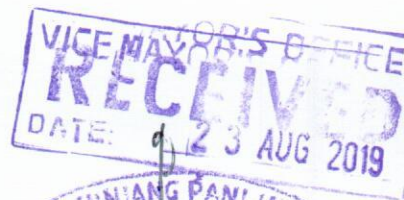


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON AUGUST 20, 2019



PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member, Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Nolito M. Quilang,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	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 na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

RESOLUTION NO. 2019-034

**A RESOLUTION GRANTING AUTHORITY TO THE CITY
MAYOR RICHARD I. GOMEZ OR HIS
REPRESENTATIVE, TO ENTER INTO AND SIGN THE
MEMORANDUM OF AGREEMENT (MOA), FOR AND ON
BEHALF OF THE LOCAL GOVERNMENT UNIT OF
ORMOC (LGU-ORMOC) WITH THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES (DENR)
FOR THE FORMULATION OF THE FOREST LAND USE
PLAN (FLUP) OF ORMOC CITY.**

WHEREAS, this august Body was in receipt of an Indorsement (3rd Indorsement) from the Office of the City Mayor dated July 22, 2019, and was referred to the Offices of SP Member Gregorio G. Yrastorza, III, Chairman of the Committee on Environment and Natural Resources, and SP Member Benjamin S. Pongos, Jr., Chairman of the Committee on Laws and Ordinances, requesting therein for the issuance of a Resolution granting the City Mayor Richard I. Gomez or his representative, authority to enter into and sign the Memorandum of Agreement (MOA), for and on behalf of the Local Government Unit of Ormoc (SECOND PARTY), with the Department of Environment and Natural Resources (FIRST PARTY) for the formulation of the Forest Land Use Plan (FLUP) of Ormoc City, a photocopy of the final Memorandum of Agreement (MOA) is hereto attached and made an integral part hereof;

WHEREAS, pursuant to Article XII, Section 2 of the 1987 Philippine Constitution, "All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora, fauna and other natural resources are owned by the state;

WHEREAS, in accordance with Chapter 1, Section 3(i) of RA 7160 otherwise known as the Local Government Code of the Philippines "Local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies";

WHEREAS, consistent to Section 4 of E.O. 192 (S. 1987), "the Department of Environment and Natural Resources (DENR) shall be the primary government agency responsible for the conservation, management, protection, proper use and sustainable development of the country's environment and natural resources";

WHEREAS, in line with DENR-DILG JMC 98-01 (Sec 1.3 and 9.1-a), Comprehensive Land Use and Forest Land Use Plans are important tools in the holistic and efficient management of forest resources and, toward this end, the DENR and LGU-Ormoc together with other government agencies shall undertake Forest Land Use Planning (FLUP) as an integral activity of the Comprehensive Land Use Plan (CLUP) to determine the optimum and balance use of natural resources to support local, regional and national growth and development;

WHEREAS, DENR Central Office has ordered Regional Directors to organize FLUP Teams at the provincial, city and municipal levels in coordination with the concerned Local Chief Executives who shall likewise issue appropriate orders in their participation in the FLUP;

WHEREAS, thru DENR-DILG JMC 2003-01 (Sec.3), "The following shall be the primary concerns of the partnership, the undertaking of transparent, accountable and responsibilities of national and local agencies and other sectors are clearly specified";

WHEREAS, there is a need for the DENR and LGU-Ormoc to collaborate through execution of a Memorandum of Agreement (MOA) in order to cover or lay down the roles, duties and responsibilities of the parties regarding the formulation of the Forest Land Use Plan (FLUP) of Ormoc City;

WHEREAS, upon close and thorough review, this Sanggunian finds that the Memorandum of Agreement (MOA) is not contrary to law, public policy, public morals and existing contracts, and that the aim of this endeavor is highly noble, in that together, LGU-Ormoc City and the DENR will be having an undertaking that will greatly benefit the inhabitants of the City and its environment, so therefore, most deserving of this august Body's full support and affirmative action;

WHEREFORE, on joint motion of SP Member Gregorio G. Yrastorza III, Chairman, Committee on Environment and Natural Resources, and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Tomas R. Serafica, Nolito M. Quilang and Esteban V. Laurente; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR HIS REPRESENTATIVE, TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA), FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC) WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE FORMULATION OF THE FOREST LAND USE PLAN (FLUP) OF ORMOC CITY;

ADOPTED, August 20, 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. Emnas; the City Legal Officer, Atty. Josephine A. Mejia-Romero; the Environment and Natural Resources Office (ENRO) of LGU Ormoc; the City Planning and Development Office of LGU-Ormoc; the Department of Environment and Natural Resources Region VIII (DENR VIII); the City Local Government Operations Officer - DILG; and all other offices concerned;

Res. No. 2019-034

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


NANCY I. LOPENA
(OIC - SP Secretary)
Local Legislative Staff Officer V

ATTESTED:


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

DEMO COPY

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

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

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, a National Government Agency duly organized and existing under the laws of the Republic of the Philippines with principal office address at Visayas Avenue, Diliman, Quezon City, represented herein by its PENR Officer **MOISES B. dela CRUZ**, herein referred to as "Department of Environment and Natural Resources (DENR)";

and

The **CITY GOVERNMENT OF ORMOC**, a local government unit existing under Philippine Law with principal office address at New Ormoc City Hall, Aunubing St., Brgy. Cogon, Ormoc City, Philippines, represented by its City Mayor, **HON. RICHARD I. GOMEZ**, herein referred to as "**ORMOC CITY**",

WITNESSETH:

WHEREAS, pursuant to the 1987 Philippine Constitution (Art. XII, Sec. 2) "All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna and other natural resources are owned by the state";

WHEREAS, in accordance with R.A. 7160 (Chapter 1, Sec. 3.i), "Local government units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this Code and national policies";

WHEREAS, consistent to Sec. 4 of E.O. 192 (S. 1987), the Department of Environment and Natural Resources (DENR) shall be the primary government agency responsible for the conservation, management, protection, proper use and sustainable development of the country's environment and natural resources";

WHEREAS, in line with DENR-DILG JMC 98-01 (Sec. 1.3 and 9.1-a), Comprehensive Land Use and Forest Land Use Plans are important tools in the holistic and efficient management of forest resources and, toward this end, the DENR and LGU together with other government agencies shall undertake Forest Land Use Planning (FLUP) as an integral activity of the Comprehensive Land Use Plan (CLUP) to determine the optimum and balanced use of natural resources to support local, regional and national growth and development;

WHEREAS, DENR Central Office has ordered Regional Directors to organize FLUP teams at the provincial, city and municipal levels in coordination with the concerned Local Chief Executives who shall likewise issue appropriate orders on their participation in the FLUP;

WHEREAS, thru DENR-DILG JMC 2003-01 (Sec. 3), "The following shall be the primary concerns of the partnership, the undertaking of transparent, accountable and participatory Forest Land Use Planning for each LGU in which the roles and responsibilities of national and local agencies and other sectors are clearly specified",

CO. OF THE CITY (MAYOR) OF
ORMOC CITY
7/4/19
3:26
JMD

Res. No. 2019-034

REVIEWED
ORMOC CITY LEGAL OFFICE
APPROVED not contrary to laws
SEPARATE OPINION

BY: Josephina Maria Romel
Ormoc City Legal Office
7/19/19

NOW, THEREFORE, for and in consideration of the above premises, the Parties mutually agree on the following terms and conditions:

ARTICLE I
OBJECTIVES, SCOPE, AND COVERAGE

REVIEWED
ORMOC CITY LEGAL OFFICE

APPROVED *[Signature]*

SEPARATE OPINION
BY: *Josephine Mejia Romero*
Ormoc City Legal Officer *11/9/19*

Section 1. Specific Objectives. The partnership aims to build stakeholder's consensus in the allocation of and management of Forest and Forest Lands (FFL) within the city and develop recommendations on its best uses through a Governance-Oriented FLUP with the following specific intentions, to wit:

- a) Identify appropriate forest zones and land uses, applying ridge to reef approach, to comprehensively compliment development programs of Ormoc City government and other sectors;
- b) Identify appropriate and priority areas for investment and protection;
- c) Develop management strategies to sustain environmental services and address climate change issues;
- d) Allocate forest and forest lands under appropriate land management arrangements;
- e) Develop functional and institutional arrangements that will deliver collaborative management.

Section 2. Scope and Coverage. Forest Land Use Planning will focus on the forest and forest land use resources of Ormoc City, applying ridge to reef framework, with watershed as primary planning unit. FLUP shall be developed through iterative, transparent, accountable and participatory process to ensure sustainable management of FFL providing environmental, social and economic benefits to society.

ARTICLE II
ROLES AND RESPONSIBILITIES

Section 3. The DENR and ORMOC CITY shall strictly follow the FLUP processes stipulated in the Forest Management Bureau (FMB) Technical Bulletin No. 2 providing:

3.1 Roles of DENR

- a) Create FLUP team in the DENR Provincial Office;
- b) Conduct preliminary IEC on FLUP through Orientation with the Sangguniang Panlungsod, City Technical Working Group (TWG) and other stakeholders;
- c) Assist in the conduct of Situational Analysis of the current situation and trends in FFL and Community Mapping;
- d) Provide thematic maps such as forest cover and land classification maps to be used by the City;
- e) Extend Technical Assistance to the City in preparation of FLUP.

3.2 Roles of LGU

- a) Create City TWG for FLUP preparation;
- b) Provide office space for the FLUP Team that will cater activities like meetings/consultations, plan preparations and safekeeping of FLUP equipment and documents;
- c) Conduct regular Information, Education and Communication (IEC) campaign as well as documentations of activities undertaken such as orientations,

- consultations and presentation of output as well as creation of committees, if necessary;
- d) Lead in the conduct of Situational Analysis and Community Mapping;
 - e) Conduct Community Profiling to include gathering of socio-economic and cultural data.

3.3 Roles of DENR & LGU

- a) Conduct Data and Map Collection to include all related thematic maps (administrative, forest cover, land classification, slope, hazard, erosion, vulnerability assessment, etc.) as well as inventory of existing and planned development projects within the FFL;
- b) Conduct Prioritization of Sub-watersheds and Allocation of FFL into production and protection zones and identification of "open access areas" through GIS mapping;
- c) Consolidation of gathered field data;
- d) Conduct Key Informant Interview (KII) and Focused-Group Discussion (FGD) among stakeholders;
- e) Conduct workshop in formulating medium term plan (5-year Work and Financial Plan) and finalizing the FLUP for adoption of the Sangguniang Panlungsod.

ARTICLE III SETTLEMENT OF DISPUTE

Section 4. Any dispute between the DENR and ORMOC CITY arising out of the interpretation or execution of this MOA shall be amicably settled by mutual agreement.

ARTICLE IV EFFECTIVITY AND TERMINATION

Section 5. This Agreement shall take effect upon signing of both parties and shall remain in force for a period unless revoked, revised, or amended upon expressed mutual agreement by both parties thereto.

IN WITNESS WHEREOF, the parties have set their hands this _____ day of July 2019 at _____, Leyte.

Signed for and on behalf of:

DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

MOISES B. dela CRUZ
PENR Officer

Signed for and on behalf of:

CITY GOVERNMENT OF ORMOC

Hon. RICHARD I. GOMEZ
City Mayor

Witnessed by:

Engr. WINSTON N. SOLITE
Chief Technical Service Division

RAOUL E. CAM, CE, EnP, MPA
City Planning & Dev't. Coordinator

ACKNOWLEDGMENT

Republic of the Philippines)
City of Tacloban)

REVIEWED
ORMOC CITY LEGAL OFFICE
APPROVED *See page 1*
SEPARATE OPINION
BY: *Josephine Marie Romo*
Ormoc City Legal Officer
DATE: *1/10/19*

BEFORE ME, this _____ day of _____ 2019 in Tacloban City, Leyte
Province, personally appeared:

<u>NAME</u>	<u>COMM TAX #</u>	<u>DATE ISSUED</u>	<u>PLACE ISSUED</u>
MOISES B. dela CRUZ	_____	_____	_____
RICHARD I. GOMEZ	_____	_____	_____

both known to me to be the same persons who executed the foregoing instrument
consisting of five (5) pages, including this page on which the acknowledgment is
written, and acknowledge to me that this is their free and voluntary act and deed and
of the entities they represent.

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

NOTARY PUBLIC

Doc. No. _____
Page No. _____
Book No. _____
Series of 2019