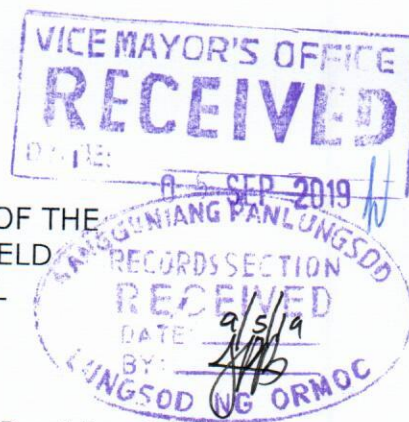


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON SEPTEMBER 03, 2019

PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Esteban V. Laurente,

City Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"

SP Member
SP Member
SP Member
SP Member
SP Member
SP Member

Jasper C. Yerro,

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

ON OFFICIAL BUSINESS:

Roiland H. Villasencio,

(O.B. – Naga City),
SP Member, Asst. Majority Floor Leader
(O.B. – Naga City), SP Member

Lalaine A. Marcos,

RESOLUTION NO. 2019-051

A RESOLUTION GRANTING THE CITY MAYOR RICHARD I. GOMEZ THE AUTHORITY TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) FOR AND IN BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC CITY (LGU-ORMOC) WITH THE DEPARTMENT OF AGRICULTURE-REGIONAL FIELD OFFICE VIII (DA-RFO VIII), FOR THE PROVISION OF FARM EQUIPMENT OF ONE (1) UNIT 45HP 4WD FARM TRACTOR UNDER THE CORN PROGRAM /CASSAVA PROJECT FUND.

WHEREAS, the 15th Sangguniang Panlungsod ng Ormoc received an endorsement letter from the Office of the City Mayor on August 08, 2019 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 OIC-Regional Executive Director, Milo D. Delos Reyes, CESE, for the provision of farm equipment of one (1) unit 45hp 4wd Farm Tractor under the Corn Program/Cassava Project Fund, 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 45HP 4WD FARM TRACTOR through full grant financing scheme from the DA;

WHEREAS, the MOA shall involve the provision of one (1) unit 45HP 4WD FARM TRACTOR, through a full grant scheme from DA-RFO VIII to LGU-ORMOC in which the primary beneficiaries shall be the corn farmers of Ormoc City;

WHEREAS, the provision of Farm Tractor will help in the modernization of farm operations by mechanizing farming activities and contribution to the corn production of this city;

WHEREAS, an ordinance setting guidelines and policies in the use of Ormoc City farm tractors, providing rental fees for usage and for other purposes was passed in order to maintain the use and safety of the farm tractors and generate funds for its maintenance and for future provision of utilities/material for the farmers;

WHEREAS, the guidelines and policies of said ordinance shall cover the aforementioned farm tractor;

WHEREAS, after review of the draft MOA by the City Legal Office, said office finds nothing legally objectionable thereto, not contrary to law, morals, public order or public policy much less detrimental to the best interest of the city recommending therefore that the aforementioned MOA be endorsed to the Sangguniang Panlungsod 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 pursuant to Section 22(c) in relation to Section 455(b) 1 (vi) of R.A. No. 7160 (Local Government Code), 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 that the aforementioned request by the City Mayor is advantageous and for the best interest of the City and its inhabitants;

NOW THEREFORE, on joint motion of SP Member Tomas R. Serafica, Chairman of the Committee on Agriculture, Fisheries and Agrarian Reform, and SP Member Benjamin S. Pongos Jr., Chairman of the Committee on Laws and Ordinances, severally seconded by SP Members Nolito M. Quilang, Eusebio Gerardo S. Penserga, Peter M. Rodriguez, Vincent L. Rama, Jasper M. Lucero, Gregorio G. Yrastorza III, Esteban V. Laurente and Jasper C. Yerro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION GRANTING THE CITY MAYOR RICHARD I. GOMEZ THE AUTHORITY TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) 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 FARM EQUIPMENT OF ONE (1) UNIT 45HP 4WD FARM TRACTOR UNDER THE CORN PROGRAM /CASSAVA PROJECT FUND;

ADOPTED, September 03, 2019.

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, Milo D. Delos Reyes, 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

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, represent by OIC-Regional Executive Director **MILO D. DELOS REYES, CESE**, 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 resourced-based to a technology-based industry;

WHEREAS, the **DA-RFO8** is mandated to provided 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 corn 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 **45HP 4WD FARM TRACTOR** through a full grant financing scheme from the DA, hereinafter referred to as "Project";

WHEREAS, the provision of 45HP 4wd Farm Tractor will help in the modernization of farm operations by mechanizing farming activities and contributing to the corn 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

MILO D. DELOS REYES, CESE
OIC-Regional Executive Director, DA-RFO 8

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

MILO D. DELOS REYES, CESE
OIC-Regional Executive Director, DA-RFO 8

I. GENERAL CONDITIONS

- A. This Agreement shall involve the provision of one (1) unit **45HP 4WD FARM TRACTOR** by the DA-RFO 8 to **CLGU ORMOC** through a full grant financing scheme.
- B. The direct beneficiaries of this Agreement shall be the corn farmers of **Ormoc City, Leyte**

II. OBLIGATIONS OF THE PARTIES

A. The DA-RFO8 shall:

1. Procure one (1) unit **45HP 4WD FARM TRACTOR** under the Corn Program/Cassava Project Fund (Co-Grant) amounting to One Million Four Hundred Thousand Pesos (Php 1,400,000.00) in accordance with RA 9184, otherwise known as the New Government Procurement Act and its Implementing Rules and Regulations.
2. Turn-over the procured **45HP 4WD FARM TRACTOR CLGU ORMOC** upon the latter's signature in the IR and ARE.
3. Train the **CLGU ORMOC** on the operating 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 **45HP 4WD FARM TRACTOR** from the DA-RFO 8 through an Invoice Receipt (IR) and Acknowledgement Receipt of Equipment (ARE).
2. Ensure that the unit is used primarily in the corn cluster areas of the province for corn 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.

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

MILO D. DELOS REYES, CESE
OIC-Regional Executive Director, DA-RFO 8

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

Page 2 and 5

6. Shoulder 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 recession 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 _____, 2019 at Tacloban City, Philippines.

DEPARTMENT OF AGRICULTURE-
REGIONAL FIELD OFFICE NO. 8

CITY GOVERNMENT UNIT
OF ORMOC, LEYTE

By:

By:

MILO D. DELOS REYES, CESE
OIC-Regional Executive Director

HON. RICHARD I. GOMEZ
City Mayor

Signed in the presence of:

JUANITO M. BARING
Regional Corn Program Focal Person

MA. ELENA A. MENDOZA
City Agriculturist

DEMO COPY

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
MILO D. DELOS REYES, CESE	_____	_____
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 NOTARIAL SEAL, this _____ day of _____,
2019 in _____, Philippines.

Notary Public

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

12

Final "B"

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

5 August 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 pertains to your referral letter dated August 2, 2019 requesting for review on the draft Memorandum of Agreement (MOA) between Department of Agriculture Regional Field Office 8 and LGU-Ormoc City for the provision of the post-harvest facilities and equipment of one (1) unit 45HP 4wd Farm Tractor under the Corn Program/Cassava Project Fund.
2. This Office has reviewed the draft MOA and finds nothing legally objectionable thereto. The same is not contrary to law, morals, public order or public policy much less detrimental to the best interest of LGU-Ormoc City.
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 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