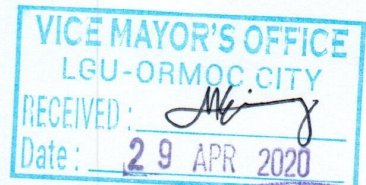


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL  
ON APRIL 28, 2020

PRESENT:

Leo Carmelo L. Locsin, Jr.  
Benjamin S. Pongos, Jr.,  
Roiland H. Villasencio,  
Tomas R. Serafica,  
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,

City Vice Mayor & Presiding Officer  
SP Member, Majority Floor Leader  
SP Member, 1<sup>st</sup> Asst. Majority Floor Leader  
SP Member, Presiding Officer "Pro-Tempore"  
SP Member, 2<sup>nd</sup> Asst. Majority Floor Leader

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

Joan Marbie C. Simbajon,

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

**RESOLUTION NO. 2020-121**

**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) TO BE  
ENTERED INTO BY AND BETWEEN THE CITY  
GOVERNMENT OF ORMOC AND THE OFFICE OF THE  
PRESIDENT, FOR THE RELEASE OF FUNDS BY THE  
LATTER TO THE CITY OF ORMOC IN THE AMOUNT OF  
THREE MILLION PHILIPPINE PESOS  
(PHP3,000,000.00) AS ASSISTANCE CHARGED TO  
SOCIO-CIVIC PROJECTS FUND (SCPF).**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated March 2, 2020 from the Office of the City Mayor, endorsing a request for the issuance of resolution granting authority for the City Mayor to enter into and sign the Memorandum of Agreement (MOA) to be entered into by and between the City Government of Ormoc and the Office of the President, for the release of funds by the latter to the City of Ormoc in the amount of Three Million Philippine Pesos (PHP3,000,00.00) as assistance charged to Socio-Civic Fund (SCPF);

WHEREAS, in an Opinion dated February 27, 2020, the City Legal Office found nothing legally objectionable to the basis, substance, and purpose of the abovementioned MOA. The same is likewise found to be in order, not detrimental to the interests of the City, not contrary to law, morals, good customs, public policy, and public order. Further, recommending that the MOA be endorsed 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 to Section 22 (c) in relation to Section 455 (b) 1 (vi) of Local Government Code (LGC);

WHEREAS, the MOA stipulates the will of the Office of the President to provide assistance to the City after it was devastated by Typhoon Ursula affecting its people and their livelihood;



WHEREAS, grant will be used to address the immediate needs of the people as well as long term solutions, such as the provision of an evacuation area for people living in hazard zones;

WHEREAS, Article I, Section 25 (c) of LGC provides that "The President may, upon request of the local government unit concerned, direct the appropriate national agency to provide financial, technical, or other forms of assistance to the local government unit. Such assistance shall be extended at no extra cost to the local government unit concerned";

WHEREAS, Section 17 (f) of the same states that "The national government or the next higher level of local government unit may provide or augment the basic services and facilities assigned to a lower level of local government unit when such services or facilities are not made available or, if made available, are inadequate to meet the requirements of its inhabitants";

WHEREAS, the City, on its part, is required to return the grant not utilized or remaining after the project's completion and to submit reports of the progress of the projects or its completion;

WHEREAS, the subject MOA clearly and plainly encapsulates the terms and conditions of the agreement of the parties thereto, including their specific roles and obligations towards the attainment of the lofty ends of the same, and this Sanggunian, after thorough examination of the aforementioned request by the City Mayor, finds that the same is entered into for the best interests of the City and its constituents;

WHEREFORE, on joint motion of SP Member Benjamin S. Pongos, Chairman, Committee on Laws and Ordinances and SP Member Peter M. Rodriguez, Chairman, Committee on Finance and Appropriation, severally seconded by SP Members Roiland H. Villasencio, Tomas R. Serafica, Vincent L. Rama, Lalaine A. Marcos, Esteban V. Laurente and Joan Marbie C. Simbajon; 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) TO BE ENTERED INTO BY AND BETWEEN THE CITY GOVERNMENT OF ORMOC AND THE OFFICE OF THE PRESIDENT, FOR THE RELEASE OF FUNDS BY THE LATTER TO THE CITY OF ORMOC IN THE AMOUNT OF THREE MILLION PHILIPPINE PESOS (PHP 3,000,000.00) AS ASSISTANCE CHARGED TO SOCIO-CIVIC PROJECTS FUND (SCPF);

ADOPTED, April 28, 2020.

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 Mejia-Romero; the Executive Secretary, Salvador C. Medialdea, Office of the President; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.



Res. No. 2020-121

I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
MARIA ANTONIETA G. CO HAT  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

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



## MEMORANDUM OF AGREEMENT

### KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered into this day of \_\_\_\_\_; by and between:

The **OFFICE OF THE PRESIDENT**, with office address at Malacañang Palace, J.P. Laurel St., San Miguel, Manila, represented herein by the Executive Secretary **SALVADOR C. MEDIALDEA**, and hereinafter referred to as the **OP**;

- and -

The **CITY GOVERNMENT OF ORMOC**, a local government unit of the Republic of the Philippines, with principal office address New Ormoc City Hall, Aunubing Street, Barangay Cogon, Ormoc City, Leyte, represented herein by the Mayor, **RICHARD I. GOMEZ**, and herein referred to as the **LGU-Ormoc**;

### WITNESSETH, that:

**WHEREAS**, Article I, Section 25 (c) of Republic Act No. 7160 (R.A. No. 7160) otherwise known as the "Local Government Code of 1991" so provides that:

"The President may, upon request of the local government unit concerned, direct the appropriate national agency to provide financial, technical, or other forms of assistance to the local government unit. Such assistance shall be extended at no extra cost to the local government unit concerned."

**WHEREAS**, Section 17 (f) of the same R.A. No. 7160 states that:

"The national government or the next higher level of local government unit may provide or augment the basic services and facilities assigned to a lower level of local government unit when such services or facilities are not made available or, if made available, are inadequate to meet the requirements of its inhabitants."

**WHEREAS**, President Rodrigo Roa Duterte sees the need to provide financial assistance to the **LGU-Ormoc**, affected by Typhoon Ursula;

**WHEREAS**, the assistance shall be used to cater and address the immediate needs of the people affected by the typhoon as well as to implement long term solution and provide future evacuation of people living in the hazard areas in the **LGU-Ormoc**;

**NOW, THEREFORE**, for and in consideration of the foregoing premises, the Parties have hereunto undertake and agree to the following terms and conditions:

1. **GRANT.** The **Office of the President (OP)** shall release to the City Government of Ormoc the amount of Three Million Pesos (P3,000,000.00) as assistance charged to Socio-Civic Projects Fund (SCPF):



2. **PROJECT/PURPOSE OF THE GRANT.** The Grant shall be utilized in accordance with pertinent and existing laws, guidelines, and regulations issued by the Commission on Audit (COA) to provide the immediate needs and concerns of the people affected by the typhoon such as but not limited to the acquisition of following:
- Food;
  - Medicines and other medical supplies;
  - Non-food items such as but not limited to the following:
    - Procurement of real properties for the establishment of resettlement/relocation sites/areas;
    - Infrastructure projects like construction of permanent evacuation centers which includes housing projects in the identified resettlement/relocation sites/areas for those living in hazard-prone and identified areas in **LGU-Ormoc**;
    - Additional toilet and bath in the evacuation centers and repair of the existing ones;
    - Other special or extraordinary expenses incurred related to the typhoon such as but not limited to: fuel to transport the evacuees, food for and during the medical missions in the different evacuation centers/areas, and any other incidental expenses;
    - Construction materials needed for the construction of temporary learning shelters for the affected students.
3. The **LGU-Ormoc** shall return to the OP the portions of the Grant not utilized to complete the Project and/or portions of the Grant remaining after the completion of the Project.
4. The **LGU-Ormoc** shall submit to the OP a Completion Project Report with all the necessary and supporting documents of the completed Project together with a Liquidation Report showing the expenses incurred and the disbursement of the Grant.
- All reports such as: project reports, disbursement and liquidation reports covering all the expenses incurred and the refund of excess, if there is any, upon completion of the project shall be audited and verified by the COA Resident Auditor of the **LGU-Ormoc**.
5. If any provisions hereof is prohibited or made unenforceable under any applicable laws or by competent court of authority, the same shall not affect any provisions which are otherwise valid and enforceable.
6. No terms and conditions of this MOA shall be deemed waived and no breach or default be excused unless such waiver of excuse shall be in writing and signed by the party affected.



IN WITNESS THEREOF, the parties hereof through their duly authorized representatives have hereunto entered into this Agreement and affixed their signatures on the date and place herein above-mentioned.

OFFICE OF THE PRESIDENT  
By:

CITY GOVERNMENT OF ORMOC  
By:

\_\_\_\_\_  
**SALVADOR C. MEDIALDEA**  
Executive Secretary

\_\_\_\_\_  
**RICHARD I. GOMEZ**  
Mayor

SIGNED IN THE PRESENCE OF:

\_\_\_\_\_  
**RIZALINA N. JUSTOL**  
Deputy Executive Secretary  
for Finance and Administration  
Office of the President

\_\_\_\_\_  
Accountant  
City Government of Ormoc



**ACKNOWLEDGMENT**

REPUBLIC OF THE PHILIPPINES)  
 ) S.S.

**BEFORE ME**, a Notary Public for and in the \_\_\_\_\_, this day of \_\_\_\_\_, personally appeared:

NAME	Proof of Identity	Issued On/Valid Until
<b>RICHARD I. GOMEZ</b>		

who are known to me to be the same persons who executed the foregoing instrument consisting of five (5) pages including the page where this acknowledgment is written, and who attest that this Agreement is an act of free will and deed.

WITNESS MY HAND and notarial seal on the date and place first above written.

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 2020.



## ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)  
 ) S.S.

**BEFORE ME**, a Notary Public for and in the \_\_\_\_\_, this day of \_\_\_\_\_, personally appeared:

NAME	Proof of Identity	Issued On/Valid Until
SALVADOR C. MEDIALDEA	Passport # EC5640773	DFA Manila/ 8 Oct. 2020

who are known to me to be the same persons who executed the foregoing instrument consisting of five (5) pages including the page where this acknowledgment is written, and who attest that this Agreement is an act of free will and deed.

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Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 2020.

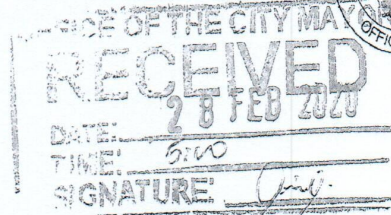


## OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

27 February 2020

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 February 26, 2020 requesting for review of the MOA to be entered into by and between the Office of the President and the City Government of Ormoc.
2. The MOA stipulates the will of the Office of the President to provide assistance to the City after it was devastated by Typhoon Ursula affecting its people and their livelihood. The grant will be used to address the immediate needs of the people as well as long term solutions, such as the provision of an evacuation area for people living in hazard zones. The City, on its part, is required to return the grant not utilized or remaining after the project's completion and to submit reports of the progress of the projects or its completion.
3. This Office has reviewed the abovementioned MOA and finds nothing legally objectionable to the basis, substance and purpose thereof. The same is likewise found to be in order, not detrimental to the interests of the City, not contrary to law, morals, good customs, public policy and public order.
4. Thus, we recommend that the 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).
5. This comment/opinion is hereby being rendered based on the documents submitted without prejudice to contrary opinion from competent authorities or ruling of proper court.
6. For your consideration.

Most Respectfully,

  
ATTY. ANNE VERNADICE A. AREÑA  
Attorney At Law

WITH CONFORMITY:

  
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