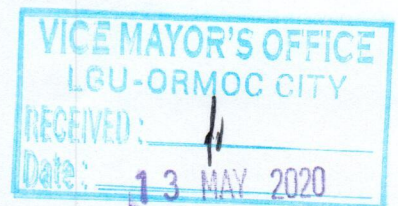
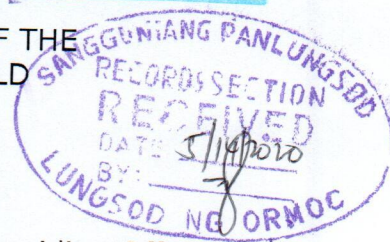


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL  
ON MAY 12, 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  
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. 2020-134**

**A RESOLUTION GRANTING AUTHORITY TO THE CITY  
MAYOR OR HIS REPRESENTATIVE TO ENTER INTO  
AND SIGN THE ATTACHED MEMORANDUM OF  
AGREEMENT (MOA) FOR AND ON BEHALF OF THE  
LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC)  
WITH THE DEPARTMENT OF SOCIAL WELFARE AND  
DEVELOPMENT THROUGH ITS REGIONAL OFFICE VIII  
(DSWD FO VIII) re: SOCIAL PENSION FOR INDIGENT  
SENIOR CITIZENS (SOCPEN).**

WHEREAS, this august Body was in receipt of an extremely urgent endorsement from the Office of the City Mayor dated April 30, 2020 of a request for an issuance of a Resolution granting authority to the City Mayor or his representative to enter into and sign the Memorandum of Agreement (MOA) for and on behalf of the Local Government Unit of Ormoc with the Department of Social Welfare and Development through its Regional Office VIII re: Social Pension for Indigent Senior Citizens (SOCPEN), a copy of the MOA is hereto attached and referred to as *Annex A* hereof;

WHEREAS, Section 4 of Article XV of the Constitution provides that "The family has the duty to care for its elderly members but the State may also do so through just programs of social security";

WHEREAS, Section 5 (h) (1) of Republic Act No. 9444 or otherwise known as Expanded Senior Citizens Act of 2010 provides that "Indigent senior citizens shall be entitled to a monthly stipend amounting to Five Hundred Philippine Pesos (Php500.00) to augment the daily subsistence and other medical needs of senior citizens, subject to a review every two (2) years by Congress, in consultation with the DSWD";



WHEREAS, the Department of Social Welfare and Development, as the lead agency for social protection is mandated to work towards the achievement of improved capacity and opportunities of the poor, vulnerable and disadvantage individuals, families, and communities, to enable them to improve their quality of life which necessarily includes the delivery of social welfare and development (SWD) programs by the local government units (LGUs), through the Local Social Welfare and Development Offices (LSWDOs);

WHEREAS, the Department in its continuous implementation of social protection programs which includes the Social Pension for Indigent Senior Citizens (SOCPEN), as part of the Department's protective services to the poor, marginalized, vulnerable and disadvantage senior citizens;

WHEREAS, Section 17 of Republic Act No. 7160, otherwise known as the Local Government Code, provides that Local Government Units shall discharge such functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities;

WHEREAS, DSWD is mandated to provide technical assistance and resource augmentation to LGUs under Executive Order No. 15 series of 1998, amended by Executive Order No. 221 series of 2003;

WHEREAS, to ensure that the provision on emergency subsidy in the form of social pension programs, including SOCIAL PENSION FOR INDIGENT SENIOR CITIZENS, the DSWD FO VIII agrees to forge partnership with the Local Government of Ormoc, for the fast delivery of the said program thru fund transfer as interim solution for the current crisis situation;

WHEREAS, the City of Ormoc, consistent with the foregoing, recognize the right of senior citizens to take their proper place in society and make it a concern of the family, community, and government, most especially in these uncertain times;

WHEREAS, the City Legal Office, upon review of the subject MOA, finds nothing legally objectionable thereto, and that the same is not contrary to law, morals, public order or public policy, much less detrimental to the best interest of the City. Moreover, the MOA will be able to provide assistance to senior citizens at this time of crisis;

WHEREAS, upon close and thorough review, this Sanggunian finds that the purpose of the MOA is not contrary to law and existing contracts, and in fact efficacious to policy of our City to uplift morale of senior citizens in general;

WHEREFORE, on joint motion of SP Member Vincent L. Rama, Chairman of the Committee on Social Welfare, Senior Citizens & Persons with Disability and SP Member Benjamin S. Pongos, Jr., Chairman of the Committee on Laws & Ordinances, severally seconded by SP Members Roiland H. Villasencio, Tomas R. Serafica, Peter M. Rodriguez, Gregorio G. Yrastorza III, 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 OR HIS REPRESENTATIVE TO ENTER INTO AND SIGN THE ATTACHED MEMORANDUM OF AGREEMENT (MOA) FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC) WITH THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT THROUGH ITS REGIONAL OFFICE VIII (DSWD FO VIII) re: SOCIAL PENSION FOR INDIGENT SENIOR CITIZENS (SOCPEN);

ADOPTED, May 12, 2020.



RESOLVED, FURTHER, that a copy of the final and notarized Memorandum of Agreement 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 M. Romero; the City Social Welfare and Development Officer, Mrs. Delia D. Corbo; the Office for the Senior Citizens Affairs (OSCA); the Regional Director of DWSD FO VIII, Marie Angela s. Gopalan; the City Local Government Operations Officer-DILG; and all other concerned offices;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above 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:

REVIEWED

ORMOC CITY LEGAL OFFICE

This Memorandum of Agreement made and entered into this \_\_\_\_\_ day  
2020 at \_\_\_\_\_, between and among:

Approved

Separate Opinion

Drafted by CLO

Not contrary to laws, public  
policy, moral.

Amendments/Revisions

BY: Atty. Josephine A. Merja-Romero  
City Legal Officer DATE: 30 APR 2020

The DEPARTMENT OF SOCIAL WELFARE AND  
DEVELOPMENT (DSWD), government agency created  
pursuant to Republic Act No. 5416, through its REGIONAL  
OFFICE VIII, with the office address at MAGSAYSAY BLVD.,  
TACLOBAN CITY, LEYTE and represented by its REGIONAL  
DIRECTOR, MARIE ANGELA S. GOPALAN (hereinafter  
referred to as the "DSWD FO VIII"); as the First Party;

and

The LOCAL GOVERNMENT OF \_\_\_\_\_ with  
address at \_\_\_\_\_ herein represented by its  
MAYOR, \_\_\_\_\_, duly  
authorized to represent the LGU, (hereinafter referred to as  
the "LGU"); as the Second Party

## WITNESSETH:

WHEREAS, the DSWD, as the lead agency for social protection, is mandated to  
work towards the achievement of improved capacity  
and opportunities of the poor, vulnerable, and disadvantaged individuals, families, and  
communities, to enable them to improve their quality of life;

WHEREAS, Social Pension for Indigent Senior Citizens (SocPen) is a  
government assistance mandated under R.A. 9994 or otherwise known as Expanded  
Senior Citizen Act of 2010. SocPen is being implemented through the Department of  
Social Welfare and Development (DSWD);

WHEREAS, consistent with the Memorandum Circular No.04 Series of 2020  
known as Special Guidelines on the provision of Social Amelioration Measures by the  
Department of Social Welfare and Development to the Most Affected Residents of the  
Areas Under Community Continuation of the Implementation of the Social Pension for  
Indigent Senior Citizens and the Supplementary Feeding Program

WHEREAS, consistent with the R.A. No. 10121 of the Philippine Risk Reduction  
and Management Act of 2010, the DSWD leads the response Pillar of the National  
Disaster Risk Reduction and management Council (NDRRMC); thus, ensures that the  
response of the national government is well-coordinated including the provision of food  
and non-food assistance during emergencies

WHEREAS, on 12 March 2020, the Inter-Agency Task Force on Emerging  
Infectious Diseases (IATF-EID) per Resolution No. 11, series of 2020, raised the  
COVID-19 threat to the highest alert level, Code Red Sublevel 2, due to the evidence of  
sustained community transmission of the disease. Concomitantly, issuances from  
President Rodrigo Roa Duterte placed the National Capital Region (NCR) and later on,  
the entire Luzon, under enhanced community quarantine and with Presidential  
Proclamation No. 929, s. 2020, a State of Calamity was declared all throughout the  
Philippines. Until recently, LGUs outside of Luzon have been imposing localized



community quarantine in their areas of jurisdiction consistent with the approved IATF Resolution setting the parameters therefor;

**WHEREAS**, the imposition of community quarantine and stringent social distancing measures caused severe disruption in the economic activities all over the country and affected the means of livelihood and subsistence of low income households most especially senior citizens, pregnant and lactating women, solo parents, distressed overseas Filipinos, persons with disability, indigenous peoples, underprivileged and homeless families and informal economy workers;

**WHEREAS**, with the passage of Republic Act (RA) No. 11469, otherwise known as the "Bayanihan to Heal as One Act of 2020" and the issuance of DSWD-DOLE-DTI-DA-DOF-DBM Joint Memorandum Circular No. 1, Series of 2020 or the "Special Guidelines on the Provision of Social Amelioration Measures xxx", an intensified government response is adopted whereby the concerned national government agencies will provide Emergency Subsidy to low-income households that that will be in the form of social amelioration programs;

REVIEWED

ORMOC CITY LEGAL OFFICE

Approved

Separate Opinion

Drafted by CLO

Not contrary to laws, public

policy, moral.

Amendment

BY: Atty. Josephine A. Mejia-Roman  
City Legal Officer

DATE: 30 APR 2020

**WHEREAS**, the Department continuously implements social protection programs which includes Social Pension (SosPen) as part of the Department's protective services to the poor, marginalized, and vulnerable/disadvantaged senior citizens;

**WHEREAS**, consistent with the immediately preceding clause, the DSWD shall ensure the provision of Social Pension Program ~~extend~~ to indigent senior citizens. The payout pertinent to the SocPen Program be continued to ensure that the objectives of the program shall be attained during this time when it is most needed by its beneficiaries;

**WHEREAS**, the DSWD is constrained to observe stringent social distancing measures that prohibit the conduct of assemblies or mass gatherings like payouts to the most affected families or households of the areas under community quarantine;

**WHEREAS**, to ensure the provision of emergency subsidy in the form of social pension program, the LGUs shall be partners of the National Government Agencies, in the expeditious delivery of assistance;

**WHEREAS**, in light of the supervening events, the LGUs and the DSWD shall forge an agreement for the fast delivery of the social pension program;

**WHEREAS**, fund transfer to LGU is identified as one of the best schemes to fast track the pay out of SOC-PEN to the beneficiaries, shall be an interim solution for the current emergency or crisis situation due to COVID;

**NOW, THEREFORE**, for and in consideration of the foregoing premises, hereinafter set forth, the PARTIES hereby agree as follows:

#### **I. ROLES AND RESPONSIBILITIES OF THE PARTIES**

##### **A. THE LGU shall:**

1. Submit a Budget Proposal for SOC-PEN upon entering into this Memorandum of Agreement;
2. Ensure that all personal information of the beneficiaries is stored, updated and processed pursuant to the provisions of Data Privacy Act of 2012 with the obligation to protect the same from access by unauthorized third parties, and to use the same solely for the intended purpose;



3. Claim the check/s or validated List of Due and Demandable Accounts Payable-Advice to Debit Accounts (LDDAP-ADA), whichever is applicable, from DSWD FO VIII, through the Municipal Treasurer or the authorized representative of the LGU, and issue the corresponding Official Receipt, or Acknowledgement Receipts and copies of the bank accounts;

4. Determine the most efficient and safe arrangement with each beneficiary on how the assistance shall be delivered taking into consideration the strict home quarantine protocol, social distancing or the guidelines imposed by the Inter-Agency Task Force on COVID-19, provided that the LGU shall ensure that the assistance is actually received by the beneficiaries;

5. Ensure that all SocPen funds transferred to LGUs shall be distributed by the authorized LGU personnel to the beneficiaries strictly in accordance with the approved list of beneficiaries provided by the DSWD FO VIII, and the approved amount for each beneficiary;

6. Ensure the delivery of assistance to the beneficiaries based on the payroll within seven (7) days from the receipt of the funds from DSWD FO VIII; provided that those at geographically isolated and disadvantaged areas (GIDA) shall complete delivery within ten (10) days;

7. Secure the following documents during the conduct of pay out for audit purposes:

- List of paid Beneficiaries or payroll signed by the beneficiaries;
- Photocopy of the identification card with specimen signatures of the beneficiaries;
- Photocopy of the beneficiary during actual the actual receipt of the assistance/stipend for SOC PEN; and
- Certificate of Payment duly signed by the authorized official of the LGU concerned

8. Take full responsibility in the proper disposition/disbursement of funds in accordance with existing accounting and auditing rules and regulations imposed by the Commission on Audit (COA) Circular No. 94-013 and other applicable accounting and auditing manuals used by the Government;

9. Use the funds released by the DSWD to beneficiaries solely for the purpose and for qualified Senior Citizen beneficiaries as enunciated in Republic Act 9994, Republic Act (RA) No. 11469 and based on DSWD Memorandum Circular No. 04, series of 2020 attached as Annex "B"; Release the assistance to eligible families/beneficiaries according the amount stipulated per family as provided for DSWD Memorandum Circular No. 04, series of 2020;

10. Provide and submit the following to the DSWD FO VIII:

- Daily status and update of distribution of both paid or unpaid beneficiaries;
- Weekly consolidated report/s every Monday of the following week, using the Monitoring Reporting Matrix prescribed IATF-TWG on Social Amelioration Program attached as Annex "C";
- Photo of every beneficiary receiving the assistance pursuant to the guidelines thereof;
- SocPen Program Exit Report at the termination of this Memorandum of Agreement.



11. Liquidate the funds within the period of fifteen (15) working days from the date of actual distribution of funds but not later than 90 calendar days from receipt of funds and submit the liquidation report to DSWD Field Office VIII with the following attachments:

12.1. Report of Check (ROC) Issued and Report of Disbursements (ROD) duly certified by the Municipal Accountant and approved by the LCE and duly audited by the Auditor of the LGU;

12.2 Fund Utilization Report (FUR)

12.3. Signed payroll; and

12.4. Copy of Official Receipt for any refund of unutilized balance.

11. Keep and maintain financial and accounting records for the said funds in accordance with the Generally Accepted Accounting and Auditing principles with;

12. Refund to the DSWD FO VIII any unused/unclaimed funds upon submission of the required liquidation reports within fifteen (15) working days from the completion of the distribution.

REVIEWED

**B. The DSWD FIELD OFFICE VIII shall:**  
ORMOC CITY LEGAL OFFICE

\_\_\_\_ Approved

\_\_\_\_ Separate Opinion

\_\_\_\_ Drafted by CLO

\_\_\_\_ Not contrary to laws, public  
policy, moral.

\_\_\_\_ Amendments/Revisions

Atty. Josephine A. Mejia-Romer  
BY: City Legal Office

DATE: 30 APR 2020

1. Provide the LGUs with the list of unpaid senior citizen beneficiaries for SocPen for first semester of CY 2020;

2. Ensure that LGUs comply with the submission of documentary requirements like Project Proposal, MOA and Undertakings and other documentary requirements stipulated under Memorandum Circular 04, series of 2020;

3. Release the funds to the LGU in accordance with the Commission on Audit Circular Number 94-013 dated December 13, 1994, and other applicable accounting and auditing manuals used by the Government;

4. Send personnel to the areas of payout to strictly monitor the distribution of assistance/stipend, disbursement, and utilization of funds by the LGUs; when monitoring is required when warranted;

5. Conduct regular coordination and monitoring with the LGU regarding the implementation of the SOCPEN program / distribution of stipend;

6. Senior Citizens who are not included in the list of beneficiaries shall be validated and shall undergo data processing through the Social Pension Information System (SPIS). Senior Citizens who are tagged as waitlisted based on the LGU master list shall undergo the same process, however, inclusion in the program shall be subject to the availability of slots and shall be governed by the existing guidelines (DSWD MC 04, Series of 2019 and memorandum on replacement);

7. Update the database of clients served after the LGUs submit the paid beneficiaries based on the payroll, with corresponding attachments;

8. Demand the LGU to refund the full amount of unutilized/disallowed amount within a period of fifteen (15) working days from the completion of



the distribution but not beyond ninety (90) calendar days upon receipt of the transferred funds;

9. Issue Official Receipts (OR) to the LGUs with undisbursed balances for the refund of undistributed fund within fifteen (15) working days from the completion of the distribution.
10. Act on grievances or complaints in close coordination with the LGU;

REVIEWED

**III. ACCOUNTABILITY**

ORMOC CITY LEGAL OFFICE

The Local Chief Executive and other LGU Officials shall ensure that no acts or any violation of malfeasance, nonfeasance and misfeasance of the provisions of this Memorandum of Agreement which shall render them criminally, civilly and administratively liable after due process of law.

The City Municipal Treasurer shall take charge of the funds transferred by DSWD FO VIII in accordance to his duties enunciated under Book II of the Local Government Code of 1991.

The DSWD Field Office VIII shall provide the all necessary technical assistance and guidance in the implementation as may be requested by the Local Government Unit.

No additional funds may be transferred by DSWD Field Office to LGU until they have submitted a liquidation report for earlier fund releases.

\_\_\_\_ Approved

\_\_\_\_ Separate Opinion

\_\_\_\_ Drafted by CLO

\_\_\_\_ Not contrary to laws, public policy, moral.

\_\_\_\_ Ammendments/Revisions

BY: Atty. Josephine A. Mejia-Romero  
CLO, Legal Office

DATE: 30 APR 2020

**IV. SEPARABILITY CLAUSE**

In case any provision hereof or any party thereof be declared void or unenforceable by competent authorities, the provision/s unaffected by such declaration shall remain valid and binding among the parties, their successors and assigns.

**V. EFFECTIVITY OF THIS AGREEMENT**

This agreement shall take effect upon signing of the parties and shall remain in full force and effect only for three (3) months, unless extended by the parties: Provided that the LGU shall make full liquidation of the funds transferred by the DSWD.

**IN WITNESS WHEREOF**, the parties have hereunto affixed their signatures on the date at the place above written.

**DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

By:

**MARIE ANGELA S. GOPALAN**

Regional Director



By: (NAME OF THE LGU)

WITNESSETH:

Certified Funds Available:

Reviewed by:

CHRISTOPHER I. BACASON  
ESPEJO  
Accountant III

BRIGIDA D.  
Chief, FMD

REVIEWED	
ORMOC CITY LEGAL OFFICE	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Separate Opinion
<input type="checkbox"/>	Drafted by CLO
<input checked="" type="checkbox"/>	Not contrary to laws, public policy, moral.
<input type="checkbox"/>	Ammendments/Revisions
BY: <u>Atty. Josephine A. Mejia-Romero</u>	DATE: <u>30 APR 2020</u>



ACKNOWLEDGEMENT

Republic of the Philippines) \_\_\_\_\_ } SS

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

1.  
2.

Name	Gov't ID	Date Issued	Place Issued

Known to me as the same persons who executed the foregoing instrument, and they acknowledge to me that the same is their free act and deed.

This instrument consisting of \_\_\_\_\_ ( ) pages, including the page on which this acknowledgement is written, has been signed on the left margin of each and every page thereof by the parties and their instrumental witnesses, and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto set my hand, the day, year, and place above written.

\_\_\_\_\_  
Notary Public

Doc. No. \_\_\_\_\_  
Reg. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_

REVIEWED	
ORMOC CITY LEGAL OFFICE	
_____	Approved
_____	Separate Opinion
_____	Drafted by CLO
<input checked="" type="checkbox"/>	Not contrary to laws, public policy, moral.
_____ Amendments/Revisions	
BY: <u>Atty. Josephine A. Mejia-Roman</u> City Legal Officer	DATE: <u>30 APR 2020</u>