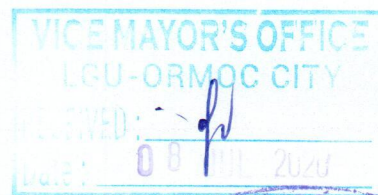
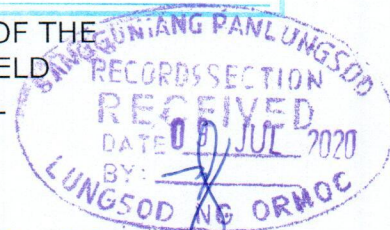


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON JULY 07, 2020



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, 1 st Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Nolito M. Quilang,	SP Member, 2 nd Asst. Majority Floor Leader
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
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

RESOLUTION NO. 2020-195

AN OMNIBUS RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENTS (MOAs) FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE NATIONAL IRRIGATION ADMINISTRATION (NIA) AND THE ENERGY DEVELOPMENT CORPORATION (EDC) FOR THE COMPLETION OF THE INSTALLATION AND COMMISSIONING OF THE EARLY WARNING SYSTEM-LOCAL FLOOD WARNING SENSOR.

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated June 3, 2020 from the Office of the City Mayor, endorsing a request for the issuance of a Resolution granting the City Mayor or Acting City Mayor the authority to sign the Memorandum of Agreements (MOAs) with the National Irrigation Authority (NIA) and the Energy Development Corporation (EDC). This is a requirement for the completion of the installation and commissioning of the Early Warning System-Local Flood Warning Sensor, a copy of the MOAs is hereto attached as ANNEX "A" and ANNEX "B" respectively and made an integral parts hereof;

WHEREAS, in a Letter dated May 22, 2020, the City Legal Office finds nothing legally objectionable in the said MOA and that the same is not contrary to law, morals, public order, or public policy much less detrimental to the best interest of Ormoc City. Further recommending that the said 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 the LGU, a copy of the Opinion is hereto attached as "ANNEX C" and made an integral part hereof;

WHEREAS, in a letter received on May 14, 2020, the Ormoc City Disaster and Risk Reduction Management Office (CDRRMO) informed the Office of the City Mayor that it has finished installation and commissioning of Early Warning System-Local Flood Warning Sensor amounting to Two Million Five Hundred Thirty-Eight Thousand Seven Hundred Ninety-Seven Philippine Pesos and Sixty-Three Centavos (Php2,538,797.63) in four different locations, namely:

- a. SITE 1 : Purok 3, Brgy. R.M. Tan, Ormoc City
- b. SITE 2 : Brgy. Cacao, Kananga, Leyte
- c. SITE 3 : NIA RIS Dam, Brgy. Montebello, Kananga, Leyte
- d. SITE 4 : PAD 4RD, EDC Compound, Brgy. Rizal, Kananga, Leyte

WHEREAS, National Irrigation Administration, a government entity primarily responsible for irrigation development and management;

WHEREAS, Energy Development Corporation Tongonan Geothermal Project, a private entity involved in geothermal energy;

WHEREAS, Local Government Units are encouraged to develop programs that will provide knowledge and capacities that will effectively anticipate, respond, and recover from the impacts of likely, imminent, or current hazard events or conditions;

WHEREAS, Section 3 (J) and (Q) of RA 10121 provides for disaster preparedness and early warning systems as a step to prevent or if not alleviate the effects of hazard events or conditions;

WHEREAS, Section 4 (9) of RA 10121 IRR states the LDRRMO function to "Conduct continuous disaster monitoring and mobilize instrumentalities and entities of the LGUs, CSOs, private groups and organized volunteers, to utilize their facilities and resources for the protection and preservation of life and properties during emergencies in accordance with existing policies and procedures";

WHEREAS, Parties recognize the need to install an early warning system in order to establish the set of capacities needed to generate and disseminate timely and meaningful warning information which will enable individuals, communities, and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss;

WHEREAS, Parties have agreed to work together to achieve the mutual concern and interest on emergency/disaster preparedness and response;

WHEREAS, the subject MOAs clearly and plainly encapsulate 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, upon thorough review, finds that the same is entered into for the best interests of the City and its constituents, and therefore, is most deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on joint motion of SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Public Safety and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Esteban V. Laurente, Roiland H. Villasencio, Tomas R. Serafica, Peter M. Rodriguez and Joan Marbie C. Simbajon; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass AN OMNIBUS RESOLUTION GRANTING AUTHORITY TO THE CITY MAYOR RICHARD I. GOMEZ OR THE ACTING CITY MAYOR TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENTS (MOAs) FOR AND ON BEHALF OF THE LOCAL GOVERNMENT UNIT OF ORMOC (LGU-ORMOC), WITH THE NATIONAL IRRIGATION ADMINISTRATION (NIA) AND THE ENERGY DEVELOPMENT CORPORATION (EDC) FOR THE COMPLETION OF THE INSTALLATION AND COMMISSIONING OF THE EARLY WARNING SYSTEM-LOCAL FLOOD WARNING SENSOR;

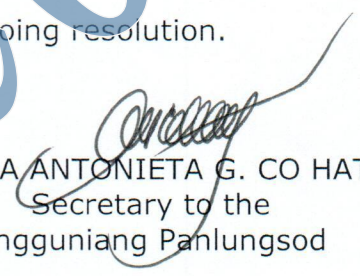
ADOPTED, July 07, 2020.

RESOLVED, FURTHER, that a copy of the final notarized Memorandum of Agreements (MOAs) be submitted 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; National Irrigation Administration; Energy Development Corporation; the CDRMO; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;

CARRIED UNANIMOUSLY.

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 PRESENT:

This Memorandum of Agreement made and entered into by and between the:

THE CITY GOVERNMENT OF ORMOC (LGU ORMOC), a local government unit of the Republic of the Philippines represented by its **CITY MAYOR HON. RICHARD I. GOMEZ, DPA** with office address at New Ormoc City Hall, Government Compound, Brgy. Cogon Ormoc City, Leyte, hereinafter referred to as FIRST PARTY;

- and -

The **NATIONAL IRRIGATION ADMINISTRATION** also a government entity, with office address at NIA Road, Marasbaras, Tacloban City, Leyte represented herein by its Officer in Charge on MP BAO RIS DAM **ENGR. ISABELO C. RODRIGUEZ JR.** hereinafter referred to as the SECOND PARTY.

WITNESSETH:

WHEREAS, Local Government Units are encouraged to develop programs that will provide knowledge and capacities that will effectively anticipate, respond and recover from the impacts of likely, imminent or current hazard events or conditions.

WHEREAS, Section 3 (J) and (Q) of RA 10121 provides for disaster preparedness and early warning systems as a step to prevent or if not alleviate the effects of hazard events or conditions.

WHEREAS, in furtherance of the above stated disaster preparedness an action should be carried out which includes activities such as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and associated training and field exercises which should be supported by formal institutional, legal and budgetary capacities.

WHEREAS, both PARTIES recognizes the need to install an early warning system in order to establish the set of capacities needed to generate and disseminate timely and meaningful warning information which will enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss.

WHEREAS, both PARTIES have agreed to work together to achieve their mutual concern and interest on emergency/disaster preparedness and response.

NOW, THEREFORE, for and in consideration of the foregoing premises, the PARTIES hereby agree on the following:

- a. The FIRST PARTY shall install ONE UNIT of AUTOMATED WATER LEVEL SENSOR on NIA BAO RIS DAM at BRGY. MONTEBELLO, MUNICIPALITY OF KANANGA with coordinates N 11.12396° E 124.58667° ±3M.
- b. The FIRST PARTY shall cover all the expenses for the procurement, installation, commissioning and maintenance of the WATER LEVEL SENSOR.
- c. The ownership of the instrument and all other improvements or structures introduced therein shall remain with the FIRST PARTY.
- d. The FIRST PARTY will share to the SECOND PARTY obtain current and/or historical data of the said instrument upon request.
- e. The SECOND PARTY will notify the FIRST PARTY 30 days prior any civil works to be done on the sensors location that requires the instrument to be properly removed or relocated.
- f. That the SECOND PARTY shall assist the FIRST PARTY in informing the in charge NIA in charged personnel of the said facility regarding the existence of the said device.
- g. That the FIRST AND SECOND PARTY shall work hand in hand to protect and preserve the said instrument by stressing its importance on their employee.
- h. In case of any dispute and in order to forestall lengthy and tedious court proceedings, the same shall be resolved first through a committee or arbitration panel to be composed in accordance with the supplemental agreement of the parties which shall be a composite part of this agreement.
- i. This Memorandum of Agreement shall take effect upon signing by the two Parties and shall remain in force until revoked by the concerned PARTY and/or higher authorities, subject to a written notice given thirty (30) days in advance.

IN WITNESS WHEREOF, the PARTIES have hereunto set their hands on
_____ at _____.

For Ormoc CDRRM Council:

HON. RICHARD I. GOMEZ, DPA
Ormoc City DRRM
Chairman
Local Government of Ormoc

For National Irrigation Administration:

ENGR. ISABELO C. RODRIGUEZ JR.
NIA MPBAO RIS
OIC MP BAO RIS
National Irrigation Administration

WITNESSES

CIRIACO E. TOLIBAO II, MPM
City DRRM Officer

ENGR. TEODERICO A. BORNEO
NIA SWRFT

SUBSRIBED AND SWORN to before me this ____ day of _____ 2020 at
_____.

Doc. No. ____
Page No. ____
Book No. ____
Series of ____

"Annex B"
NEW

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENT:

This Memorandum of Agreement made and entered into by and between the:

THE CITY GOVERNMENT OF ORMOC (LGU ORMOC), a local government unit of the Republic of the Philippines represented by its **CITY MAYOR HON. RICHARD I. GOMEZ, DPA** with office address at New Ormoc City Hall, Government Compound, Brgy. Cogon Ormoc City, Leyte, hereinafter referred to as FIRST PARTY;

- and -

The **ENERGY DEVELOPMENT CORPORATION TONGONAN GEOTHERMAL PROJECT** a private entity, with office address of 2nd Floor Centrum Building, Aviles Street, Ormoc City represented herein by its Managing Head **MR. GONZALITO V. HERMOSO**, hereinafter referred to as the SECOND PARTY.

WITNESSETH:

WHEREAS, Local Government Units are encouraged to develop programs that will provide knowledge and capacities that will effectively anticipate, respond and recover from the impacts of likely, imminent or current hazard events or conditions.

WHEREAS, Section 3 (J) and (Q) of RA 10121 provides for disaster preparedness and early warning systems as a step to prevent or if not alleviate the effects of hazard events or conditions.

WHEREAS, Section 4 (9) of RA 10121 IRR states the LDRRMO function to "Conduct continuous disaster monitoring and mobilize instrumentalities and entities of the LGUs, CSOs, private groups and organized volunteers, to utilize their facilities and resources for the protection and preservation of life and properties during emergencies in accordance with existing policies and procedures".

WHEREAS, in furtherance of the above stated disaster preparedness an action should be carried out which includes activities such as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and associated training and field exercises which should be supported by formal institutional, legal and budgetary capacities.

WHEREAS, both PARTIES recognizes the need to install an early warning system in order to establish the set of capacities needed to generate and disseminate timely and meaningful warning information which will enable individuals, communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss.

WHEREAS, Section 4 (14) of RA 10121 IRR states the LDRRMO will "Develop, strengthen and operationalize mechanisms for partnership or networking with the private sector, CSOs, and volunteer groups".

WHEREAS, both PARTIES have agreed to work together to achieve their mutual concern and interest on emergency/disaster preparedness and response.

NOW, THEREFORE, for and inconsideration of the foregoing premises, the PARTIES hereby agree on the following:

- a. The FIRST PARTY shall install ONE UNIT of AUTOMATED RAIN GUAGE SENSOR on PAD 4RD EDC COMPOUND BRGY. RIZAL, KANANGA, LEYTE with coordinates N 11.18981° E 124.60973° ±3M.
- b. The FIRST PARTY shall cover all the expenses for the procurement, installation, commissioning and maintenance of the AUTOMATED RAIN GUAGE SENSOR.
- c. The ownership of the instrument and all other improvements or structures introduced therein shall remain with the FIRST PARTY.
- d. The Second party agree to let the First Party enter in PAD 4RD for the purpose of maintenance and repair of the Automated Rain Gauge Sensor with notice and approval of the Second Party.
- e. The FIRST PARTY will share to the SECOND PARTY obtain current and/or historical data of the said instrument upon request.
- f. The SECOND PARTY will notify the FIRST PARTY 30 days prior any civil works to be done on the sensors location that requires the instrument to be properly removed or relocated.
- g. That the FIRST AND SECOND PARTY shall work hand in hand to protect and preserve the said instrument by stressing its importance on their locality/community/work place.
- h. In case of any dispute and in order to forestall lengthy and tedious court proceedings, the same shall be resolved first through a committee or arbitration panel to be composed in accordance with the supplemental agreement of the parties which shall be a composite part of this agreement.
- i. This Memorandum of Agreement shall take effect upon signing by the two Parties and shall remain in force until revoked by the concerned PARTY and/or higher authorities, subject to a written notice given thirty (30) days in advance.

IN WITNESS WHEREOF, the PARTIES have hereunto set their hands on _____ at _____.

For Ormoc CDRRM Council:

HON. RICHARD I. GOMEZ, MBA
Ormoc City DRRM
Chairman
Local Government of Ormoc

For Energy Development Corporation:

GONZALITO V. HERMOSO
EDC TONGONAN GEOTHERMAL PROJECT
Managing Head
Energy Development Corporation

WITNESSES

CIRIACO E. TOLIBAO II, MPM

City DRRM Officer

ERWIN B. MAGALLANES

Head – Corporate Social Responsibility Dept.
EDC – Tongonan Project

SUBSRIBED AND SWORN to before me this ____ day of _____ 2019 at
_____.

Doc. No. _____

Page No. _____

Book No. _____

Series of _____

OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte



22 May 2020

MA. VICTORIA LYRA P. DELA CERNA RRT, MBA-HA, MPA

City Govt. Asst. Dept Head I

City Mayor's Office

LGU – Ormoc City

Re: Review of draft MOA between the Local Government of Ormoc, National Irrigation Authority and the Energy Development Corporation

Dear Ms. Dela Cerna:

1. This is in reference to your referral dated 15 May 2020 requesting for review of the draft Memorandum of Agreement to be entered into by and between the Local Government of Ormoc, the National Irrigation Authority and the Energy Development Corporation.
2. The said MOA is a requirement for the completion of the installation and commissioning of the Early Warning System- Local Flood Warning Sensor which would be used to detect and to give warning in case of flooding. The MOA shall set the terms and conditions in sharing the responsibility, maintenance and data gathered through the use of the equipment.
3. This Office has reviewed the draft MOA and 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.
4. It is recommended that the draft MOA be endorsed to the 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. For the consideration of the CMO.

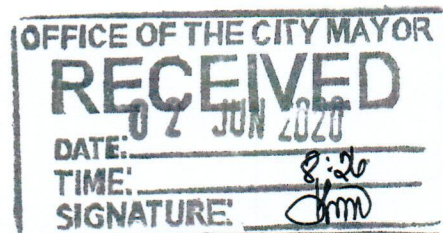
For the City Legal Officer:

Most Respectfully,

ATTY. ANNE VERMADICE A. AREÑA
Attorney III

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