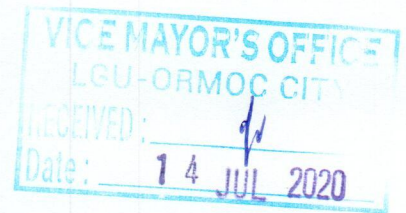
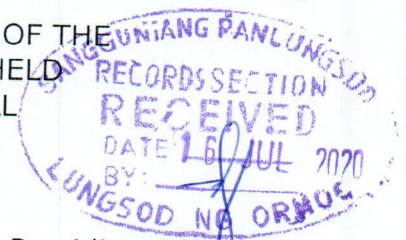


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON JULY 14, 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, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member, 2nd 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. 2020-209

**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) WITH
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
(DPWH) RELATIVE TO THE TEMPORARY CHANGE OF
USE OR CONVERSION OF THE ORMOC CITY
EVACUATION CENTER LOCATED AT BRGY. MACABUG
(ALSO REFERRED TO AS DANHUG), ORMOC CITY,
LEYTE TO COVID-19 QUARANTINE FACILITY.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated July 8, 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 Agreement (MOA) with Department of Public Works And Highways (DPWH) relative to the conversion of the Ormoc City Evacuation Center located at Brgy. Danhug, Ormoc City, Leyte to COVID-19 Quarantine Facility. Further, requesting that this matter be treated as EXTREMELY URGENT, a copy of the MOA is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, Department of Public Works and Highways, an agency of the National Government with office address at Brgy. Punta, Ormoc City is hereinafter referred to as DPWH;

WHEREAS, in an Annotation dated July 9, 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;

WHEREAS, in view of the continuing rise of confirmed cases of the Corona Virus Disease-2019 (COVID-19), the serious threat to the health, safety, security and the severe disruption of economic activities, a State of Public Health Emergency was declared throughout the country on March 08, 2020, pursuant to Presidential Proclamation No. 922, Series of 2020;

WHEREAS, all government agencies and LGUs are enjoined to render full assistance and mobilize its necessary resources to undertake an urgent response and appropriate measures to effectively curtail the spread of COVID-19 pursuant to Section 2 of Proclamation No. 922, S. 2020;

WHEREAS, the LGU deems it proper to establish a temporary quarantine or isolation facility relative to its response to the COVID-19 public health situation in faithful compliance of Republic Act 11469, otherwise known as the "Bayanihan to Heal as One Act";

WHEREAS, the LGU with the COVID-19 Public Health Crisis requested the DPWH's assistance in converting the Ormoc City Evacuation Center to a COVID-19 Quarantine Facility which seeks to accommodate twenty one (21) Returning Ormoc Residents (RORs)/Suspected Cases within the City of Ormoc, in compliance with the community quarantine protocols mandated by the national government, hereafter referred to as the "PROJECT";

WHEREAS, the PROJECT involves the Conversion of the Ormoc City Evacuation Center located at Brgy. Macabug (also referred to as Danhug), Ormoc City, Leyte to COVID-19 Quarantine Facility;

WHEREAS, the amount allocated for the Project shall be in PESOS: TWO MILLION FOUR HUNDRED TWENTY THOUSAND PESOS ONLY (P2,420,000.00);

WHEREAS, the PROJECT shall include the:

- (A) Installation of twenty one (21) units temporary cubicle, each measuring 8.64 square meters and shall be equipped with one (1) bed, one (1) side table with chair; and installation of four (4) 5 Tonner Split Type Floor Mounted air conditioning unit in the facility;
- (B) Construction/Installation of one (1) unit Swab Booth, equipped with one (1) 0.75hp air-conditioning unit;

WHEREAS, the DPWH has agreed to accept the Project and the LGU committed to undertake the operation and maintenance thereof;

WHEREAS, the funds for this Project will be considered out of the appropriation comprehensively released to the DPWH Central Office through the FY 2020 General Appropriations Act (GAA);

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, upon thorough review, finds that the same is entered into for the best interests of the City and its constituents thereby maintaining a COVID free environment, and therefore, is most deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on motion of SP Member Esteban V. Laurente, Chairman Committee on Infrastructure Development together with SP Member Benjamin S. Pongos, Jr. Chairman, Committee on Laws and Ordinances and SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Health & Sanitation, severally seconded by SP Members Tomas R. Serafica, Nolito M. Quilang, Peter M. Rodriguez, Vincent L. Rama, Gregorio G. Yrastorza III, Lalaine A. Marcos 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) WITH DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) RELATIVE TO THE TEMPORARY CHANGE OF USE OR CONVERSION OF THE ORMOC CITY EVACUATION CENTER LOCATED AT BRGY. MACABUG (ALSO REFERRED TO AS DANHUG), ORMOC CITY, LEYTE TO COVID-19 QUARANTINE FACILITY;

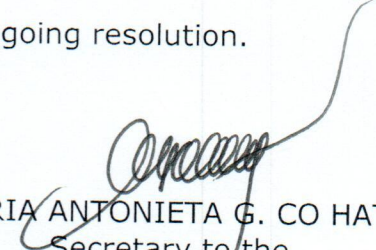
ADOPTED, July 14, 2020.

RESOLVED, FURTHER, that a copy of the final notarized Memorandum of Agreement (MOA) 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; Sangguniang Barangay of Brgy. Macabug; Secretary Mark A. Villar, DPWH; the Regional Director-DPWH, RO8; 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

REVIEWED

ORMOC CITY LEGAL OFFICE

Approved

Separate Opinion

Drafted by CLO

Not contrary to laws, public
policy, moral.

Amendments/Revisions

Atty. Josephine M. Romero
City Legal Officer

DATE: 7/9/2020

KNOW ALL MEN BY THESE PRESENT:

This **Memorandum of Agreement (MOA)** made and entered into this _____ day of _____, 2020, between:

The **CITY GOVERNMENT OF ORMOC**, represented herein by the Honorable City Mayor **RICHARD I. GOMEZ**, with office address at Ormoc City, Leyte, hereinafter referred to as the "**LGU**";

-and-

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**, an agency of the National Government, with principal office address at Bonifacio Drive, Port Area, Manila, duly represented herein by Secretary **MARK A. VILLAR**, hereinafter referred to as "**DPWH**";

WITNESSETH:

WHEREAS, in view of the continuing rise of confirmed cases of the Corona Virus Disease-2019 (COVID-19), the serious threat to the health, safety, security and the severe disruption of economic activities, a State of Public Health Emergency was declared throughout the country on March 08, 2020, pursuant to **Presidential Proclamation No. 929, Series of 2020**;

WHEREAS, all government agencies and LGUs are enjoined to render full assistance and mobilize its necessary resources to undertake an urgent response and appropriate measures to effectively curtail the spread of COVID-19 pursuant to **Section 2 of Proclamation No. 922, S. 2020**;

WHEREAS, the LGU deems it proper to establish a temporary quarantine or isolation facility relative to its response to the COVID-19 public health situation in faithful compliance of Republic Act 11469, otherwise known as the "Bayanihan to Heal as One Act";

WHEREAS, the LGU with the COVID-19 Public Health Crisis requested the DPWH's assistance in converting the Ormoc City Evacuation Center to a COVID-19 Quarantine Facility which seeks to accommodate twenty one (21) **Returning Ormoc Residents (RORs)**/Suspected Cases within the City of Ormoc, in compliance with the community quarantine protocols mandated by the national government, hereafter referred to as the "**PROJECT**";

WITNESSES:

NERIE D. BUENO
Regional Director-DPWH, R.O. 8

ATTY. JOSEPHINE M. ROMERO
Ormoc City Legal Officer

By: **Hon. MARK A. VILLAR**
Secretary

By: **Hon. RICHARD I. GOMEZ, MBA**
City Mayor

DEPARTMENT OF PUBLIC WORKS & HIGHWAYS

CITY GOVERNMENT OF ORMOC

By: Hon. RICHARD I. GOMEZ, MBA
City Mayor

By: Hon. MARK A. VILLAR
Secretary

ATTY. JOSEPHINE M. ROMERO
Ormoc City Legal Officer

NERIE D. BUENO
Regional Director-DPWH, R.O. 8

WHEREAS, the DPWH has agreed to accept the Project and the DDO committed to undertake the operation and maintenance thereof;

WHEREAS, the funds for this Project will be considered out of the appropriation comprehensively released to the DPWH Central Office through the FY 2020 General Appropriations Act (GAA);

NOW THEREFORE, for and in consideration of the foregoing premises and the covenant hereinafter set forth, the PARTIES herein agree and bind themselves as follows:

ARTICLE I
THE PROJECT

- I.1 The PROJECT involves the Conversion of the Ormoc City Evacuation Center located at Brgy. Macabug (also referred to as Danhug), Ormoc City, Leyte to COVID-19 Quarantine Facility;
- I.2 The amount allocated for the Project shall be PESOS: TWO MILLION FOUR HUNDRED TWENTY THOUSAND ONLY (P2, 420,000.00);
- I.3 The PROJECT shall include the:
 - (A) Installation of twenty one (21) units temporary cubicle, each measuring 8.64 square meters and shall be equipped with one (1) bed, one (1) side table with chair; and installation of four (4) 5 Tonner Split Type Floor Mounted air conditioning unit in the facility;
 - (B) Construction/Installation of one (1) unit Swab Booth, equipped with one (1) 0.75hp air-conditioning unit;

ARTICLE II
RESPONSIBILITY OF PARTIES

I. RESPONSIBILITIES OF THE LGU:

- I.1 Provide an area for DPWH and Contractor's temporary field office within the project site for the duration of the Project;
- I.2 Provide the necessary clearances and similar passes or authority in the area of work;
- I.3 Assist in facilitating the acquisition of permits/clearances necessary for the implementation of the project;
- I.4 Designate a project officer and/or technical representative who

REVIEWED

ORMOC CITY LEGAL OFFICE

Approved

Separate Opinion

Drafted by CLO

Not contrary to laws, public policy, moral.

Amendments/Revisions

Atty. Josephine M. Romero
City Legal Officer

DATE: 7/9/2020

By: **Hon. RICHARD I. GOMEZ, MBA**
City Mayor

By: **Hon. MARK A. VILLAR**
Secretary

ATTY. JOSEPHINE M. ROMERO
Ormoc City Legal Officer

NERIE D. BUENO
Regional Director-DPWH, R.O. 8

will act on behalf of the LGU on technical and all other matters to ensure compliance with the plans and specifications and smooth implementation of the project;

ORMOC CITY LEGAL OFFICE
Approved

- I.5 Provide and undertake the necessary maintenance of the quarantine facilities, inclusive of the operational cost such as utilities at the expense of the LGU;
- I.6 Turn-over to the DPWH the furniture, fixtures and equipment installed at the quarantine facility after the utilization or until the intended use was already exhausted;
- I.7 Provide the necessary medical and household supplies for the purpose for which this Project is undertaken, including health and medical personnel, security guards and the like.
- I.8 Issue a Certificate of Acceptance after the project is verified as having no defects;

Separate Opinion
Dated by CLS

Not contrary to laws, public policy, moral.

Amendments/Revisions

Atty. Josephine M. Romero

7/9/2020

II. RESPONSIBILITIES OF THE DPWH:

- II.1 Prepare the Plan, Design and Program of Works of the Quarantine Facility, subject to review and approval by the Department of Health;
- II.2 Provide the funds for the Project and ensure the prompt and timely implementation of the Project in accordance with the approved Plans and Program of Works;
- II.3 Conduct the procurement, award and enter into a contract with the winning contractor for the construction of the project pursuant to the Revised Implementing Rules and Regulations of Republic Act No. 9184 and relevant laws, rules, regulations and issuances of appropriate government offices;
- II.4 Implement and provide construction management and supervision;
- II.5 Facilitate/process the application of necessary permits and clearances necessary for the implementation of the project through the assistance of the LGU;
- II.6 Conduct periodic coordination meetings together with the Contractor and LGU or its authorized representative to discuss project status and problems that may be encountered during implementation and other matters to facilitate the orderly completion of the project;
- II.7 Ensure the proper implementation in accordance with the approved plans, specifications, budget and work schedule;

ARTICLE III

RESPONSIBILITIES OF BOTH PARTIES

III.1 The Parties represent that they have the requisite power, authority and capacity to enter into this agreement and perform their obligations according to the terms and conditions thereof.

ORMOC CITY LEGAL OFFICE

Approved

Separate Opinion

III.2 The parties also agree to sign, execute and deliver such other agreement;

Drafted by CLO

III.3 This agreement shall be binding upon the Parties hereto and their respective successors in interest and assign.

Not contrary to laws, public policy, moral.

Amendments/Revisions

Atty. Josephine A. Mejia-Romen
City Legal Officer

DATE: 1/9/2022

EFFECTIVITY

This Memorandum of Agreement shall take effect upon signing thereof by the LGU and DPWH authorized officials and shall remain in full force and effect until the end of utilization of the Project or unless sooner terminated by mutual consent of the parties or upon satisfaction of the objectives for which this Agreement has been forged.

IN WITNESS WHEREOF, the PARTIES hereto have hereunto caused these presents to be signed on the date and at place first above written.

CITY GOVERNMENT OF ORMOC

BY:

HON. RICHARD I. GOMEZ, MBA

City Mayor

DEPARTMENT OF PUBLICWORKS AND HIGHWAYS
(DPWH)

BY:

MARK A. VILLAR

Secretary

WITNESSES:
ATTY. JOSEPHINE M. ROMERO
Ormoc City Legal Officer
NERIE D. BUENO
Regional Director-DPWH, R.O. 8

SIGNED IN THE PRESENCE OF:

NERIE D. BUENO
(DPWH's Witness)

ATTY. JOSEPHINE M. ROMERO
LGU's Witness

REVIEWED

ORMOC CITY LEGAL OFFICE

Approved

Separate Opinion

☒ Drafted by CLO

Not contrary to laws, public policy, moral.

Amendments/Revisions

Atty. Josephine M. Romero
City Legal Officer

DATE: 7/1/20

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF ORMOC)S.S.
x-----x

BEFORE me, a Notary Public, this ____ day of _____, 2020, at Ormoc City, personally appeared:

| Name | Identification | Date/Place Issued |
|--------------------------|----------------|-------------------|
| 1. RICHARD I. GOMEZ, MBA | | |
| 2. MARK A. VILLAR | | |

all known to me and to me known to be the same persons who executed the foregoing Memorandum of Agreement and acknowledged to me that the same is their free and voluntary act and deed.

This instrument, consisting of six (6) pages, including this page wherein the acknowledgment is written, has been signed by the parties together with their instrumental witnesses on each and every page thereof.

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

Doc. No. ____
Page No. ____
Book No. ____
Series of 2020.