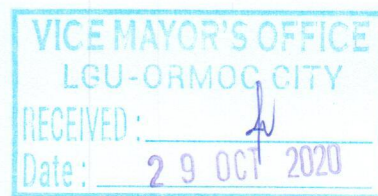


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON OCTOBER 27, 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,  
Gregorio G. Yrastorza III,  
Lalaine A. Marcos,  
Esteban V. Laurente,

City Vice Mayor & Presiding Officer  
SP Member  
SP Member, Majority Floor Leader  
SP Member  
SP Member Asst. Majority Floor Leader  
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

ON LEAVE:

Vincent L. Rama,

SP Member

**RESOLUTION NO. 2020-351**

**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 BETWEEN THE OFFICE OF THE PRESIDENT  
(OP) AND THE CITY OF ORMOC FOR THE GRANT OF  
FINANCIAL ASSISTANCE WHICH SHALL BE PROVIDED  
TO THE PEOPLE AFFECTED BY THE COVID-19.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated October 5, 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) to be entered between the Office of the President (OP) and the City of Ormoc for the grant of financial assistance which shall be provided to the people affected by the COVID-19, a copy of the MOA is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, in an Opinion dated October 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, a copy of the Opinion is hereto attached as "ANNEX B" and made an integral part hereof;

WHEREAS, Article I, Section 25 (c) of Republic Act 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 states that:

*"The national government of 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 the health crisis brought about by COVID-19;

WHEREAS, the assistance shall be used to cater and address the immediate needs of the people affected by the COVID-19 within the areas of LGU-Ormoc;

WHEREAS, the Office of the President (OP) shall release to the City Government of Ormoc the amount of Three Million Philippine Pesos (Php3,000,000.00) as assistance charged to Socio-Civic Projects Fund (SCPF);

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, and therefore, is most deserving of this august Body's prompt and favorable consideration;

WHEREFORE, on motion of SP Member Benjamin S. Pongos, Jr. Chairman, Committee on Laws & Ordinances and Vice-Chairman, Committee on Social Welfare, Senior Citizens & Persons with Disability, severally seconded by SP Members Rolland H. Villasencio, Esteban V. Laurente, Tomas R. Serafica, Lalaine A. Marcos, Joan Marbie C. Simbajon, Peter M. Rodriguez, Gregorio G. Yrastorza III and Jasper M. Lucero; 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 BETWEEN THE OFFICE OF THE PRESIDENT (OP) AND THE CITY OF ORMOC FOR THE GRANT OF FINANCIAL ASSISTANCE WHICH SHALL BE PROVIDED TO THE PEOPLE AFFECTED BY THE COVID-19;

ADOPTED, October 27, 2020.

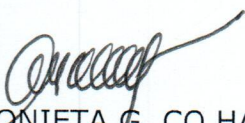
RESOLVED, FURTHER, that a copy of the final notarized Memorandum of Agreement (MOA) be submitted to this Sanggunian for its information and files;

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; the Office of the President; the City Local Government Operations Officer-DILG; and other offices concerned for their information and guidance;


Res. No. 2020-351

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 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 at New Ormoc City Hall, Aunubing Street, Barangay Cogon, Ormoc City, Leyte, represented herein by the City Mayor **RICHARD I. GOMEZ**, and herein referred to as the **LGU-Ormoc**;

REVIEWED
ORMOC CITY LEGAL OFFICE
Approved
Separate Opinion
Drafted by CLU
Not contrary to laws, public policy, moral
Amendments/Revisions
BY: _____ DATE: _____
Attorney-in-Fact, 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 the health crisis brought about by the Corona Virus Disease (COVID-19);

**WHEREAS**, the assistance shall be used to cater and address the immediate needs of the people affected by the COVID-19 within the areas of **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 food, medicines, and other basic necessities of the people affected by the COVID-19.
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**

REVIEWED Executive Secretary

**RICHARD I. GOMEZ**

City Mayor

ORMOC CITY LEGAL OFFICE

*SIGNED IN THE PRESENCE OF:*

Approved

Separate Opinion

**RIZALINA N. JUSTOL**

Drafted by CLO Deputy Executive Secretary  
for Finance and Administration  
Office of the President

Not contrary to laws, public  
policy, moral.

Amendments/Revisions

City Treasurer  
City Government of Ormoc

DATE: \_\_\_\_\_  
Project III, LGU-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 is known to me to be the same person who executed the foregoing instrument consisting of four (4) 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.

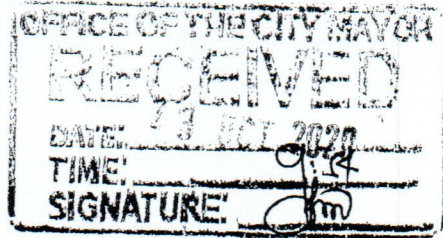
**ACKNOWLEDGMENT**

# OFFICE OF THE CITY LEGAL OFFICER

Ormoc City, Leyte

22 October 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:

This has reference to your letter requesting for review of the Memorandum of Agreement to be entered into between the Office of the President and the City of Ormoc for the grant of financial Assistance which shall be provided to the people affected by the COVID-19.

The abovementioned MOA is a modification of the previous MOA, which the undersigned reviewed on February 27, 2020, that would have granted financial assistance to the LGU-ORMOC when it was affected by typhoon Ursula last December 2019. However, when COVID-19 struck the world and brought havoc to the people, the Sangguniang Panlungsod found it appropriate to ask for the revision of the previous MOA and for the assistance be redirected to cater and address the immediate need of the people affected by COVID-19 within the areas of the City.

This Office after review of the standard draft MOA 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.

It is recommended for the draft MOA to 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). It is further recommended that the instructions given by Ms. Rizalina N. Justol are observed.

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.

For your consideration.

Most Respectfully,

**ATTY. ANNE VERNADICE 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

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 is known to me to be the same person who executed the foregoing instrument consisting of four (4) 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.