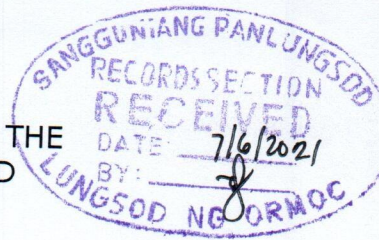


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

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 JULY 1, 2021



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,
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
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:

Gregorio G. Yrastorza III,

SP Member

RESOLUTION NO. 2021-133

A RESOLUTION CALLING FOR THE IMMEDIATE RESTORATION OF ALL AREAS SUBJECTED TO EXCAVATION BY THE PHILIPPINES FIBER OPTICS CABLE NETWORKS, LTD. INC. AND ASKING MAYOR RICHARD I. GOMEZ TO MAKE NECESSARY REPRESENTATION(S) WITH PROPER OFFICE(S) AND/OR AGENCY(IES) ON THE PROPER IMPLEMENTATION OF THE NATIONWIDE FIBER OPTIC CABLE NETWORK PROJECT.

WHEREAS, Section 20, Article II, 1987 Philippine Constitution, states that "the State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments";

WHEREAS, Section 24, Article II, 1987 Philippine Constitution, states that, "The State recognizes the vital role of communication and information in nation-building";

WHEREAS, the Department of Interior and Local Government (DILG) has issued Memorandum Circular No. 2020- 093 directing that LGUs to give full support and assistance to the PFCON in accordance with the provisions of the Ease of Doing Business Act and to facilitate the improvement on information and communication technology services;

WHEREAS, the spirit of the aforementioned constitutional provisions admit of exceptions, such that while this government promotes the recognition of the right of every citizen to own, establish, and operate economic enterprises, especially as it pertains to connectivity, the State is duty bound to exercise its police power pursuant to the General Welfare Clause in the Local Government Code and will yield such power "as may be necessary, appropriate, or incidental for their efficient and effective governance and those which are essential in promoting the general welfare";

WHEREAS, this body is in receipt of several accidents occurring within Ormoc city, due to the unfinished works undertaken by the PHILIPPINES FIBER OPTICS CABLE NETWORKS, LTD. INC. (PFOCN);

WHEREAS, the PFOCN appears to conduct very irregular operations which congest traffic, compromise the safety of the riding and walking public and present threats to the safety of Ormocanons;

WHEREAS, as relayed to this body, the following circumstances attended the continued presence of the PFOCN in Ormoc:

- a. In a letter dated May 3, 2021, Engr. Ranulfo D. Oliveros, City Engineer, LGU- Ormoc City, advised Philippine Fiber Optic Cable Network to immediately stop all their underground excavations and instructed to proceed with restoration of all damage structures in the course of their excavations. The letter further states that they are given until May 6, 2021 to complete their restoration activity;
- b. City Mayor Richard I. Gomez, City Engineer Ranulfo Oliveros, Building Official Sonia B. Antonio, and representatives of the 4th Leyte Engineering District have met with PFOCN agents on June 2, 2021 and June 4, 2021, to discuss the issues and concerns of their UNDERGROUND EXCAVATIONS, vis-a-vis, RESTORATION of DAMAGE STRUCTURES, during which it was agreed that; 1. PFOCN shall present valid Identifications Cards for all employees including Working Visa or permits for foreigners, 2. To submit SEC REGISTRATION CERTIFICATE, PERMITS and LICENSES from DPWH, OBO or from City Engineering (LICENSE TO EXCAVATE), 3. To stop all excavations and directed to proceed with the restoration of Damage Structures, and lastly, to install safety warning devices like sprinter;
- c. PFOCN has not presented a competent and able representative, knowledgeable on both technical and administrative concerns, and who can proficiently communicate with LGU Ormoc officials;

WHEREAS; in a recent photo taken by the Liga President, Engr. Esteban V. Laurente, with the help of Traffic Enforcement A Management OIC, Mr. Barnsby D. Cagang, it appears that PFOCN continued to do excavation operations without regard for public safety and security;

WHEREAS, this Sanggunian, deems it proper and necessary, to submit a Resolution CALLING FOR THE IMMEDIATE RESTORATION OF ALL AREAS SUBJECTED TO EXCAVATION BY THE PHILIPPINES FIBER OPTICS CABLE NETWORKS, LTD. INC. AND ASKING MAYOR RICHARD I. GOMEZ TO MAKE NECESSARY REPRESENTATION(S) WITH PROPER OFFICE(S) AND/ OR AGENCY(IES) ON THE PROPER IMPLEMENTATION OF THE NATIONWIDE FIBER OPTIC CABLE NETWORK PROJECT;

WHEREFORE, on joint motion of SP Member Engr. Esteban V. Laurente, Chairperson, Committee on Infrastructure and Development and SP Member Vincent L. Rama, Chairperson, Committee on Communication, Information Technology and Public Information, severally seconded by SP Members Joan Marbie C. Simbajon, Tomas R. Serafica, Lalaine A. Marcos, Peter M. Rodriguez and Eusebio Gerardo S. Penserga; be it


RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION CALLING FOR THE IMMEDIATE RESTORATION OF ALL AREAS SUBJECTED TO EXCAVATION BY THE PHILIPPINES FIBER OPTICS CABLE NETWORKS, LTD. INC. AND ASKING MAYOR RICHARD I. GOMEZ TO MAKE NECESSARY REPRESENTATION(S) WITH PROPER OFFICE(S) AND/ OR AGENCY(IES) ON THE PROPER IMPLEMENTATION OF THE NATIONWIDE FIBER OPTIC CABLE NETWORK PROJECT;

ADOPTED, July 1, 2021.

RESOLVED, FURTHER, 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; Philippine Fiber Optic Cable Network; the City Engineering Office; Office of the Building Official; Liga ng mga Barangay President, Engr. Esteban V. Laurente; the 4th Leyte Engineering District; 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 above resolution.


NONILYN D. GALANO
OIC-SP Secretary
Supervising Administrative Officer
(Board Secretary IV)

ATTESTED:


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