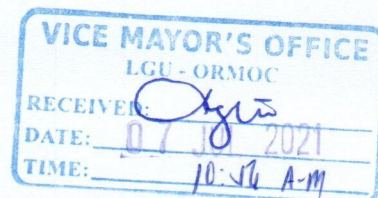


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 6, 2021

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. 2021-186

**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 THE
DEPARTMENT OF WORKS AND HIGHWAYS (DPWH),
REGIONAL OFFICE VIII, RELATIVE TO THE
CONSTRUCTION OF AN EVACUATION CENTER IN
BARANGAY DOLORES, ORMOC CITY.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated June 25, 2021 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 the Department of Public Works and Highways (DPWH), Regional Office VIII, relative to the construction of an evacuation center in Brgy. Dolores, Ormoc City, a copy of the MOA is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, in an Opinion dated June 22, 2021, 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 interests of Ormoc City;

WHEREAS, the Government recognizes the fact that it must strengthen the capacities of Local Government Units (LGUs) and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters;

WHEREAS, to ensure that the evacuation centers shall withstand adverse weather conditions, the DPWH shall formulate appropriate specifications and ensure compliance with the specifications during construction;

A handwritten signature in black ink, located at the bottom right of the page.

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 for the purpose of improving disaster preparedness by constructing an evacuation center, thereby, serving 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 Disaster Management and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Tomas R. Serafica, Peter M. Rodriguez, Gregorio G. Yrastorza, III, Esteban V. Laurente, Lalaine A. Marcos, Jasper M. Lucero, Vincent L. Rama, Nolito M. Quilang 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 THE DEPARTMENT OF WORKS AND HIGHWAYS (DPWH), REGIONAL OFFICE VIII, RELATIVE TO THE CONSTRUCTION OF AN EVACUATION CENTER IN BRGY. DOLORES, ORMOC CITY;

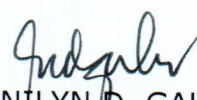
ADOPTED, July 6, 2021.

RESOLVED, FURTHER, that a copy of the final and 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; DPWH RO VIII; 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

Annex 11

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Agreement") is made and entered into this ____th of _____ 2021, by and between:

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS REGIONAL OFFICE VIII, a government entity with office address at Baras, Palo, Leyte, represented herein by its Regional Director, NERIE D. BUENO, CESO III, herein referred to as the "DPWH RO VIII".

-and-

LOCAL GOVERNMENT UNIT OF ORMOC CITY, a government entity with office address at New Ormoc City Hall, Aunubing Street, Ormoc City, represented herein by its Local Chief Executive, RICHARD I. GOMEZ, herein after referred to as the "LGU ORMOC CITY".

WITNESSETH;

WHEREAS, on May 27, 2010, Republic Act 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010, was passed into law. This Act aimed to strengthen the country's disaster risk reduction and management system;

WHEREAS, the government recognize and strengthen the capacities of Local Government Units (LGU) and communities in mitigating and preparing for, responding to and recovering from the impact of disasters;

WHEREAS, the DPWH is mandated by the laws of the Republic of the Philippines to undertake major infrastructure projects, i.e. (a) planning of infrastructure, such as national roads and bridges, flood control, water resources projects and other public works, and (b) the design, construction and maintenance of national roads and bridges and major flood control systems;

WHEREAS, to ensure that the evacuation centers shall withstand adverse weather conditions, the DPWH shall formulate appropriate specifications and ensure compliance with the specifications during construction;

WHEREAS, DPWH is implementing an Evacuation Center Project as stated in under the General Appropriations Act 2021 which will fund the construction of five (5) evacuation centers in all the regions.

NOW THEREFORE, for and in consideration of the foregoing premises and the covenant, terms, stipulations and conditions herein set forth, the Parties have agreed and by these presents do hereby agree as follows:

LOCAL GOVERNMENT UNIT OF ORMOC
Ormoc City

RICHARD I. GOMEZ, DPA
City Mayor

Municipal Engineer
(Witness)

LUCAS N. BACSAI
OTC-Chief, Maintenance Division
(Witness)

NERIE D. BUENO, CESO III
Regional Director

Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS & HIGHWAYS VIII

NERIE D. BUENO, CESO III
Regional Director

LUCAS N. BACSA
OIC-Chief, Maintenance Division
(Witness)

RICHARD I. GOMEZ, DPA
City Mayor

Municipal Engineer
(Witness)

Article I - Scope

This Memorandum of Agreement covers the implementation, operation, and maintenance of the Evacuation Center Project in Brgy. Dolores, Ormoc City, Philippines.

Article II – Roles and Responsibilities

The following agencies/office shall have the following roles and responsibilities:

a. DPWH ROVIII

- Ensure that the evacuation center shall be constructed in low risk areas, locations or sites based on the harmonized hazard maps. The evacuation center shall not be implemented in no build zone identified by the Mines and Geosciences Bureau of the Department of Environment and Natural Resources;
- Design and build the Evacuation Center to be resilient from flood, earthquake and other extreme weather events;
- Undertake the procurement process of the project in accordance with RA 9184 and its IRR, follow the usual accounting and auditing rules and regulations, and enter into contract and agreement as maybe required for the project;
- Implement the project in accordance with its approved plans and specifications;
- Utilize the Fund solely for the implementation of the Project;
- Facilitate formal turnover of the completed project to the LGU immediately after the completion of the project.

b. LGU Ormoc City

- Provide an area with minimum lot size of 3,000 sq.m. which is identified as a government lot or if the same is in the name of a private person; the necessary Deed of Donation has been executed in favor of the government. In all cases, all the LGUs warrant that the project is free from all infirmities regarding ownership.
- Endorse the location through a Sangguniang Bayan Resolution endorsing the site as location for the Construction of Evacuation Center
- Once site inspection/validation has already been conducted, any changes or modification of location submitted will not be entertained henceforth to avert delay or complications that may occur during the project implementation.
- Undertake the proper maintenance of the facilities
- Allocate funds for the operations and maintenance of the facilities and undertake its upkeep and proper maintenance;
- Ensure that all equipment donated for the improvement and conditions during an emergency should be properly stored in safe areas for use in the future event;
- Ensure availability of security personnel to immediately respond to protection threats and abuses;
- Manage the Evacuation Center during emergencies/calamities

Article III – Anti-Graft and Corruption Practices Act

Neither of the parties to this Agreement shall unduly benefit from each other nor gain anything which is disadvantageous to the Government, and in violation of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

Article IV – Effectivity of the Agreement

This Memorandum of Agreement shall take effect upon approval by the Parties and shall remain in force and effect.

Article V – Amendments

No amendments, modifications or alterations to this Agreement shall be valid or binding on either Party unless expressed in writing and executed with the same formality as this Agreement.

IN WITNESS WHEREOF, Parties hereto have set their hands at the place and on the date first above written.

NERIE D. BUENO, CESO III
DPWH RO VIII

RICHARD I. GOMEZ, DPA
LGU - Ormoc City

SIGNED IN THE PRESENCE OF:

LUCAS N. BACSAL
Witness

Witness

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)

) S.S.

Municipal Engineer
(Witness)

I certify that on this date, before me, a notary public duly authorized in the city named above to take acknowledgements, personally appeared:

Name	Competent Evidence of Identity	Date & Place Issued
_____	_____	_____
_____	_____	_____

who were identified by me through competent evidence of identity to be the same persons described in the foregoing instrument, who acknowledged before me that their respective signatures on the instrument were voluntarily affixed by them for the purposes stated therein, and who declared to me that they have the authority to sign on behalf of their respective principals.

This instrument, consisting of _____ pages, including this page whereon the acknowledgement clause is written, signed on each and every page hereof by the above-mentioned party and their instrumental witnesses sealed with my notarial seal, pertains to a Memorandum of Agreement by and between DPWH ROVIII and the City of Ormoc, Philippines.

IN WITNESS WHEREOF, I hereto set my hand and affix my notarial seal on the date and at place above written.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2021

RICHARD I. GOMEZ, DPA
City Mayor

LUCAS N. BACSA
OIC-Chief, Maintenance Division
(Witness)

IE D. BUENO, CESO III
Regional Director