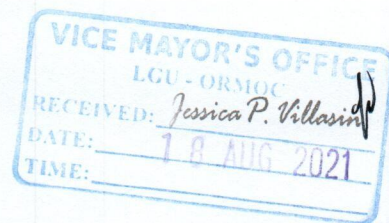
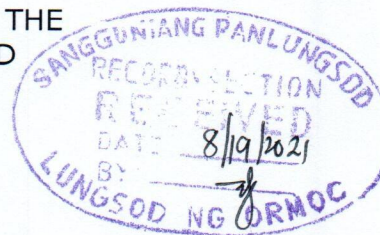


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 AUGUST 17, 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. 2021-232

**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
BUREAU OF FIRE PROTECTION (BFP), RELATIVE TO
THE INTEGRATION OF THE COLLECTION OF FIRE
SAFETY INSPECTION FEES WITH THAT OF THE CITY
GOVERNMENT SYSTEM.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated July 12, 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 Bureau of Fire Protection (BFP), relative to the integration of the collection of Fire Safety Inspection Fees with that of the City Government System. 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, in an Opinion dated June 29, 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, Section 5 of Republic Act No. 9514 otherwise known as the Fire Code of the Philippines of 2008 and its Revised Implementing Rules and Regulations (RIRR) authorizes the Chief of the BFP to enter into Memorandum of Agreement (MOA) with other departments, bureaus, agencies, offices, and corporations of the Government, as well as private institutions, in order to define areas of cooperation and coordination and delineate responsibility on fire prevention education, fire safety, fire prevention, fire suppression, and other matters of common concern;

WHEREAS, the MOA is in compliance with Republic Act No. 11032 otherwise known as the Ease of Doing Business and Efficient Government Service Act of 2018 and the DILG-DPWH-DICT-DTI Joint Memorandum Circular 2018-01 to provide a conducive business environment to business owners/investors by streamlining the processes in the application of needed permits through the integration of the collection of Fire Safety Inspection Fees;

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 simplifying the collection of Fire Safety Inspection Fees through integration with the City Government System, 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 Tomas R. Serafica, Chairman, Committee on Ways and Means and SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Nolito M. Quilang, Peter M. Rodriguez, Gregorio G. Yrastorza III, Lalaine A. Marcos, Esteban V. Laurente, Vincent L. Rama 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 BUREAU OF FIRE PROTECTION (BFP), RELATIVE TO THE INTEGRATION OF THE COLLECTION OF FIRE SAFETY INSPECTION FEES WITH THAT OF THE CITY GOVERNMENT SYSTEM;

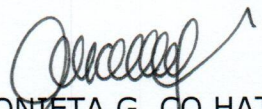
ADOPTED, August 17, 2021.

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; BFP; the City Treasurer; IT; OBO; 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

This Memorandum of Agreement made and entered by and between:

THE LOCAL GOVERNMENT UNIT OF ORMOC, a municipal corporation created and existing under Philippine laws, with address at Aunubing Street, Brgy. Cogon, Ormoc City, represented by Mayor RICHARD I. GOMEZ, hereunder referred to as the LGU;

-AND-

The **BUREAU OF FIRE PROTECTION**, a national agency created and mandated to enforce the Fire Code of the Philippines of 2008 and its Revised Implementing Rules and Regulation (RIRR) as provided for in Republic Act No. 9514, represented by _____, The City Fire Marshal of Ormoc, hereinafter referred to as the BFP;

WITNESSETH, that:

WHEREAS, Section 5 of Republic Act 9514 also known as the Fire Code of the Philippines of 2008 and its Revised Implementing Rules and Regulations (RIRR) authorizes the Chief of the BFP to enter into Memorandum of Agreement with other departments, bureaus, agencies, offices, and corporations of the government, as well as private institutions, in order to define areas of cooperation and coordination and delineate responsibility on fire prevention education, fire safety, fire prevention, fire suppression and other matters of common concern;

WHEREAS, Section 11 of Republic Act No. 11032 mandates the:

- a. Streamlining of Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorization which includes, among others, the use of single or unified business application form in processing new applications for business permits and business renewals, the onestop shop facilitation of businesses, and the automation of the business permitting and licensing system or setting up an electronic BOSS; and
- b. Streamlining or Procedures for Securing Fire Safety Evaluation Clearance, Fire Safety Inspection Certificate, and Certification of Fire Incidents for Fire Insurance which includes, among others, the colocation of the BFP with the BOSS, the authority of the BFP to deputize the LGU in assessing and collecting fire safety inspection fees, and the development and adoption of BFP of an online or electronic mechanism in assessing fees, collecting/accepting payments and/or sharing/exchanging of relevant data on business processing.

WHEREAS, Section 11 Rule IX of the Implementing Rules and Regulations of RA 11032 has set the guidelines for the Local Government Unit to be designated as collecting agent, to wit:

"a. For one-time assessment of business-related fees for Business Permit, LGUs may be designated to assess "the ordinary" fire safety

inspection fees (FSIF), provided that the BFP is able to check the accuracy of the computation and to certify the tax order of payment.

b. For one-time payment of business related fees, the BFP may allow the designation of city or municipality as collecting agents for the FSIF provided that the remittance of the said fee to the BFP shall be made not later than two (2) days after the transaction is made. The BFP is not precluded from collecting additional fees required after their assessment, subject to existing laws and regulations.

c. The LGU and the BFP, thru the local fire marshal, may enter into a Memorandum of Agreement giving authority to local government officers for collection and automatic remittance of applicable fees. "

WHEREAS, for purposes of this agreement, ordinary fire safety inspection fees shall pertain to the Fire Safety Inspection Fee described in Section 12.0.0.2 (A) (6) of the RIRR of RA 9514, thus: *"Fee charged for the conduct of Fire Safety Inspection equivalent to fifteen percent (15%) of all fees charged by the Local Government Unit or Philippine Economic Zone Authority (PEZA), but in no case shall be lower than Five Hundred Pesos (Php500.00). "*

NOW THEREFORE, in consideration of the foregoing the Parties hereby agree as follows:

BUSINESS PERMIT APPLICATION:

LGU shall:

1. Establish an automated system which may be used by the BFP as part of its system;
2. Provide the BFP a Business ID No. that is unique to only one establishment;
3. Provide the BFP access to the LGU's automated system to generate the "red flag" for noncompliant business establishments, and also view registered business establishments in the locality;
4. Provide the BFP list of all taxes and fees being collected by the local government during business permit renewal, and confirm from the BFP which from among the list should be included in the computation of FSIF, which shall be specifically coded in the Tax Order of Payment (TOP) and Official Receipt (OR) for easy reference and verification by the BFP;
5. Establish a mechanism in handling those with under assessment issues and to give the BFP a chance to object in the computation;
6. Compute the required fees and taxes for issuance of business permits and integrate the computation of the BFP's FSIF on its assessment of fees;
7. Provide the BFP, or at least make available upon demand, one clear copy of TOP issued to each applicant on a daily basis;

8. Collect FSIF from the applicant following the reflected amount in the TOP and make sure that all regulatory fees where such FSIF are based are specifically and individually listed and coded in the OR;
9. Provide the BFP, or at least make available upon demand, one clear copy of OR issued to each applicant on a daily basis;
10. For cash payments, remit all collected FSIF and other Fire Code related fees (100% of the collected amount) within two (2) working days after transaction directly to the BFP, so these may be reflected in the BFP's system and in compliance with Presidential Decree No. 1445 also known as Government Auditing Code of the Philippines;

For payments collected through Paymaya or other online platforms, to transfer funds to the BFP account within two (2) working days from receipt of the amounts, directly to the BFP, so these may likewise be reflected in the BFP's system and in compliance with Presidential Decree No. 1445 also known as Government Auditing Code of the Philippines;

11. Provide a weekly summary report of all collections made from business applicants/establishments to concerned BFP Fire Station thru email, not later than the first working day of the coming week, specifically indicating the name of the payers, date of payment, kind and amount of taxes and fees collected;
12. Act promptly and take necessary corrective action on any discrepancy from its reports in the assessment, collection and remittance of Fire Code Construction Tax and other related fees;
12. Coordinate with BFP in establishing a system of online payment of fees and related charges and other electronic payment scheme to facilitate the on-time assessment and payment of business permit-related fees and charges.
13. In case, the collected Fire Code fees is deposited to the Authorized Government Depository Bank (AGDB), the BFP shall be provided with a certified true copy of a Validated Deposit Slip or Cash Transaction Slip. The Fire Code fees collected should be remitted to the Special Account in the General Fund (Code 151).

BFP shall:

1. Coordinate with the LGU on the list of regulatory fees to be included in the ordinary FSIF's computation and the code to be used for the items;
2. Provide the LGU with the List of Establishment with issued Fire Safety Inspection Certificates (FSIC) which will serve as their basis in the renewal of Business Permit or Positive List of Compliant Establishments. It is the responsibility of the BFP to ensure that the List is UPDATED and that changes are immediately coordinated with the LGU;

- 3. Secure copy of TOPs/ ORS and/or Validated Deposit Slips/Cash Transaction Slips from LGU;
- 4. Inform the LGU discrepancy found in the documents or during the conduct of inspection;
- 5. Issue Official Receipt to I-GU for every remittance of collections made to the BFP.

Jointly, the Parties agree to automatically revoke this agreement, in the event that disputes arising from assessment, collection and remittance are not settled within three (3) months after the reports of discrepancy are submitted by the BFP to concerned office of the LGU.

In case any provision in this Agreement shall be invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions hereof and thereof shall not in any way be affected or impaired thereby.

This Memorandum of Agreement shall take effect upon signing of both parties and shall be valid for one (1) year after approval, and renewable upon consent of both parties.

IN WITNESS WHEREOF, the parties here unto affixed their _____ signatures this day of _____ in _____, Philippines.

THE LOCAL GOVERNMENT UNIT OF ORMOC
represented by: Mayor RICHARD I. GOMEZ

The **BUREAU OF FIRE PROTECTION**
represented by: _____

WITNESSED BY:
(PRINT NAME AND SIGN): _____

ACKNOWLEDGMENT

Republic of the Philippines)
City of Ormoc) S.S.

Before me, this _____ at Ormoc City, Philippines, personally appeared the following with competent evidence of identity:

PARTY	COMPETENT EVIDENCE OF IDENTITY
Richard I. Gomez	

all known to me to be the same persons who executed the foregoing Memorandum of Agreement consisting of FOUR (4) pages, including the page on which this

Acknowledgment is written and they acknowledged to me that the same is their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, on the date and place above- written.

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

[Handwritten signature]

DEMO COPY