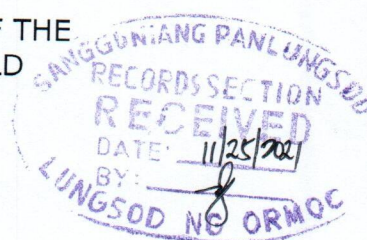


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 NOVEMBER 23, 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,
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
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

Joan Marbie C. Simbajon,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Gregorio G. Yrastorza III,
Lalaine A. Marcos,

(O.B. - Tacloban City), SP Member
(O.B. - Cebu City), SP Member

RESOLUTION NO. 2021-320

**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 ENVIRONMENT AND NATURAL
RESOURCES (DENR) FOR THE IMPLEMENTATION OF THE
ADOPTED FOREST LAND USE PLAN (FLUP) COVERING THE
FORESTLANDS OF ORMOC CITY.**

WHEREAS, this Fifteenth Sangguniang Panlungsod was in receipt of an Indorsement dated November 2, 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 Environment and Natural Resources (DENR) for the implementation of the adopted Forest Land Use Plan (FLUP) covering the forestlands of Ormoc City, a copy of the MOA is hereto attached as "ANNEX A" and made an integral part hereof;

WHEREAS, to recall, a Sangguniang Panlungsod (SP) Resolution No. 2021-282 dated October 5, 2021 adopted the 2022-2027 Forest Land Use Plan of the City of Ormoc, a copy of the Resolution is hereto attached as "ANNEX B";

WHEREAS, in an Opinion dated October 27, 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, a copy of the Opinion is hereto attached as "ANNEX C";

WHEREAS, pursuant to Article XII Section 2 the 1987 Philippine Constitution, "All lands of the public domain, waters, minerals, coal, petroleum and other minerals oils, all forces of potential energy, fishes, forest or timber, wildlife, flora and other natural resources are owned by the State";

WHEREAS, in accordance with Title 1 Section 3 paragraph (i) of RA 7160, "Local Government Units shall share with the National Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction subject to the provisions of this Code and national policies";

WHEREAS, consistent to Section 4 EO 192 Series of 1987, "the Department of Environment and Natural Resources (DENR) shall be the primary Government agency responsible for the conservation, management, protection and proper use and sustainable development of the country's environment and natural resources";

WHEREAS, in line with the DENR - DILG Joint Memorandum Circular (JMC) 98-01 (Sec. 1.3 and 9.1-a) Comprehensive Land Use Plan and Forest Land Use Plan are important tools in the holistic and efficient management of the forest resources. Towards this end, the DENR and LGU together with other government agencies shall undertake Forest Land Use Plan (FLUP) as an integral document of the Comprehensive Land Use Plan (CLUP) to determine the optimum and balance use of natural resources to support the local, regional, and national growth and development. Moreover, the DENR central office has ordered the Regional Directors to organize FLUP teams at the provincial, City and municipal levels in coordination with the concerned Local Chief Executive who shall, likewise, issue the appropriate orders on their participation in the FLUP;

WHEREAS, the City Government of Ormoc is willing to allocate funds for the implementation of the Forest Land Use Plan (FLUP) covering the five (5) year period starting CY 2022-2027 based on the Work and Financial Plan (WFP) which is an integral part of the FLUP Report. Moreover, the allocation of FLUP funds shall be made in yearly basis through inclusion of the LGU's Annual Investment Plan;

WHEREAS, a total of Twenty-Eight Million Five Hundred Twenty-Four Thousand Four Hundred One Philippine Pesos (PHP28,524,401.00) shall be apportioned in the following years: Year 1 - Php11,563,951.00; Year 2 - Php4,202,550.00; Year 3 - Php4,494,550.00; Year 4 - Php4,502,550.00; and Year 5 - Php3,760,800.00;

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 ensuring sustainable management of forests and forestlands within the City of Ormoc through transparent, accountable, and participatory processes, 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 Benjamin S. Pongos, Jr, Chairman, Committee on Laws and Ordinances and SP Member Tomas R. Serafica, Member, Committee on Environment, Natural Resources, and Energy Conservation, severally seconded by SP Members Roiland H. Villasencio, Nolito M. Quilang, Jasper M. Lucero, Joan Marbie C. Simbajon, Eusebio Gerardo S. Penserga, Tomas R. Serafica, Peter M. Rodriguez and Esteban V. Laurente; 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 ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR THE IMPLEMENTATION OF THE ADOPTED FOREST LAND USE PLAN (FLUP) COVERING THE FORESTLANDS OF ORMOC CITY;

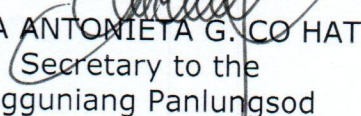
ADOPTED, November 23, 2021.

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; DENR; ENRO; 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

For the Implementation of the Adopted
Forest Land Use Plan (FLUP) covering
the forestlands of Ormoc City



KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered into by and between:

The DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), National Government Agency duly organized and existing under the laws of the Republic of the Philippines with principal office address at Visayas Avenue, Diliman, Quezon City, represented herein by its **REGIONAL EXECUTIVE DIRECTOR TIRSO P. PARIAN JR. CESO IV**, herein referred as "Department of Environment and Natural Resources (DENR)";

And

The Local Government of Ormoc City, a local government unit existing under Philippine Law with principal office address at Anubing St., Brgy. Cogon, Ormoc City herein represented by its **LGU Mayor Honorable Richard I. Gomez**, herein referred to as LGU -Ormoc City;

WITNESSETH THAT

WHEREAS, pursuant to the 1987 Philippine Constitution (Art. XII sec. 2) "All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fishes, forest or timber, wildlife, flora and other natural resources are owned by the state";

WHEREAS, in accordance with R.A 7160 (chapter 1, sec.3, i), 1991 "Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to the provisions of this code and national policies";

WHEREAS, consistent to Sec. 4 of E.O 192 (s. 1987) the Department of Environment and Natural Resources (DENR) shall be the primary government agency responsible for the conservation, management, protection and proper use and sustainable development of the country's environment and natural resources";

WHEREAS, in line with DENR-DILG JMC 98-01 (Sec. 1.3 and 9.1-a) Comprehensive Land Use and Forest Land Use Plans are important tools in the holistic and efficient management of the forest resources. Towards this end, the DENR and LGU together with other government agencies shall undertake Forest Land Use Plan (FLUP) as an integral document of the Comprehensive Land Use Plan (CLUP) to determine the optimum and balance use of natural resources to support the local, regional and national growth and development. Moreover, the DENR Central Office has ordered the Regional Directors to organize FLUP teams at the provincial, city and municipality levels in coordination with the concerned Local Chief Executive who shall likewise, issue the appropriate orders on their participation in the FLUP;

WHEREAS, LGU Ormoc City with the assistance of DENR -PENRO Leyte through its Forest Land Use Planning Team had formulated the Forest Land Use Plan (FLUP) covering the Forest and Forest Lands (FFL) of Ormoc City based on the policies and guidelines as stipulated under Forest Management Bureau (FMB) Technical Bulletin No. 2;

WHEREAS, the formulated Forest Land Use Plan (FLUP) of LGU Ormoc City has been presented, deliberated, evaluated and reviewed by the members of the Technical Working Group (TWG) at the City level and Technical Review Committee of DENR, REGION 8, Tacloban City in which all comments and suggestions were considered and incorporated in the revision of the FLUP Report;

WHEREAS, the final version of the Forest Land Use Plan (FLUP) is adopted by the LGU through its Sanguniang Panglungsod in CY 2021 for its Implementation in the next five (5) year period starting CY 2022-2027.

WHEREAS, the LGU Ormoc City is willing to allocated funds for the implementation of the Forest Land Use Plan (FLUP) covering the five (5) year period starting CY 2022-2027 based on the Work and Financial Plan (WFP) which is an integral part of the FLUP Report. Moreover, the allocation of FLUP funds shall be made in yearly basis through inclusion of the LGU's Annual Investment Plan (AIP).

WHEREAS, the following shall be the primary concerns of the partnership, the undertaking of transparent, accountable and participatory Forest Land Use Planning in which the roles and responsibilities of LGU, BLGUs, DENR-PENRO Leyte and POs are clearly specified;

NOW THEREFORE, for and in consideration of the above premises, the Parties mutually agree on the following terms and conditions;

ARTICLE I

OBJECTIVES, SCOPE AND COVERAGE

Section 1. Specific Objectives. The partnership aims to define specific roles and responsibilities between the DENR-PENRO Leyte and the LGU Ormoc City in the implementation of Forest Land Use Plan (FLUP) covering the Forest and Forest Lands (FFL) within the City of Ormoc anchored in the principle of sustainable development by the project People's Organizations.

Section 2. Scope and Coverage. The implementation of the FLUP activities shall focus on the Forest and Forest Lands (FFL) within Ormoc City with the Ridge to Reef Framework using Watershed as the primary planning unit. Its implementation shall be developed through iterative, transparent, accountable and participatory processes to ensure sustainable management of FFL thus, providing environmental, social and economic benefits to society.

ARTICLE II

DUTIES AND RESPONSIBILITIES

Section 1. The DENR and LGU Ormoc City shall have the following duties and responsibilities to wit:

1.1 Roles of DENR

- a) Provide Technical Assistance to Ormoc City in its FLUP Implementation through its assigned personnel;
- b) Provide security of land tenure to the People's Organization and covered by the FLUP through the issuance of Community Based Forest Management Agreement (CBFMA) and other appropriate Forest Land Management Agreement (FLAg, FLAgT, SLUP, etc.);
- c) Participate in the monthly meetings and regular schedules of project performance review which will be conducted by the MLGU;
- d) Provide appropriate innovations and strategies through a participatory approach with LGU that will help in the implementation of FLUP activities to ensure project's success, and
- e) Perform other functions deemed necessary for successful FLUP implementation.

1.2 Roles of LGU Ormoc City

- a) Allocate funds for the implementation of the proposed interventions and activities as indicated in the Forest Land Use Plan (FLUP) covering a five (5) year period from CY 2022 to CY 2027;
- b) Inclusion of the FLUP funding support in the Annual Investment Plan (AIP) of the MLGU to ensure budget allocation and FLUP activities on a yearly basis. The fund allocation for FLUP activities shall be based on the annual requirement as indicated in the Work and Financial Plan (WFP);
- c) Implement FLUP activities and proposed interventions in accordance with the final version of the FLUP Report. Disbursements of the allocated funds shall be in accordance with the existing budgeting, accounting and auditing rules and regulations;
- d) Coordinate and establish linkage with the Department of Environment and Natural Resources (DENR), Regional Office No. 8, PENRO Leyte and CENRO Ormoc and other line agencies like Department of Tourism (DOT), Department of Agriculture (DA) and other national government agencies to ensure comprehensive and successful FLUP implementation;
- e) Adopt a participatory approach of FLUP implementation by allowing active involvement of all stakeholders specially the concerned barangay residents and officials thereby creating in sense of ownership of the project among stakeholders, and
- f) Conduct monthly meeting and quarterly performance reviews to regularly monitor and assess accomplishments thereby ensuring project's success.

1.3 Roles of BLGUs

- a) Provide support to the People's Organization in its barangays in the implementation of FLUP specifically in the site development, forest protection and the conduct of Information, Education and Communication (IEC) Campaign to the residents.

1.4 Roles of People's Organization (PO) and other accredited associations

- a) Shall directly implement all FLUP activities as stipulated in the Work and Financial Plan (WFP) in close coordination with BLGU, LGU, DENR and other line agencies;
- b) Shall apply to DENR for the issuance of CBFMA, FLAg, FLAgT, SLUP covering the forest and forestlands of Ormoc City as security of land tenure which will enhance sense of project ownership among PO members necessary in achieving sustainable management by the PO;
- c) Shall protect, maintain and conserve the forest and forest lands of Ormoc in the context of sustainable management, and
- d) Perform other functions necessary for improving, maintaining and sustaining ecological balance in the covered barangays.

8
ARTICLE III
SETTLEMENT OF DUTIES

Section 6. Any dispute between the DENR and partner LGU arising out of the execution of this MOA shall be settled by mutual agreement.

ARTICLE IV
EFFECTIVITY AND TERMINATION

Section 8. This Agreement shall take effect upon signing of both parties and shall remain in force until revoked, revised, or amended upon expressed mutual agreement by both parties thereto.

IN WITNESS WHEREOF, the parties have set their hands this ____ day of ____ 2021 at ____ LEYTE.

Signed for and on behalf:

Department of Environmental
and Natural Resources

By:

TIRSO P. PARIAN JR. CESO IV
DENR-R8, Regional Executive Director

Witnessed by:

MOISES B. dela CRUZ
PENR Officer

Signed for and on behalf of:

Local Government Unit

By:

Hon. RICHARD I. GOMEZ
Ormoc City Mayor

Engr. RAOUL E. CAM
City Planning and Dev't Coordinator

For. ROSILYN C. SANCHEZ
City Environment and Natural Resources Office

ACKNOWLEDGEMENT

Republic of the Philippines)
City of Tacloban)

Before me, this ____ day of _____, 2021 in _____, Leyte Province personally appeared:

NAME	COMM.TAX. NO.	DATE ISSUED	PLACE ISSUED
TIRSO P. PARIAN JR.	_____	_____	_____
RICHARD I. GOMEZ	_____	_____	_____

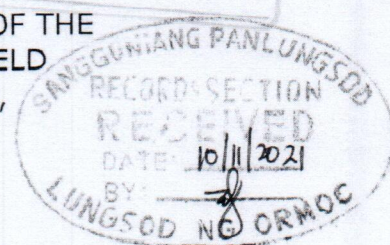
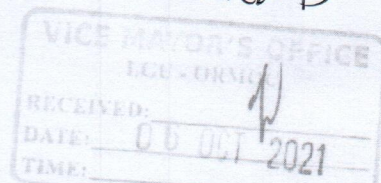
All known to me, to be the same persons who executed the foregoing instrument consisting of four (4) pages, including this page one which the acknowledgement is written, and acknowledge to me that is their free and voluntary act and deed and of the entities they represent.

WITNESS MY HAND AND SEAL at date and place written above

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

REPUBLICA 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 05, 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,
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

Joan Marbie C. Simbajon,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,

RESOLUTION 2021-282

**A RESOLUTION ADOPTING THE 2022-2027 FOREST
LAND USE PLAN (FLUP) OF THE CITY OF ORMOC.**

WHEREAS, DENR - DILG (JMC) Joint Memorandum Circular 1998-01 provides that the DENR and the concerned Local Government Unit (LGU) shall jointly undertake forest land use planning the output of which shall become an integral part of the concerned LGU's comprehensive land use plan, which was later strengthened in DENR-DILG-LGU JMC NO. 2003-01, reiterating the mandate of the LGU to share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, the City of Ormoc recognizes the value of managing its forest and forestlands, especially those considered open access area, which are generally defined as forestlands that are not covered by any form of tenure, government proclamations, or reservations or forestlands that are covered by tenure or government proclamations but without effective on-site management to contribute to the overall sustainable development of the city;

WHEREAS, the enactment of the subject resolutions by the City Development Council is in accordance with the needs of the City and the Forest Land Use Plan (FLUP) serves to "build consensus and develop recommendations on the best uses of forest lands including the important step of identifying open access areas and determining appropriate management and best resource managers for these open access area" and are not contrary to any comprehensive land use plan that the city has adopted;

WHEREAS, upon thorough review, the Sangguniang Panlungsod of the City of Ormoc in the exercise of its review powers, finds the FLUP to be in conformity with existing laws and ordinances and interposes no objection to its adoption for the purposes of guiding the future actions of the city and presenting a vision for the future long-range goals and objectives for all activities that affect the city government, a copy of which is hereto attached and made an integral part hereof;

WHEREFORE, on joint motion of SP Member Lalaine A. Marcos, Chairperson, Committee on Environment, Natural Resources and Energy Conservation and SP Member Roiland H. Villasencio, Vice-Chairman, Committee on Zoning, Housing and Land Use, severally seconded by SP Members Nolito M. Quilang, Joan Marbie C. Simbajon, Tomas R. Serafica, Gregorio G. Yrastorza III, Peter M. Rodriguez and Esteban V. Laurente; be it

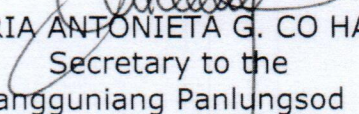
RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION ADOPTING THE 2022-2027 FOREST LAND USE PLAN (FLUP) OF THE CITY OF ORMOC;

ADOPTED, October 05, 2021.


RESOLVED FURTHER, to furnish copies of this resolution each to the City Mayor of Ormoc Richard I. Gomez; the City Administrator, Vincent L. Ennas; the City Legal Officer, Atty. Josephine Mejia-Romero; the Environment and Natural Resources Office; the City Planning & Development Office; the City Local Government Operations Officer-DILG; and other offices for their information and guidance;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


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

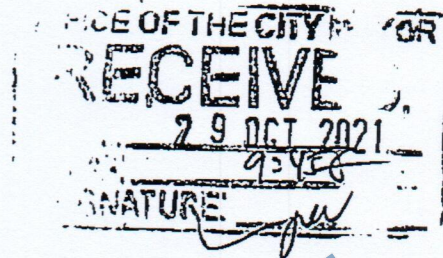


City Legal Office

2nd Floor New Ormoc City Hall
Aunubing St., Cogon, Ormoc City
(053) 255 2054 / 560 8050 loc. 1017

October 27, 2021

HON. RICHARD I. GOMEZ, DPA
City Mayor
Ormoc City



THRU: MA. VICTORIA LYRA P. DELA CERNA
City Gov't Asst. Dept. Head I

Dear Mayor Gomez:

This pertains to your referral letter dated October 21, 2021 requesting for review of the attached Draft MOA BY AND BETWEEN LGU ORMOC CITY AND THE DENR REGION VIII FOR THE IMPLEMENTATION OF ORMOC CITY'S FOREST LAND USE PLAN.

This office has reviewed the said draft MOA and finds that there is nothing legally objectionable therein. The same is not contrary to law, morals, good customs, public policy and public order, much less detrimental to the best interest of the City.

It is then recommended that 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 to Section (c) in relation to Section 455 (b), 1 (vi) of R.A. No. 7161 or the Local Government Code of 1991.

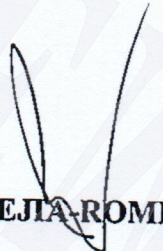
This comment/opinion is being rendered based on the documents submitted without prejudice to contrary opinion from competent authorities and/or ruling of proper court and/or supervening event(s) or circumstances.

For your consideration.

Respectfully yours,


EVA CRISTINE G. PAGAL
Attorney III

With Conformity:


JOSEPHINE A. MEJIA-ROMERO
City Legal Officer