

Republic of the Philippines
Province of Davao del Norte
CITY OF TAGUM

BEFORE THE 5TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 17TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON NOVEMBER 02, 2010 AT THE SP SESSION HALL.

PRESENT:

| | |
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| Hon. ALLAN L. RELLON, MPA, | City Vice Mayor (Presiding Officer) |
| Hon. DE CARLO L. UY, | Member |
| Hon. NICANDRO T. SUAYBAGUIO, JR., | Member |
| Hon. ROBERT L. SO, | Member |
| Hon. JOEDEL T. CAASI, | Member |
| Hon. OSCAR M. BERMUDEZ, | Member |
| Hon. ALAN D. ZULUETA, | Member |
| Hon. GETERITO T. GEMENTIZA, | Member |
| Hon. TRISTAN ROYCE R. AALA, | Member |
| Hon. FRANCISCO C. REMITAR, | Member |
| Hon. ALFREDO R. PAGDILAO, | Member (ABC Representative) |
| Hon. CYRIL LEONARD L. MURING, | Member (SKF Representative) |

ON OFFICIAL BUSINESS:

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| Hon. MARIA LINA F. BAURA, | Member |
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RESOLUTION NO. 121, s-2010

“A RESOLUTION AUTHORIZING THE CITY MAYOR, HON. REY T. UY TO SIGN FOR AND IN BEHALF OF THE CITY GOVERNMENT OF TAGUM A MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS REPRESENTED BY SINAOLAN T. MACARAMBON, CESO III, DPWH REGIONAL DIRECTOR FOR DREDGING OPERATION OF MADAUM CREEK, MADAUM, TAGUM CITY.”

WHEREAS, it is the basic policy of the government to ensure the expeditious delivery of services to the people, particularly in those areas where social and economic conditions are unfavorable thereby accelerating economic development and strengthen peace and security in the area;

WHEREAS, the city government finds the Madaum creek a potential tourist destination in the future and so desirous to secure a dredging equipment of DPWH to undertake the dredging of Madaum Creek, Madaum, Tagum City;

WHEREAS, the LGU of Tagum City has demonstrated capability to undertake the said project by administration;

WHEREAS, the DPWH is determined to provide support to the said undertaking by way of providing the needed dredging equipment under rental-free scheme which when completed will elevate the economic condition of the people in the area;

NOW THEREFORE, be it resolved by the 5th City Council of Tagum City, to authorize the City Mayor, Hon. Rey T. Uy to sign for and in behalf of the City Government of Tagum a Memorandum of Agreement (MOA) with the Department of Public Works and Highways represented by Sinaolan T. Macarambon, CESO III, DPWH Regional Director for dredging operation of Madaum Creek, Madaum, Tagum City.

RESOLVED FURTHER, that the full text of the Memorandum of Agreement shall be read as follows:

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MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and executed by and between:

The Department of Public Works and Highways represented by Regional Director SINAOLAN T. MACARAMBON, CESO III, Regional Director, Region XI with office address at Davao City, hereunder referred to as "DPWH";

-and-

The City Government of Tagum, with office address at Rizal St., Tagum City, Davao del Norte Province represented by its City Mayor REY T. UY as duly authorized by the Sangguniang Panlungsod, hereinafter referred to as the "CITY".

WITNESSETH

WHEREAS, it is the basic policy of the government to ensure the expeditious delivery of service to the people, particularly in those areas where social, economic and security conditions are unfavorable thereby accelerating economic development and strengthen peace and security in the area;

WHEREAS, the City Government of Tagum is desires to secure a dredging equipment from DPWH to undertake the dredging of Madaum Creek, Madaum, Tagum City;

WHEREAS, the DPWH, is willing to provide support to the said undertaking of the City Government of Tagum by way of providing the needed dredging equipment under rental-free/scheme which when completed will elevate the economic and social condition of the people in the area;

NOW THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants and stipulation hereinafter set forth, the "DPWH" by these presents, hereby demises, conveys, and lends unto the "CITY" the equipment herein specified, to wit:

| EQUIPMENT DESCRIPTION | REPLACEMENT COST |
|---|-------------------------|
| 1. One (1) unit DPWH – Dredge Luzon II) 12" dia. Pipeline dredge) and its accessories) (240 cu.m./hr. cap.) | |
| 2. One (1) unit Launch Tender Luzon II) | Php. 50,000,000.00 |
| 3. One (1) unit Anchor Barge Luzon II) | |
| 4. One (1) unit Stake Truck) with DPWH No. H7-27) | |
| 5. One (1) unit Service Vehicle) with DPWH No. H1-3327) | |

This Agreement shall be subject to the following conditions mutually agreed upon the parties:

- (1) The above described equipment shall be used exclusively for the:

DREDGING OPERATION OF MADAUM CREEK
(Name of Project)

MADAUM, TAGUM CITY
(Location)

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- (2) Within the intent and purpose to realize the speedy completion of the above named project, the "CITY" and the "DPWH" Region XI hereby agrees to the following:
- A. THE CITY shall
1. Act as the executing agency and shall oversee the general operations of the dredging equipment;
 2. Administer the use of funds provided/allocated by the City for the project;
 3. Employ additional staff/personnel at its own expense as may be necessary to provide support for efficient implementation of the dredging works;
 4. Shall be responsible for the overtime pay, subsistence allowance and other incidental expenses of all personnel involved in the operation/implementation of this agreement;
 5. Upon approval of the MOA, shall provide the cost of the mobilization and demobilization of the equipment from the DPWH station to the project and vice versa including towing and hauling of its accessories; and
 6. Shall submit implementation schedule of the projects for monitoring purposes.
- B. THE DPWH Region XI shall
1. Assign on temporary basis the DPWH, Dredge LUZON II Dredger initially for a period of six (6) months, until completion of the dredging works undertaken by the CITY whichever comes first but not more than eight (8) months. However, the said equipment shall be subject to recall at anytime during the authorized period when interest so demand or emergency to prevent loss of lives and properties;
 2. Provide personnel with expertise or specialization in the dredging project;
 3. Implement the dredging operation in accordance with the approved plans and specifications;
 4. Appraise the higher authorities, as necessary, regarding its accomplishments and any problems to be met concerning operations; and
 5. Provide dredging equipment under terms and conditions as may be agreed upon.
- (3) The DPWH shall retain custody and control of the equipment (DPWH-Dredge LUZON II) while the CITY shall fully be responsible for the maintenance of the unit and shall provide needed fuel and lubricants for the effective operation of the dredging equipment and related support vehicles during the entire period for the agreement;
- (4) That the CITY will save the DPWH and all DPWH's employees free from liability for lawsuits civil and criminal arising from damage done to any person or property by reason of the use, transportation, except in cases, where it is proven that such damage was due to the fault of the DPWH's personnel;

This AGREEMENT shall take effect upon approval of this Memorandum of Agreement (MOA) by the DPWH Honorable Secretary.

This Memorandum of Agreement (MOA) may be terminated in the event of a default by the other party of any of its obligation and shall be automatically terminated upon the realization of the purpose of this MOA.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this ____ day of _____, 2010 at _____, Philippines.

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

CITY GOVERNMENT OF TAGUM

SINAOLAN T. MACARAMBON, CESO III
Regional Director
Magsaysay Avenue, Davao City

REY T. UY
City Mayor
City Hall Building, Tagum City

Signed in the presence of:

LORENZO M. YUMANG
Regional Equipment Engineer

GILBERT S. MAMBULAO, SR.
City Engineer

Approved by:

ROGELIO L. SINGSON
Secretary
Department of Public Works and Highways

ACKNOWLEDGEMENT

BEFORE ME, a Notary Public for and in the City of Davao, personally appeared SINAOLAN T. MACARAMBON, with Residence Certificate No. _____ issued on _____ at _____, in his official capacity as Regional Director, representing the Department of Public Works and Highways, Region XI, Davao City and City Mayor Rey T. Uy with Residence Certificate No. _____ issued on _____, 2010 at Tagum City, known to me to be the same persons who executed the foregoing Memorandum of Agreement for the use of Dredge Luzon II, its attendant plans and accessories for the Dredging of Madaum Creek, Madaum, Tagum City, and acknowledged to me that the same is their true and deed for and in behalf of the PARTIES they represented.

WITNESS MY HAND AND SEAL this ____ day of _____, 2010 at Davao City, Philippines.

Doc. No. _____
Page No. _____
Book No. _____
Series of 2010.

CARRIED AND APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing.

REY A. BUHION
Secretary to the Sanggunian

ATTESTED:

ALLAN L. RELLON, MPA
City Vice Mayor
(Presiding Officer)