

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

BEFORE THE 5TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 31ST REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON FEBRUARY 14, 2011 AT THE SP SESSION HALL.

PRESENT:

Hon. ALLAN L. RELLON, MPA,	City Vice Mayor	
Hon. DE CARLO L. UY,	Member (Temporary Presiding Officer)	
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. JACQUELINE GRACE Q. EDULLANTES,	Member	(SKF Representative)

ABSENT:

Hon. MARIA LINA F. BAURA,	Member
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RESOLUTION NO. 255, s-2011

“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 AGRICULTURE REGIONAL FIELD UNIT XI THRU REGIONAL DIRECTOR, DR. CARLOS B. MENDOZA, DVM, CESO III FOR THE PROVISION OF ONE (1) UNIT FOUR-WHEEL DRIVE FARM TRACTOR ON A COUNTERPARTING SCHEME FUNDED UNDER THE AGRI P-NOY MAISAN PROGRAM.”

WHEREAS, one of the City Government's goals is to uplift the socio-economic well-being of its farmers as well as its fisher folks and another is to provide livelihood to the City's micro-entrepreneurs;

WHEREAS, the City of Tagum being strategically located at the northern part of Region XI is still an Agri-based economy with 68% of its land area devoted to Agri-production purposes;

WHEREAS, due to the influx of investors especially Agri-based processing centers there is a need to equipped our City Agriculture Office with new equipment and machineries to be able to assist our Agri-producers enhance and increase their production levels;

WHEREAS, there is a need for the Sangguniang Panlungsod of Tagum to immediately pass a Resolution relative to the subject at hand and properly enable and equip our farmers and fisherfolks in the pursuit of Food Security and Sufficiency in this part of the region;

NOW THEREFORE, be it resolved by the Sangguniang Panlungsod of Tagum 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 Agriculture Regional Field Unit XI thru Regional Director, Carlos B. Mendoza, DVM, CESO III for the provision of one (1) unit four-wheel drive farm tractor on a counterparting scheme funded under the Agri P-Noy Maisan Program.

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

MEMORANDUM OF AGREEMENT

For the Provision of one (1) unit Four-Wheel Drive Farm Tractor on a counterparting scheme funded under Agri-P-NOY Maisan Program

KNOW ALL MEN BY THERE PRESENTS:

The **DEPARTMENT OF AGRICULTURE** through the **DA-REGIONAL FIELD UNIT XI**, a government agency created and existing under the Republic of the Philippines with office address at DA-RFU XI, F. Bangoy St., Davao City, represented herein by its Regional Executive Director **DR. CARLOS B. MENDOZA, DVM, CESO III**, herein after referred to as "**DA-RFU XI**";

and

The **CITY OF TAGUM** with office address at Rizal St., Tagum City, Davao del Norte represented herein by its City Mayor **HON. REY T. UY**, hereinafter referred to as the "**LGU**";

-over-

WITNESSETH

Whereas, RA 8435 otherwise known as **AGRICULTURE AND FISHERIES MODERNIZATION ACT** or **AFMA** aims to strengthen the Agriculture and Fishery sector through modernization, greater participation among the Local Government Unit (LGUs), farmers and fisherfolks, non-government organizations, and people empowerment;

Whereas, the Local Government Code of 1991 allows the Department of Agriculture (DA), a National Agency, to implement nationally funded projects jointly with the Local Government Units (LGUs);

Whereas, two of the major thrusts of the City Government under Hon. Rey T. Uy, City Mayor, are Agricultural Productivity / Livelihood Development & Promotion and Employment Generation which particularly shall address the attainment of food security and poverty alleviation in this part of the region;

Whereas, the **DA** is implementing the **AGRI P-NOY MAISAN PROGRAM**, in which the program's thrusts are to increase corn productivity, increase competitiveness of domestic corn production and increase farm incomes by ensuring better farm gate prices in line with the thrust of **HIS EXCELLENCY PRESIDENT BENIGNO SIMEON C. AQUINO III's** Food Security Program;

WHEREAS, the project implementation shall be through efficient use of resources of both the DA RFU XI and the LGU; in which a COUNTERPARTING SCHEME is appropriate to give effect to the project;

NOW THEREFORE, for and in consideration of the mutual covenants and premises hereinafter set forth, the parties hereto agree as follows:

ARTICLE I
SCOPE

One of the components of the Agri P-NOY Maisan Program is the pilot farm mechanization and tractor pool component wherein a FARM TRACTOR with standard implements will be provided under liberal credit terms or cost-sharing arrangements with FARMERS ORGANIZATION (FOs) and/or LOCAL GOVERNMENTS UNITS (LGUs). The DA-RFU XI and the LGU opted to have a cost-sharing arrangement and thus agreed to pool their limited resources to enable them to produce one (1) unit FARM TRACTOR with a HEAVY-DUTY TRAILER as implement, with the following minimum specification:

ONE UNIT FOUR-WHEEL DRIVE (4WD) FARM TRACTOR with NET ENGINE HORSE POWER 80 or 90-95 RATED HP with implements consisting of:

- Heavy-Duty trailer (dump-type), equipped with mechanical brake system and tail / hazard light

ARTICLE II

RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES

- 1) The **DA-RFU XI** shall:
 - a) Evaluate and review project proposal of the LGU and consequently approve the same upon submission of a CITY COUNCIL RESOLUTION authorizing the Honorable Mayor of the LGU to negotiate, obtain, enter, contract and sign for and in behalf of the City the MEMORANDUM OF AGREEMENT with DA RFU – XI with regard to counterparting scheme to include adoption of the same agreement and project proposal;
 - b) Allocate the required counterpart fund in the amount of **ONE MILLION TWO HUNDRED THOUSAND PESOS (P 1,200,000.00)** and disburse the same fund as grant to the LGU for the procurement of ONE (1) UNIT FOUR-WHEEL DRIVE FARM TRACTOR with an implement as identified under the project and transacting the same in accordance with existing government accounting rules and regulations;
 - c) Extend technical services as may be needed by the LGU relative to project preparation and implementation;
 - d) Monitor the implementation of the said program in accordance with its approved work plan and reserve the right to intervene and institute corrective measures in case of non-compliance with the stipulations of this agreement.
- 2) The **LGU** shall:
 - a) Submit to DA RFU – XI a letter of intent and project proposal for the counterparting program;

- b) Submit a City Council Resolution authorizing the Honorable Mayor of the LGU to negotiate, obtain, enter, contract and sign for and in behalf of the City the MEMORANDUM OF AGREEMENT with the DA RFU – XI with regard to Counterparting Scheme to include adoption of the same agreement and project proposal by the City Council of Tagum;
- c) Allocate the required counterpart fund in the amount of ONE MILLION TWO HUNDRED THOUSAND PESOS (P 1,200,000.00) based on the proposal and supported with a Certificate of Availability of Counterpart Funds duly signed by the City Accountant and the City Mayor;
- d) Issue an official receipt for the ONE MILLION TWO HUNDRED THOUSAND PESOS (P 1,200,000.00) counterpart fund transferred by the DA RFU – XI;
- e) Facilitate the procurement of One (1) unit Four-Wheel Drive Farm Tractor with the identified implement in accordance with government accounting rules and regulations;
- f) Submit a Report of Disbursement duly certified by the City Accountant and Approved by the Local Chief Executive, audited and verified by the Resident Auditor of the Commission on Audit of the LGU within 30 Calendar Days after procurement of One (1) unit FARM TRACTOR;
- g) Provide a shed for the FARM TRACTOR with its identified implement and shoulder the repair and maintenance cost of the same only after the lapse of the warranty arrangement with the supplier;
- h) Insure the FARM TRACTOR with its implements and shoulder all licenses and taxes that will be levied on the use and operation of the same;
- i) Prioritize the mechanization services of the farmers' and farmer cooperatives located in identified corn cluster areas of the City and in close coordination with the Provincial Agriculture's office of the Province of Davao del Norte;
- j) Implement the proposed project in accordance with the approved work plan and utilize the FARM TRACTOR for its intended use and shall not in anyway be sold, lease or mortgage the same;
- k) Submit monthly progress reports to DA RFU – XI or such other reports that DA RFU – XI may require from time to time.

3) MISCELLANEOUS

- a) The Agreement made by the parties maybe amended only in writing and signed by authorized representatives of both parties. All amendment(s), which will be appended to this agreement, shall be in writing and delivered to the address of the parties indicated herein.

IN WITNESS WHEREOF, the parties through their duly authorized representatives hereunto affixed their signatures this _____ day of _____ 2011 _____, **Philippines**.

DEPARTMENT OF AGRICULTURE
REGIONAL FIELD UNIT-XI

CITY OF TAGUM

CARLOS B. MENDOZA, DVM, CESO III
Regional Executive Director

HON. REY T. UY
City Mayor

Signed in the presence of

LARRY C. PINEDA
OIC - RAED Chief

GEORGE G. GRANDEA
OIC – City Agriculturist

MARIFLOR S. GARCIA
Regional Accountant
DA-RFU XI, Davao City

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES }
PROVINCE OF DAVAO DEL NORTE } S.S.
CITY OF TAGUM }

BEFORE ME, a Notary Public, for and in _____ this ____ day of _____ 2011, personally appeared:

Name	CTC No.	Date/Place Issued
Rey T. Uy	_____	_____
Dir. Carlos B. Mendoza	_____	_____

Known to me to be the same persons who executed the foregoing instrument and who acknowledged to me that the same is their free and voluntary act and deed.

This instrument refers to the Memorandum of Agreement (MOA) consisting of three (___) page/s including the page in which this acknowledgement is written and has been signed by the parties and their witnesses on the pages thereof.

WITNESS MY HAND AND SEAL on the date and place above written.

NOTARY PUBLIC

Doc. No. _____
Page No. _____
Book No. _____
Series of 2011

RESOLVED FURTHER, that copies of this resolution be furnished to all offices concerned for their information and record.

CARRIED AND APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing.

REY A. BUHION
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**

DE CARLO L. UY
SP Member
(Temporary Presiding Officer)