

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

BEFORE THE 5TH CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 40TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD ON APRIL 18, 2011 AT THE SP SESSION HALL.

PRESENT:

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

RESOLUTION NO. 339, s- 2011

“A RESOLUTION AUTHORIZING THE CITY MAYOR OF TAGUM, HON. REY T. UY, TO ENTER INTO AND SIGN FOR AND IN BEHALF OF THE CITY GOVERNMENT OF TAGUM, A MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) FOR THE CONSTRUCTION OF A VEGETABLE SECTION AT THE TAGUM PUBLIC MARKET, BARANGAY MAGUGPO WEST, TAGUM CITY, DAVAO DEL NORTE.”

WHEREAS, pursuant to Section 17 (4) (e) of the Local government Code of 1991, national agencies or offices concerned shall devolve to Local Government Unit the responsibility for the provision of the basic services and facilities and as used in the code, the term “ devolution “ confers power and authority upon the various Local Government Units to perform specific functions and responsibilities;

WHEREAS, under the 1999 General Appropriation Act or GAA (RA No. 8745) and the Public Works and Highways Infrastructure Program Act (RA No. 8150) nationally funded infrastructure project may be implemented by Local Government Unit with the demonstrated capability to undertake the projects by themselves;

WHEREAS, the City Government of Tagum has been acknowledged to have the capacity and competence to undertake and implement infrastructure project of the Department of Public Works and Highways;

WHEREAS, per Special Allotment Release Order SARO No. A10-09751, issued on December 23, 2010 of the Department of Budget and Management an amount of One Million (1,000,000.00) Pesos has been allocated for the construction of said Vegetable Section at the Tagum Public Market, Barangay Magugpo West, Tagum City, Davao del Norte;

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 Public Works and Highways (DPWH) for the construction of a Vegetable Section at the Tagum Public Market, Barangay Magugpo West, Tagum City, Davao del Norte.

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

MEMORANDUM OF AGREEMENT
between the
DPWH and the CITY GOVERNMENT OF TAGUM
for the
CONSTRUCTION OF A VEGETABLE SECTION, AT THE TAGUM PUBLIC MARKET
Barangay Magugpo West, Tagum City, Davao del Norte

KNOW ALL MEN BY THESE PRESENTS:

This **MEMORANDUM OF AGREEMENT (MOA)** entered into _____ at DPWH, Davao del Norte District Engineering Office, Tagum City, Davao del Norte by and between;

The **DEPARTMENT OF PUBLIC WORKS and HIGHWAYS**, a national government agency with office address at Km. 48, Tagum City, Davao del Norte, represented by the District Engineer, FERNANDO S. ONGKINGCO, JR., hereinafter referred to as the "DPWH";

-and-

The **CITY GOVERNMENT OF TAGUM** herein represented by its City Mayor, REY T. UY, hereinafter referred to as the "LGU".

WITNESSETH

WHEREAS, under the 2010 Budget (RA 9970) and the Department Public Works and Highways Infrastructure Program Act; nationally funded infrastructure projects may be implemented by Local Government Units with the demonstrated capability to undertake the Projects by themselves, upon prior consultation with and written concurrence/request of the Representatives or Congressmen concerned;

WHEREAS, based on the foregoing premises, the DPWH issued DO No.137 dated June 30, 1999, as amended which sets the guidelines including rules and procedures, for the implemented DPWH projects by Local Government Units;

WHEREAS, in accordance with the said Department Order, the LGU has submitted to the DPWH a written request for the DPWH to authorize the LGU to implement by administration its project;

WHEREAS, in accordance with the same Department Order, the DPWH has determined that the LGU has the demonstrated capability to undertake the said project by administration;

NOW THEREFORE, in consideration of the foregoing premises, the Parties to this MOA hereby agree on the following terms and conditions:

ARTICLE I – PROJECT COVERAGE

Section 1.1 This Memorandum of Agreement (MOA) covers the implementation by the Local Government Unit of the DPWH Project hereinafter called the Construction of a Vegetable Section at the Tagum Public Market, Barangay Magugpo West, Tagum City, Davao del Norte in the amount of P1,000,000.00.

ARTICLE II – PROJECT IMPLEMENTATION

Section 2.1 The LGU shall implement the PROJECT by administration only, in accordance with the Program of Works, Plans, Specifications, PROJECT Cost, and Time Duration approved by the DPWH Officials concerned. Any violation of this mode of implementation shall automatically nullify this agreement.

Section 2.2 The LGU shall, to the extent feasible, use labor-based equipment-supported methods in implementing the project.

Section 2.3 The LGU shall start the PROJECT within fifteen (15) days from the approval of the MOA and shall complete the PROJECT within the period of 60 calendar days.

Section 2.4 The LGU shall submit monthly monitoring reports on the PROJECT to the DPWH District Engineer.

Section 2.5 Upon satisfactory completion by the LGU of the PROJECT as verified by the designated DPWH inspectorate team, the DPWH District Engineer shall issue to the LGU the corresponding Certificate of PROJECT Completion.

Section 2.6 Within one (1) year after the issuance of the Certificate of PROJECT Completion, the LGU shall correct, at its own expense, all defects discovered in the PROJECT due to faulty construction or use of substandard materials. After this one-year period and after the PROJECT is verified by the DPWH inspectorate team as having no defects, the DPWH District Engineer shall issue to the LGU the Certificate of PROJECT Acceptance.

Section 2.7 The DPWH shall have the right to terminate the service of the Local Government Unit if the negative slippage goes beyond 15% in comparison to the original schedule due to the reason attributed to the poor performance of the Local Government Unit in accordance with the DPWH Department Order No. 102, S- 1988.

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Section 2.8 The DPWH shall exercise technical supervision over the project pursuant to Section 1, Special Provision of the GAA for Fiscal Year 2010, DPWH Appropriation.

ARTICLE 111 – PROJECT FUNDING

Section 3.1 The DPWH District Engineer shall issue to the LGU a Letter of Advice of Allotment (LAA) equivalent to the approved PROJECT Cost based on the allotment authorized by the Department of Budget and Management. The LAA shall serve as the obligational authority of the LGU to implement the PROJECT.

Section 3.2 The LGU shall be fully accountable of all funds for the PROJECT released to it by the DPWH.

Section 3.3 The DPWH shall release to the LGU an initial cash advance for the PROJECT equivalent to fifty percent (50%) of the obligational authority (or PROJECT Cost). The LGU shall take up the said cash advance as a trust deposit in a separate checking account with a government depository bank.

Section 3.4 The DPWH shall release subsequent cash funds to the LGU only after the latter has liquidated previous cash advances, based on Liquidation Reports signed by the LGU Treasurer/Chief Accountant and verified and found correct by the LGU Resident Auditor of the Commission on Audit.

ARTICLE IV – EFFECTIVITY

Section 4.1 This MOA shall take effect upon approval thereof by the DPWH Regional Director and shall remain in force until the completion of the PROJECT, unless mutually terminated earlier by the said Parties.

Section 4.2 Either Party to this MOA may initiate the termination of this MOA in the event of a default by the other Party of any of its obligations hereunder.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures at Tagum City, this ____ day of _____, 2011.

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
Represented by:

FERNANDO S. ONGKINGCO, JR.
District Engineer

CITY GOVERNMENT OF TAGUM
Represented by:

REY T. UY
City Mayor

Signed in the presence of:

COLUMBA Q. SAGRADO
Accountant III

GILBERT S. MAMBULAO, SR.
City Engineer

EDGAR C. DE GUZMAN
City Treasurer

Approved by:

Concurred by:

SINAOLAN T. MACARAMBON, CESO III
Regional Director

ANTONIO RAFAEL G. DEL ROSARIO
Representative
1st Legislative District
Davao del Norte Province

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Dvao del Norte)
City of Tagum)

BEFORE ME, a Notary Public, personally appeared REY T. UY, with Community Tax Certificate No. _____ issued on _____, 2011 at Tagum City and FERNANDO S. ONGKINGCO, JR., with Community Tax Certificate No. _____ issued on _____, 2011 at Tagum City, known to me and to me known to be the same persons who executed this Instrument wherein the acknowledgement is written and they acknowledged to me that the same is their free act and deed.

WITNESS MY HAND AND SEAL, this ____ day of _____, 2011 at Tagum City, Davao del Norte, Philippines.

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

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:**

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