

Republic of the Philippines
Province of Iloilo
Municipality of Tigbauan
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE BENJAMIN MELLIZA HALL, TIGBAUAN MUNICIPAL BUILDING, TIGBAUAN, ILOILO ON MARCH 17, 2004 AT 9:15 A.M.

PRESENT:

HON. JESSIE G. TERRE,	Vice Mayor & Presiding Officer
HON. AGATON O. TUMABOTABO,	Councilor
HON. ROMEO T. LEDESMA,	Councilor
HON. REMEDIOS T. TORRATO,	Councilor
HON. GEORGE T. TRIBUNAL,	Councilor
HON. ALFONSITO E. ESTOCE,	Councilor

ABSENT:

HON. FERNANDO M. VALENCIA,	Councilor
HON. CECILIA T. GARRIDO,	Councilor
HON. REXFEL G. TRIVILEGIO,	Councilor
HON. ORVILLO T. TANGENTE,	Pres. Liga nga mga Brgy.
HON. JOSE DONEL T. TRASPORTO,	SKMF President

Resolution No. 2004-026

RESOLUTION AUTHORIZING HON. MYRNA M. TORRES, MUNICIPAL MAYOR, TIGBAUAN, ILOILO TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) FOR THE REPAIR, IMPROVEMENT & MAINTENANCE OF ATABAYAN-RIVERIDE-OLO BARROD ROAD THIS MUNICIPALITY IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND (P1,500,000.00) PESOS FROM DAR SECRETARY ROBERTO M. PAGDANGANAN

WHEREAS, under the CY 2002 General Appropriation Act or GAA (R.A. No. 9162) nationally-funded infrastructure projects may be implemented by Local Government Units with the demonstrated capacity to undertake the projects by themselves;

WHEREAS, based on the foregoing premise, the DPWH issued Department Order No. 137 dated June 30, 1999, which sets guidelines, including rules and procedures for the implementation by the Local government Units of the DPWH projects;

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 the DPWH Project;

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

WHEREAS, in accordance with the same Department Order and pursuant to the aforementioned laws, the Representative, or Congressman concerned has been consulted and has indicated his written concurrence/request on the proposed implementation by the LGU of the said Project;

WHEREAS, the MOA duly signed by Mayor Myrna M. Torres and the DPWH Representative shall be returned to the Sangguniang Bayan for confirmation;

NOW, THEREFORE, upon motion of Hon. Alfonsito E. Estoce, Chairman, Committee on Rules, Ordinances and Resolutions and was duly seconded by Hon. Remedios Torrato, Hon. Agaton Tumabotabo and Hon. George Tribunal,

RESOLVED, to authorize Hon. Myrna M. Torres, Municipal Mayor, Tigbauan, Iloilo to Enter Into A Memorandum Of Agreement With Department Of Public Works And Highways (DPWH) For The Repair, Improvement & Maintenance Of Atabayan-Riverside-Olo Barroc Road, This Municipality In The Amount Of One Million Five Hundred Thousand (P1,500,000.00) Pesos From DAR Secretary Roberto M. Pagdanganan Under The Following Terms And Conditions:

ARTICLE 1 – PROJECT COVERAGE

Section 1.1 This MOA covers the implementation by the LGU of the DPWH Project hereinafter called the Repair, Improvement & Maintenance Of Atabayan-Riverside-Olo Barroc Road, This Municipality In The Amount of One Million Five Hundred Thousand (P1,500,000.00) Pesos From DAR Secretary Roberto M. Pagdanganan,

ARTICLE II – PROJECT IMPEMENTATION

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 Official Concerned;

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

Section 2.3 The LGU shall start the project from the approval of the MOA and shall complete the PROJECT within the Time Duration approved by DPWH;

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

Section 2.5 Upon the satisfactory completion by the LGU of the PORJECT 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 year (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;

Section 2.7 DPWH reserves the right to terminate the service of the LGU if the negative slippage becomes beyond 15% in comparison with to the original schedule due to reason attributed to the performance of the LGU in accordance with DPWH Department Order No. 102, series of 1998.

ARTICLE III – 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 (DBM). The LAA shall serve as the obligation authority of the LGU to implement The Project,

Section 3.2 The LGU shall be fully accountable for all funds for the PROJECT releases to it by the DPWH,

Section 3.3 The DPWH shall release to the LGU an initial cash advance for the PROJECT equivalent to fifteen percent (15%) 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 to the LGU succeeding cash funds for the PROJECT equivalent to the amount of previous cash liquidated, 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 Regional Director, DPWH Region VI and shall remain in force until the completion of the PORJECT, unless mutually terminated earlier by the said parties;

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

RESOLVED FURTHER, to forward copies of this resolution to Hon. Myrna M. Torres, to DPWH Regional Director Wilfredo B. Agustino, CESO III, to District Engineer, Laureano A. Alba and to all concerned for their information and/or appropriate action.

APPROVED.

I HEREBY CERTIFY that the foregoing Resolution was approved by the Sangguniang Bayan.

CERTIFIED CORRECT:

MARLENE T. NAVA
S.B. Secretary

ATTESTED:

JESSIE G. TERRE
Vice Mayor & Presiding Officer

