

Republic of the Philippines  
Province of Iloilo  
Municipality of Tigbauan  
-oo-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE SESSION HALL, TIGBAUAN MUNICIPAL BUILDING, TIGBAUAN, ILOILO ON NOVEMBER 5, 2008 AT 9:05 A.M.

PRESENT:

HON. ROEL T. JARINA,	Vice Mayor & Presiding Officer
HON. SUZETTE MARIE HILADO-BANNO,	Councilor
HON. SUZETTE TENEFRANCIA-ALQUISADA,	Councilor
HON. AGATON O. TUMABOTABO,	Councilor
HON. MARLON R. TERUÑEZ,	Councilor
HON. NORBERTO T. TURALBA,	Councilor
HON. JOSE T. TAVARRO, JR.,	Councilor
HON. LORETA LUNGAY-ARIAS,	Councilor
HON. ELMER T. TORRATO,	Councilor
HON. ORVILLE T. TANGENTE,	Pres., Liga Ng Mga Barangay
HON. LEA E. TORREFLORES	SKMF President

ABSENT: NONE

-----  
Resolution No. 2008-103

RESOLUTION AUTHORIZING HONORABLE JAMES EXCELSIOR M. TORRES, MUNICIPAL MAYOR, TIGBAUAN, ILOILO, TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF PUBLIC WORKS & HIGHWAYS (DPWH), 1<sup>ST</sup> ENGINEERING DISTRICT, FORT SAN PEDRO, ILOILO CITY RELATIVE TO THE FOLLOWING PROJECT: CONSTRUCTION OF MULTI-PURPOSE BUILDING WORTH FIVE HUNDRED THOUSAND (P500,000.00) PESOS FROM SENATOR MIGS ZUBIRI FOR THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO

WHEREAS, Honorable Mayor James Excelsior M. Torres sent a letter to the Sangguniang Bayan, this municipality, dated November 4, 2008 requesting for the urgent passing of S.B. Resolution authorizing him to enter into a Memorandum of Agreement with the DPWH, 1<sup>st</sup> Engineering District, Fort San Pedro, Iloilo City relative to the following project: Construction of Multi-Purpose Building worth Five Hundred Thousand Pesos (P500,000.00) from Senator Migs Zubiri for the Municipality of Tigbauan, Province of Iloilo;

WHEREAS, based on the said letter, the MOA is one of the requirements for the municipal government to comply to implement the project thru administration;

WHEREAS, under the CY 2004 General Appropriations Act of GAA (R.A. No. 9206) nationally funded infrastructure projects may be implemented by Local Government Units with the demonstrated capability to undertake the projects by themselves;

WHEREAS, based on the foregoing premises, 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 capability to undertake the said Project by administration;

WHEREAS, in consideration of the foregoing premises, PARTIES to this MOA hereby agree on the following terms and conditions:

#### ARTICLE I – PROJECT COVERAGE

SECTION 1.1 This MOA covers the implementation by the LGU of the DPWH Project hereinafter called the CONSTRUCTION OF MULTI-PURPOSE BUILDING in the amount Five Hundred Thousand Pesos (P500,000.00) funded under SARO No. \_\_\_\_\_ dated \_\_\_\_\_

#### ARTICLE II – PROJECT IMPLEMENTATION

SECTION 2.1 The LGU shall implement the PROJECT by administration only, in accordance with the Program of Work, Plans Specification, PROJECT Cost, and Time Duration approved by the DPWH Official concerned.

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

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 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 satisfaction 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 DPWH reserves the right to terminate the service of the LGU if the negative slippage becomes beyond 15% in comparison to the original schedule due to reason attributed to the performance of the LGU in accordance with DPWH.

#### 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 obligational authority of the LGU to implement the PROJECT.

SECTION 3.2 The LGU shall be fully accountable for 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 to the LGU succeeding cash funds for the PROJECT equivalent to the amount of previous cash advance 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 District Engineer, DPWH Iloilo 1st Engineering District 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 its termination in the event of a default by the other Party of any of its obligations thereunder.

NOW, THEREFORE, on motion of Hon. Marlon R. Teruñez, Chairman, Committee on Infrastructure, and General Services and duly seconded by Hon. Suzette Marie Hilado-Banno, Hon. Suzette Tenefrancia-Alquisada, Hon. Agaton O. Tumabotabo, Hon. Norberto T. Turalba, Hon. Jose T. Tavarro, Jr., Hon. Loreta Lungay-Arias, Hon. Elmer T. Torrato, Hon. Orville T. Tangente and Hon. Lea E. Torreflores,

RESOLVED, to Authorize Honorable James Excelsior M. Torres, Municipal Mayor, Tigbauan, Iloilo, To Enter Into A Memorandum Of Agreement (MOA) With The Department Of Public Works And Highways (DPWH), 1st Engineering District, Fort San Pedro, Iloilo City Relative To The following Project: Construction Of Multi-Purpose Building Worth Five Hundred Thousand Pesos (P500,000.00) From Senator Migs Zubiri For The Municipality of Tigbauan, Province of Iloilo,

RESOLVED FURTHER, to furnish copies of this Resolution to the Hon. Mayor James Excelsior M. Torres, to the DPWH Region VI, Iloilo City and to all concerned for their information and/or appropriate action.

APPROVED.

---

I HEREBY CERTIFY that the foregoing Resolution No. 2008-103 was approved by the Sangguniang Bayan.

CERTIFIED CORRECT:

MARLENE T. NAVA  
S.B. Secretary

ATTESTED:

ROEL T. JARINA  
Vice Mayor & Presiding Officer



