



Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 6TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON FEBRUARY 20, 2017.

PRESENT:

HON. DONNA MAE B. BERNADAS, Ed. D.	Vice Mayor & Presiding Officer
HON. GREGORIO S. FACULA, MDMG	Sangguniang Bayan Member
HON. MELFAR C. AGUILUZ	Sangguniang Bayan Member
HON. YASMIN V. CAMPION, REA, REB	Sangguniang Bayan Member
HON. ADHEM F. FUNA	Sangguniang Bayan Member
HON. GERALD J. ABIERA	Sangguniang Bayan Member
HON. RICKY T. DELCO	Sangguniang Bayan Member
HON. ANNA C. CAGULADA	Sangguniang Bayan Member
HON. NELSON C. BAER, RA	Sangguniang Bayan Member
HON. ANGELITO P. ORILLOSA	ABC Pres/Ex-Officio Member
HON. FRANCISCO D. BUCADON	IPMR/Ex-Officio Member

ABSENT:

None

RESOLUTION NO. 2017-33

Sponsor: Hon. Yasmin V. Campion, REA, REB

Co-Sponsors: All members present

A RESOLUTION AMENDING FURTHER RESOLUTION NO. 2016-195, OTHERWISE KNOWN AS A RESOLUTION AUTHORIZING ATTY. LEAH MARIE M. ROMANO MUNICIPAL MAYOR TO SIGN IN THE MEMORANDUM OF AGREEMENT BETWEEN THE LOCAL GOVERNMENT UNIT OF BRAULIO E. DUJALI AND THE PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE IN CONNECTION WITH THE IMPLEMENTATION OF THE FLOOD CONTROL PROJECT UNDER THE 2015 BOTTOM-UP BUDGETING.

WHEREAS, the Sangguniang Bayan already had adopted Resolution No. 2016-195 during the conduct of its 3rd special session on December 13, 2016 and immediately had the same forwarded to the Provincial Government for the finality of the agreement to be entered into by the two parties mentioned in the foregoing;

WHEREAS, weeks later, this honorable body got hold of recommendations that came from the province's Legal Officer in two consecutive instances both stating that certain provisions of the Memorandum of Agreement that was incorporated in the said resolution have to be amended to make it mutually acceptable. Adhering to such recommendations, this body adopted Resolution No. 2017-12 and subsequently the adoption hereof;

WHEREAS, for purposes of clarity in the delineation of roles and responsibilities of both parties, the Memorandum of Agreement to be entered

by and between this municipality and the Province of Davao del Norte shall be read as follows:

**MEMORANDUM OF AGREEMENT (MOA)
FOR THE IMPLEMENTATION OF THE "FLOOD CONTROL PROGRAM"
UNDER 2015 BUB PROGRAM**

KNOW ALL MEN BY THIS PRESENTS:

The Municipality of Braulio E. Dujali, Province of Davao del Norte with principal office at Purok 5, Barangay Dujali, Braulio E. Dujali, Davao del Norte as represented by the **HONORABLE MAYOR, ATTY. LEAH MARIE A. MORAL-ROMANO**, hereinafter referred to as the **"MUNICIPALITY"**

And

The Provincial Government of Davao del Norte, Region XI with principal address at Mankilam, Tagum City, Davao del Norte as represented by the **HONORABLE GOVERNOR, ANTONIO RAFAEL G. DEL ROSARIO** herein referred to as the **"PROVINCE"**.

WITNESSETH

WHEREAS, the Municipality of Braulio E. Dujali, Davao del Norte is one of the beneficiaries of the Bottom-Up-Budgeting (BuB) of the national government for the year 2015;

WHEREAS, one of the projects identified in the Local Poverty Reduction Action Plan CY 2015 is the "Flood Control Program" funded by the Department of Interior and Local Government (DILG);

WHEREAS, the Department of Interior and Local Government allocated a total amount of P6,000,000.00 for the said project while the Local Government Unit of Braulio E. Dujali shared its counterpart of P600,000.00 having a total project cost of P6,600,000.00;

WHEREAS, the said project is agreed to be implemented by the LGU of Braulio E. Dujali, however, the LGU finds hard to implement the said project due to limited number of heavy equipment available/serviceable because some needs major repairs;

WHEREAS, due the above conditions of the heavy equipment of the LGU, the latter then finds necessary to ask assistance from the Provincial Government of Davao del Norte by asking the Honorable Governor Antonio Rafael del Rosario to allow us to borrow One (1) unit Long Reach Backhoe/Floating Backhoe to fastrack the implementation of the said project;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties to this Agreement do hereby agree on the following terms and conditions;

Article I-Scope

Section I. This Memorandum of Agreement (MOA) covers the implementation of the 2015 Flood Control Program funded by the Department of Interior and Local Government under the Bottom-up-Budgeting Process.

Article II-Implementation Arrangement

Section 2. The following implementation arrangement shall be adopted and assumed by the parties concerned:

I. Roles and Responsibilities of Key Stakeholders

A. Role of the Provincial Government of Davao del Norte

1. The Province will grant the request of the Municipality of Braulio E. Dujali to borrow One (1) unit of Long Reach Backhoe/Floating Backhoe to be used strictly only in the implementation of the 2015 Flood Control Program funded by the Department of Interior and Local Government under the BuB Program of the national government until the said project is completed;
2. The Province will also assign one (1) operator and one (1) laborer/helper to handle the said heavy equipment until the completion of the said project which is estimated to reach 258 calendar days;
3. The Province will provide the Municipality a Trust Fund Account where the fund will be downloaded by the latter for the salaries/wages of the operator and laborer/helper assigned;
4. The Province will provide the municipality a monthly financial progress report;
5. In case the said funds are not fully consumed, the Province shall return to the Municipality of Braulio E. Dujali un-utilized amount transferred to them by the latter; and
6. The Province shall shoulder the cost for major repairs.

B. Roles and responsibilities of the Municipality of Braulio E. Dujali

1. The Municipality will shoulder the salaries/wages of the operator and the laborer/helper of the one (1) unit Long Reach Backhoe/Floating backhoe assigned to implement the project at a rate of P529.90 and P430.81 per day, respectively;
2. A total of P209,500.00 from DILG-BUB-LGU Trust Fund will be transferred by the municipality to the Provincial Government Trust Fund Account purposely for the salaries/wages of the operator and the laborer/helper assigned to operate the unit;
3. The Municipality will shoulder the fuel, oil and other lubricants of the unit assigned to implement the project;

4. The Municipality shall request and shall be provided with transparent and clear financial flow of transactions in terms of disbursing the salaries/wages of the operator and laborer/helper by providing with a copy of the Monthly Financial Progress Report; and
5. The Municipality will constantly monitor the day to day activity in the area to immediately address issues that will arise while implementing the project.
6. The Municipality will shoulder the minor repairs, preventive maintenance and other expenses while said unit is in its operation of implementing project.

Article III

Sanctions

Section 1. In the event that the province is unable to comply with its responsibilities under this MOA for reasons other than *force majeure*, the Municipality of Braulio E. Dujali shall have the right to withdraw back the total amount transferred by the Local Government of Braulio E. Dujali from the Provincial Government of Davao del Norte.

Article IV

Special Provisions

Section 1. Memorandum of Agreement takes effect upon official signing of the Parties and shall remain valid until the Program has been completed and terminated by mutual agreement among the Parties.

In witness thereof, parties to this MOA hereby affix their signatures this ____ day of ____, 2017 ____, Philippines.

ANTONIO RAFAEL G. DEL ROSARIO
Provincial Governor

ATTY. LEAH MARIE A. MORAL-ROMANO
Municipal Mayor

WITNESS:

ENGR. RAUL G. MABANGLO
Provincial Engineer

ENGR. JAY R. COLALJO
Municipal Engineer

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
_____)

BEFORE ME, a Notary Public for and in Davao del Norte, this _____ personally appeared **ANTONIO RAFAEL G. DEL ROSARIO**, with TIN No. _____ and **ATTY. LEAH MARIE A. MORAL-ROMANO** with TIN No. _____, known to me as the same persons who executed the foregoing instrument and they further acknowledged to me that the same is their free and voluntary act and deed as well as that of the entities they respectively represent herein.

This agreement consisting of four (4) pages including this page where this acknowledgement is written, signed by said officials and their instrumental witnesses on each and every page thereof, refers to a **MEMORANDUM OF AGREEMENT** for the purpose herein set forth.

WITNESS MY OFFICIAL SEAL and SIGNATURE, on date and place above-written.

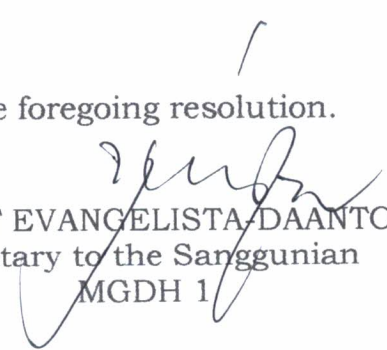
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WHEREFORE, on motion of Hon. Yasmin V. Campion and duly seconded by Hon. Melfar C. Aguiluz; Hon. Gerlad J. Abiera; Hon. Francisco D. Bucadon; Hon. Ricky T. Delco; Hon. Anna C. Cagulada; Hon. Gregorio S. Facula; Hon. Angelito P. Orillosa and Hon. Adhem F. Funa, it is hereby

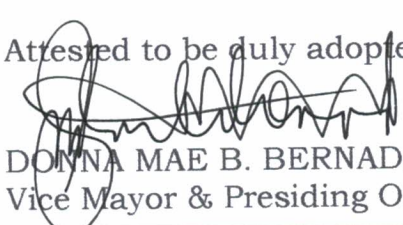
RESOLVED TO AMEND AS THIS BODY HEREBY AMENDS FURTHER RESOLUTION NO. 2016-195, OTHERWISE KNOWN AS A RESOLUTION AUTHORIZING ATTY. LEAH MARIE M. ROMANO MUNICIPAL MAYOR TO SIGN IN THE MEMORANDUM OF AGREEMENT BETWEEN THE LOCAL GOVERNMENT UNIT OF BRAULIO E. DUJALI AND THE PROVINCIAL GOVERNMENT OF DAVAO DEL NORTE IN CONNECTION WITH THE IMPLEMENTATION OF THE FLOOD CONTROL PROJECT UNDER THE 2015 BOTTOM-UP BUDGETING.

CARRIED.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


JULIET EVANGELISTA DAANTON
Secretary to the Sanggunian
MGDH 1

Attested to be duly adopted:


DONNA MAE B. BERNADAS, Ed. D.
Vice Mayor & Presiding Officer