



# 20<sup>th</sup> City Council CAGAYAN DE ORO CITY

# AGENDA



HON. JOCELYN B. RODRIGUEZ  
*City Vice Mayor*



## **SPECIAL SESSION**

**Monday / 8 April 2024 / 2:00 PM**

**Session Hall, City Hall, Cagayan de Oro City**

Copy of:

**FILE**



**cagayan  
de Oro**  
city of golden friendship

Republic of the Philippines  
CITY OF CAGAYAN DE ORO

**OFFICE OF THE CITY COUNCIL**

(088) 857-2258; 857-4029; 857-4032; 857-4035 / www.cdeo-sanggunian.online



5 April 2024

**THE HONORABLE MEMBERS**  
**20<sup>TH</sup> CITY COUNCIL (SANGGUNIANG PANLUNGSOD)**  
CAGAYAN DE ORO CITY

Gentlemen and Ladies:

Please be notified of the **Special Session** of the 20<sup>th</sup> City Council (*Sangguniang Panlungsod*) of Cagayan de Oro on **Monday, 8<sup>th</sup> April 2024 at 2:00 PM** at the Session Hall, Legislative Bldg., City Hall, this City, pursuant to the Call by His Honor, City Mayor Rolando A. Uy for the purpose of adopting:

- (1) **PROPOSED RESOLUTION NO. 2024-692** – interposing no objection to the application of Rio Verde Water Consortium, Inc., represented by its President, Engr. Joffrey E. Hapitan, to provide an end-to-end Level III Water Supply for all barangays in Cagayan de Oro City, which are either waterless or have not been adequately supplied by the Cagayan de Oro Water District (COWD).

In accordance with the Internal Rules of Procedure (IRP) of the august body, you may join the Special Session via Zoom (*Meeting ID 9801749646 / Password 121720*). Likewise, the Dress Code for the said session is suspended.

Thank you very much.

Very truly yours,

**ARTURO S. DE SAN MIGUEL**  
CITY SECRETARY

**THE HONORABLE MEMBERS**  
20<sup>TH</sup> CITY COUNCIL (SANGGUNIANG PANLUNGSOD)  
CAGAYAN DE ORO CITY

**HON. JOCELYN B. RODRIGUEZ**  
CITY VICE MAYOR

*First District*

*Second District*

**HON. AGAPITO ERIBERTO G. SUAN**  
CITY COUNCILOR

**HON. YEVONNA YACINE B. EMANO**  
CITY COUNCILOR

**HON. ROGER G. ABADAY**  
CITY COUNCILOR

**HON. MARIA LOURDES S. GAANE**  
CITY COUNCILOR

**HON. JAY R. PASCUAL**  
CITY COUNCILOR

**HON. JOYLEEN MERCEDES L. BALABA**  
CITY COUNCILOR

**HON. IMEE ROSE P. MORENO**  
CITY COUNCILOR

**HON. JAMES K. JUDITH II**  
CITY COUNCILOR

**HON. ROMEO V. CALIZO**  
CITY COUNCILOR

**HON. IAN MARK Q. NACAYA**  
CITY COUNCILOR

**HON. GEORGE S. GOKING**  
CITY COUNCILOR

**HON. EDGAR S. CABANLAS**  
CITY COUNCILOR

**HON. JOSE PEPE S. ABBU, JR.**  
CITY COUNCILOR

**HON. CHRISTIAN RUSTICO M. ACHAS**  
CITY COUNCILOR

**HON. MALVERN A. ESPARCIA**  
CITY COUNCILOR

**HON. SUZETTE G. MAGTAJAS-DABA**  
CITY COUNCILOR

*Ex-Officio Members*

**HON. YAN LAM S. LIM**  
CITY COUNCILOR /LIGA NG MGA BARANGAY PRESIDENT

**HON. KENNETH JOHN D. SACALA**  
CITY COUNCILOR / CITY SK FEDERATION PRESIDENT

**AGENDA OF THE 5<sup>TH</sup> SPECIAL SESSION  
OF THE 20<sup>TH</sup> CITY COUNCIL (SANGGUNIANG PANLUNGSOD) OF  
CAGAYAN DE ORO, MONDAY, 8 APRIL 2024**

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## **Order of Business**

- A. CALL TO ORDER BY THE PRESIDING OFFICER, HONORABLE CITY VICE MAYOR JOCELYN B. RODRIGUEZ**
- B. INVOCATION BY HONORABLE COUNCILOR JAMES K. JUDITH II**
- C. SINGING OF THE LUPANG HINIRANG**
- D. SINGING OF THE CAGAYAN DE ORO MARCH**
- E. ROLL CALL AND DETERMINATION OF QUORUM BY THE SANGGUNIANG PANLUNGSOD SECRETARY**
- F. AGENDA:**
  - 1) PROPOSED RESOLUTION NO. 2024-692** – interposing no objection to the application of Rio Verde Water Consortium, Inc., represented by its President, Engr. Joffrey E. Hapitan, to provide an end-to-end Level III Water Supply for all barangays in Cagayan de Oro City, which are either waterless or have not been adequately supplied by the Cagayan de Oro Water District (COWD).



08 March 2024

**THE HONORABLE PRESIDING OFFICER and  
THE HONORABLE MEMBERS OF THE SANGGUNIANG PANLUNGSOD,**  
This City

**SUBJECT: URGENT REQUEST FOR A RESOLUTION INTERPOSING NO OBJECTION TO DO  
WATER DISTRIBUTION IN CAGAYAN DE ORO CITY**

LADIES AND GENTLEMEN:

This pertains to the Letter-Request of Engr. Joffrey E. Hapitan, President of the Rio Verde Water Consortium Inc., requesting the City Council to pass a Resolution interposing no objection for it to be able to provide end-to-end Level III water supply in the City of Cagayan de Oro.

The City Council Resolution Interposing No Objection is one of the requirements for the End-to-End Level III Water Supply Permit Application of the Rio Verde Water Consortium, Inc. Additionally, the City Legal Office affirmed that there is no constitutional prohibition against exclusive franchises for public utilities,<sup>1</sup> and therefore, there is no limit on the number of applicants for water distribution. The approval of such applications is still subject to the discretionary authority of the appropriate regulatory body, namely the National Water Resources Board (NWRB).<sup>2</sup> Accordingly, there is no legal impediment to the passing of such a Resolution, as the NWRB holds the authority to approve the water permit sought by Rio Verde Water Consortium, Inc.

Water is a fundamental right indispensable for sustaining life – a right that cannot be overlooked. The provision of water supply and services is a pressing public concern for the residents of Cagayan de Oro. With the potential involvement of Rio Verde Water Consortium, Inc. in water distribution within the City, residents rightfully anticipate that it will deliver on its commitment to provide clean, drinkable water directly to their homes.

For this reason, I am respectfully requesting the appropriate action of the Honorable Body, signified as *urgent*, to issue a Resolution interposing No Objection to do water distribution in Cagayan De Oro City to Rio Verde Consortium, Inc.

Hoping for your favorable and prompt response to this request.

Thank you.

Truly yours,

**ROLANDO *Klarax* A. UY**  
City Mayor **K**

<sup>1</sup> A "public utility" is a business or service engaged in regularly supplying the public with some commodity or service of public consequence such as electricity, gas, water, transportation, telephone, or telegraph service. The term implies public use and service. (*National Power Corporation vs. Court of Appeals, G.R. No. 112702, 26 September 1997*)

<sup>2</sup> Please see herein-attached legal opinion dated 29 February 2024 for your reference.



Republic of the Philippines  
City of Cagayan de Oro  
**CITY LEGAL OFFICE**



29 February 2024

**HON. ROMEO V. CALIZO**  
City Councilor  
Chairperson, Committee on Public Utilities  
Office of the City Council  
Cagayan de Oro City

Dear Hon. Calizo:

Greetings!

This pertains to your legal inquiry regarding the exclusivity of franchises, as discussed during the City Council meeting of the Committee on Public Utilities on 27 February 2024, concerning the application of Rio Verde Consortium Inc. for water distribution in Cagayan de Oro City. The question posed at the said meeting was whether there is a maximum number of applicants for the franchise of water distribution, which is a public utility.<sup>1</sup>

In the case of *Metropolitan Cebu Water District (MCWD) v. Margarita A. Adala*,<sup>2</sup> Adala filed for the issuance of a Certificate of Public Convenience (CPC) to operate and maintain the waterworks system in sitios San Vicente, Fatima, and Sambag in Barangay Bulacao, Cebu City. This application was opposed by Metropolitan Cebu Water District, a government-owned and controlled corporation, citing that it has not consented to the issuance of the franchise applied for, such consent being a mandatory condition pursuant to P.D. 198.

Sec. 47 of P.D. 198, otherwise known as Local Water Utilities Administration (LWUA), states that:

Sec. 47. Exclusive Franchise - No franchise shall be granted to any other person or agency for domestic, industrial, or commercial water service within the district or any portion thereof unless and except to the extent that the board of directors of said district consents thereto by resolution duly adopted, such resolution, however, shall be subject to review by the Administration.

It can be inferred from the above-mentioned provision that consent of the board of directors through a resolution is needed before an "exclusive franchise" on public utilities can be secured. In effect, Sec. 47 thereby creates franchises that are exclusive in character. In this regard, the Court definitively ruled that Sec. 47 of P.D. 198 which vests an "exclusive franchise" upon public utilities is irreconcilable to Article XIV, Section 5 of the 1973 Constitution. It struck down the provision as invalid and unconstitutional. This provision has been substantially reproduced in Article XII, Section 11 of the 1987 Constitution, including the prohibition against exclusive franchises, *to wit*:

Section 11. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations

<sup>1</sup> A "public utility" is a business or service engaged in regularly supplying the public with some commodity or service of public consequence such as electricity, gas, water, transportation, telephone, or telegraph service.

<sup>2</sup> G.R. NO. 168914, July 4, 2007.

RECEIVED  
DATE: 02/29/24  
BY: JERIN F. URBETA



HON. ROMEO V. CALIZO  
CITY COUNCILOR, CAGAYAN DE ORO CITY

1<sup>st</sup> Floor, Executive Building  
City Hall Compound, Capistrano-Hayes Street  
Cagayan de Oro City, Philippines  
www.cagayandoro.gov.ph  
Telephone Number: +63 88 8572260,  
Email: citylegal\_cdo@yahoo.com



or associations organized under the laws of the Philippines, at least sixty per centum of whose capital is owned by such citizens; nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. Neither shall any such franchise or right be granted except under the condition that it shall be

subject to amendment, alteration, or repeal by the Congress when the common good so requires. The State shall encourage equity participation in public utilities by the general public. The participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital, and all the executive and managing officers of such corporation or association must be citizens of the Philippines.

As such, under the *doctrine of constitutional supremacy*, any subsequent law that is contrary to the Constitution is void and without any force and effect. Since the Constitution is the fundamental, paramount, and supreme law of the nation, it is deemed written in every statute and contract.<sup>3</sup>

In conclusion, the constitutional prohibition against exclusive franchises for public utilities prevails over Section 47 of Presidential Decree No. 198. **Therefore, there is no limit on the number of applicants for water distribution. However, the approval of such applications is subject to the discretionary authority of the appropriate regulatory body, namely the National Water Resources Board.**

Hoping to have addressed your query on the subject matter.

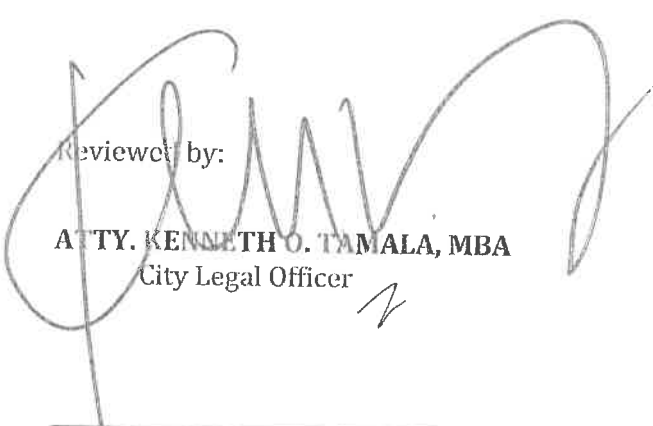
For your guidance and information.

Prepared by:

  
**ATTY. IZELLE FELICE M. FUENTES**  
Executive Assistant V

  
**ATTY. KIRSTEN KATE F. CALVO, CPA**  
Attorney IV

Reviewed by:

  
**ATTY. KENNETH O. TAMALA, MBA**  
City Legal Officer

<sup>3</sup> *Tawang Multi-purpose Cooperative v. La Trinidad Water District*, G.R. No. 166471, March 22, 2011.



**RIO VERDE WATER CONSORTIUM, INC.**

Mastersons Ave., Paseo del Mar St., Blk. 17 Lot 10/11, Oro Vista Village, Upper Carmen, Cagayan De Oro City 9000  
Tel/Fax No.: +63 88 858 4295  
Plant Address: Pualas, Bauzon, Bukidnon 8707

January 4, 2024

*Committee Energy  
done*

**HON. ROLANDO "KLAREX" A. UY**  
City Mayor  
Cagayan de Oro City

Dear Mayor Uy:

Happy New Year from Cagayan de Oro's first and biggest private bulk water supplier!

We are honored and privileged to offer the services of Rio Verde Water Consortium, Inc. (RVWCI) to provide an end-to-end Level III Water Supply for all Barangays in Cagayan de Oro which are either waterless or have not been adequately supplied by the Cagayan de Oro Water District (COWD) to date.

The new systems we propose to construct will feature brand new pipes for the supply and distribution of ready to drink potable water directly to the households within our designated service area.

RVWCI produces potable water that meets the specification of the Philippine National Standard for Drinking Water. We are sourcing raw water from the rivers for processing in our state-of-the-art water treatment Plant.

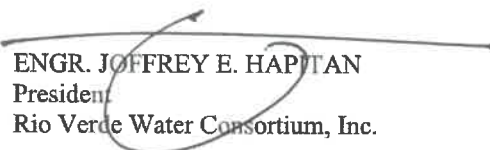
We are not engage in "groundwater mining", which is in consonance with the recommendation of the JICA to completely phase out deep wells to arrest saltwater intrusion in the potable water supply of coastal barangays, prevent further ground subsidence, and most importantly, allow our depleted aquifers to rehabilitate and be available for contingencies such as man-made and natural disasters.

As you are well aware, current legislation no longer grants the COWD an exclusive franchise to provide a potable water supply to all areas of Cagayan de Oro.

In this view, we are submitting this request for a Resolution Interposing No Objection from the City Council through your Honorable Office for the earnest intention of Rio Verde Water Consortium, Inc. to do the water distribution in Cagayan de Oro City.

Thank you very much.

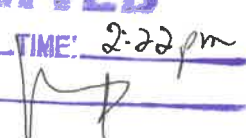
Sincerely,

  
ENGR. JOFFREY E. HAPITAN  
President  
Rio Verde Water Consortium, Inc.

Cc:  
Hon. Jocelyn "Bebot" Rodriguez  
Vice Mayor

Hon. Romeo V. Calizo  
Chairman, Committee on Public Utilities  
City Council

*JOEL A. BALDELVAR  
0928-5218889*

REPUBLIC OF THE PHILIPPINES  
CITY OF CAGAYAN DE ORO  
OFFICE OF THE CITY VICE MAYOR  
**RECEIVED**  
DATE: 1/16/24 TIME: 2:22 pm  
SIGNATURE:   
701

Republic of the Philippines  
City of Cagayan de Oro  
OFFICE OF THE CITY COUNCIL

Comm. No:

Received by:

From:

Date:

**SUBJECT MATTER:** LETTER OF ENGR. JOFFREY E. HAPITAN, PRESIDENT OF THE RIO VERDE WATER CONSORTIUM, INC., REQUESTING THE CITY COUNCIL TO PASS A RESOLUTION INTERPOSING NO OBJECTION TO DO WATER DISTRIBUTION IN THE CITY OF CAGAYAN DE ORO.

Respectfully referred to the **Committee on PUBLIC UTILITIES, ENERGY & TRANSPORTATION** the herein communication for study, investigation, report and recommendation.

For the City Vice Mayor and Presiding Officer  
City Council

**ARTURO S. DE SAN MIGUEL**  
City Secretary

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: Feb 27, 2024

7) Refers to the Council of the Whole


  
**HON. ROMEO V. CALIZO**  
Chairman:

**HON. IAN MARK Q. NACAYA**  
Vice-Chairman:

**HON. MARIA LOURDES S. GAANE**  
Member:

  
**HON. ROGER G. ABADAY**  
Member: ✓

**HON. KENNETH JOHN D. SACALA**  
Member:

  
**HON. YEVONNA YACINE B. EMANO**  
Member:

  
**HON. MALVERNIA A. ESPARCIA**  
Member

EX-OFFICIO MEMBERS:

**Hon. Aga G. Swan**

**HON. EDGAR S. CABANLAS**  
Majority Floor Leader

**HON. CHRISTIAN RUSTICO M. ACHAS**  
Minority Floor Leader

**HON. JOCELYN B. RODRIGUEZ**  
CITY VICE MAYOR  
Presiding Officer





Communication Number: 2024-2163

Date: 01/22/2024

Receiver: EUCILLE

From: VMO

Subject: REQUEST OF ENGR. JOFFREY E. HAPITAN FOR A RESOLUITON INTERPOSING NO OBJECTION FOR RIO VERDE WATER CONSORTIUM, INC. TO DO WATER DISTRIBUTION IN CAGAYAN DE ORO CITY

Respectfully referred to COMMITTEE ON PUBLIC UTILITIES (ROADS AND TRAFFIC MANAGEMENT) the herein communication for study, investigation, report and/or recommendation.

**ARTURO S. DE SAN MIGUEL**  
 City Council Secretary

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: *Feb. 13, 2024*

*for M-agenda - Feb 27, 2024 - 9:00 am*  
~~*Thurs, CPD, CSD, ORO, KTA, CLEMO, City Admin.*~~  
~~*CPD, CORD, CDR River Board*~~

**HON. ROMEO V. CALIZO**  
 Chairperson

**HON. IAN MARK Q. NACAYA**  
 Vice Chairperson

**HON. MARIA LOURDES S. GAANE**  
 Member

**HON. ROGER G. ABADAY**  
 Member

**HON. KENNETH JOHN D. SACALA**  
 Member

**HON. MALVERN A. ESTARCIA**  
 Member

**HON. YVONNA YACINE B. EMANO**  
 Member

**EX-OFFICIO MEMBERS**

**HON. EDGAR S. CABANLAS**  
 Majority Floor Leader

**HON. JAMES K. JUDITH II**  
 Minority Floor Leader

**HON. JOCELYN B. RODRIGUEZ**  
 City Vice Mayor

**DISSENTING**



**cagayan de Oro**  
city of golden friendship

REPUBLIC OF THE PHILIPPINES  
CAGAYAN DE ORO CITY  
OFFICE OF THE CITY VICE MAYOR  
HON. JOCELYN "BEBOT" RODRIGUEZ



OVM-2024-01-R- 000366

**REFERRAL**

January 18, 2024

**MR. ARTURO DE SAN MIGUEL**  
City Secretary  
City Hall, Cagayan de Oro City

Dear Mr. de San Miguel:

*Katawhan una sa tanan!*

The undersigned is forwarding you the letter of **Engr. Joffrey E. Hapitan**, President, Rio Verde Water Consortium, Inc., requesting a Resolution Interposing No Objection from the City Council for the earnest intention of Rio Verde Water Consortium, Inc., to do the water distribution in Cagayan de Oro City.

Attached herewith is a copy of the letter for your perusal. You may refer this matter to the Committee on Energy.

Thank you!

Kaisog ug kasingkasing,

**Jocelyn B. Rodriguez**  
City Vice Mayor

*JBR*

Office of the City Council  
OFFICE OF THE CITY COUNCIL  
RECEIVED 1-22-24 Time 10:47 Am  
Case No.  
TAKEN  
Refer To Committee on Public Utilities  
Date: 4/ ARTURO DE SAN MIGUEL  
City Council Secretary  
REMARKS



cdeovmoffice@gmail.com  
 @vicemayorjocelynbebotrodriguez  
 857-4032 / 857-4036 (loc. 118)  
 0917-701-6605



**RIO VERDE WATER CONSORTIUM, INC.**

Mastersons Ave., Paseo del Mar St., Blk. 17 Lot 10/11, Oro Vista Village, Upper Carmen, Cagayan De Oro City 9000  
Tel/Fax No.: +63 88 858 4295  
Plant Address: Pualas, Baungon, Bukidnon 8707

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
OFFICE OF THE CITY COUNCIL  
RECEIVED: 1-25-24 4:06 PM  
Cty: \_\_\_\_\_ Comm. No. \_\_\_\_\_  
ACTION TAKEN  
Public Utilities  
Date: \_\_\_\_\_ S. DE SAN MIGUEL  
City Council Secretary  
REMARKS  
comm# 2024-2163

January 4, 2024

**HON. ROLANDO "KLAREX" A. UY**  
City Mayor  
Cagayan de Oro City

Dear Mayor Uy:

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We are not engage in "groundwater mining", which is in consonance with the recommendation of the JICA to completely phase out deep wells to arrest saltwater intrusion in the potable water supply of coastal barangays, prevent further ground subsidence, and most importantly, allow our depleted aquifers to rehabilitate and be available for contingencies such as man-made and natural disasters.

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Thank you very much.

Sincerely,

ENGR. JOFFREY E. HAPITAN  
President  
Rio Verde Water Consortium, Inc.

Cc:  
Hon. Jocelyn "Bebot" Rodriguez  
Vice Mayor

Hon. Romeo V. Calizo  
Chairman, Committee on Public Utilities  
City Council

JOEL BAUTISTA  
jbautever@gmail.com  
0928-5748889

