



18th CITY COUNCIL

Cagayan de Oro

AGENDA



30TH REGULAR SESSION

MONDAY,

FEBRUARY 27, 2017

AT 2:30 P.M.

SESSION HALL


HON. RAINEIR JOAQUIN V. UY
City Vice Mayor

FILE





Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088) 857-4026; 857-4029; 857-4032; 857-4035; 857-2258



February 24, 2017

THE HONORABLE MEMBERS
CITY COUNCIL
CAGAYAN DE ORO CITY

Gentlemen/Madam:

Please be informed that the **30TH Regular Session of the 18TH City Council** of Cagayan de Oro will be on **Monday, February 27, 2017 at 2:30 PM.** at the Session Hall.

Thank you very much.

Very truly yours,

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

THE HONORABLE MEMBERS
CITY COUNCIL
CAGAYAN DE ORO CITY

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

First District

Second District

HON. ZALDY O. OCON
CITY COUNCILOR

HON. NADYA B. EMANO- ELIPE
CITY COUNCILOR

HON. LORDAN G. SUAN
CITY COUNCILOR

HON. MARIA LOURDES S. GAANE
CITY COUNCILOR

HON. EDNA M. DAHINO
CITY COUNCILOR

HON. DOMETILO C. ACENAS, JR.
CITY COUNCILOR

HON. JAY R. PASCUAL
CITY COUNCILOR

HON. IAN MARK Q. NACAYA
CITY COUNCILOR

HON. ROMEO V. CALIZO
CITY COUNCILOR

HON. LEON D. M. GAN, JR.
CITY COUNCILOR

HON. GEORGE S. GOKING
CITY COUNCILOR

HON. TEODULFO E. LAO, JR.
CITY COUNCILOR

HON. ANNIE Y. DABA
CITY COUNCILOR

HON. SUZETTE G. MAGTAJAS-DABA
CITY COUNCILOR

HON. REUBEN R. DABA
CITY COUNCILOR

HON. ENRICO D. SALCEDO
CITY COUNCILOR

Ex-officio Members

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

**AGENDA OF THE 30TH REGULAR SESSION OF THE 18TH CITY COUNCIL
(SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO ON
MONDAY, 27 FEBRUARY 2017**

Order of Business

- A. CALL TO ORDER BY THE HONORABLE CHAIRMAN AND PRESIDING OFFICER
- B. INVOCATION BY **COUNCILOR TEODULFO E. LAO, JR.**
- C. SINGING OF THE LUPANG HINIRANG
- D. ROLL CALL AND DETERMINATION OF QUORUM BY THE CITY COUNCIL SECRETARY
- E. READING, CORRECTIONS, IF ANY, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR SESSION ON FEBRUARY 20, 2017
(SEE APPENDIX "A")
- F. SPECIAL REPORTS:
- G. AGENDA PROPER:

- [1.] **PROPOSED RESOLUTION NO. 2017-26** – most respectfully endorsing the various complaints stated in the attached letter dated September 6, 2016 filed by the parents and teachers of City Central School against Mr. Arnold P. Tejero, Principal thereof, to the Office of Regional Director Allan G. Farnazo, Department of Education-Regional Office No. 10, this City, Hon. Rodolfo M. Elman, Deputy Ombudsman for Mindanao, Davao City and Regional Director Adams D. Torres, Civil Service Commission-Regional Office No. 10 (CSCRO-10), with a request that the said complaints respectively filed in your good offices to be given preferential attention in order to restore peace at the said school which is designed to be a zone of peace and to uphold the moral integrity of the school which is currently besieged by the unresolved complaints.
(SEE APPENDIX "B")

Note: -Deferred last Regular Session on January 23, 2017.

Document/s on file:

Letter-Complaint from concern parents of City Central School addressed to Hon. Suzette G. Magtajas-Daba

Indorsement dated Sept 22, 2016 from the City Vice Mayor

Letter of Mr. Rudy Villalobos & Arnold P. Tejero

Letter of Mr. Cabingas dated Sept 6, 2016 addressed to the Hon. City Vice Mayor Joaquin "Kikang" Uy

School Memorandum for Shiela S. Salo from Arnold P. Tejero, re: demand for explanation

Letter-explanation of Ms. Sheila S. Salo dated July 1, 2016

Letter-explanation of Ms. Sheila S. Salo dated July 5, 2016

Investigation data form

Affidavit of Complaint executed by Jackie Rosales Avila against Arnold P. Tejero

And other pertinent documents

COMMITTEE SPONSOR/S:

- COMMITTEE ON EDUCATION

- COUNCILOR SUZETTE G. MAGTAJAS-DABA, CHAIR
- COUNCILOR ROMEO V. CALIZO, MEMBER

- [2.] A) **PROPOSED RESOLUTION NO. 2017-77** – expressing gratitude and appreciation to the Pimentel Institute of Leadership and Governance through former Senate President Aquilino “Nene” Pimentel for nominating the Honorable City Vice Mayor Raineir Joaquin V. Uy to the short course on federalism and governance at the EURAC Research Academy-Winter School on Federalism & Governance in Austria last January 30, 2017 to February 10, 2017.
- B) **PROPOSED RESOLUTION NO. 2017-78** – expressing gratitude and appreciation to the Hans-Seidel Foundation for its magnanimity in sponsoring the study of Honorable City Vice Mayor Raineir Joaquin V. Uy on federalism and governance at the EURAC Research Academy-Winter School on Federalism & Governance in Austria last January 30, 2017 to February 10, 2017.
- C) **PROPOSED RESOLUTION NO. 2017-79** – expressing gratitude and appreciation to the EURAC Research Academy-Winter School on Federalism & Governance in Austria for its magnanimity in approving the study of Honorable City Vice Mayor Raineir Joaquin V. Uy on federalism and governance at the said academy last January 30, 2017 to February 10, 2017.

(SEE APPENDIX “C”)

Proponent: - City Vice Mayor Raineir Joaquin V. Uy

COMMITTEE SPONSOR/S:

- COMMITTEE ON LAWS AND RULES

- COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, MEMBER
- COUNCILOR ROMEO V. CALIZO, MEMBER

- [3.] **PROPOSED RESOLUTION NO. 2017-80** – earnestly requesting Honorable Senate President Aquilino “Koko” Pimentel III to allocate funds for the construction of water channels or drainage systems in Cagayan de Oro City to abate perennial flooding in flood-prone areas as recommended by the Department of Public Works and-Regional Office No. 10.

(SEE APPENDIX “D”)

Proponents: - Councilor Zaldy O. Ocon - Councilor Edna M. Dahino
- Councilor Teodulfo E. Lao Jr - Councilor Romeo V. Calizo
- Councilor Suzette Magtajas-Daba - Councilor Annie Y. Daba
- Councilor Jay R. Pascual - Councilor Reuben R. Daba

COMMITTEE SPONSOR/S:

- COMMITTEE ON LAWS AND RULES

- COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, MEMBER
- COUNCILOR ROMEO V. CALIZO, MEMBER

- [4.] **PROPOSED ORDINANCE NO. 2017-13** – approving the application for simple subdivision project of Sps. Pedro A. Tan & Nena A. Tan, represented by Mr. Santos

R. Ongos, Jr. covering Lot 8, Block 9, (LRC) Psd-102917 with an area of 308 square meters, containing 2 lots, located at Barangay Patag, this City.

(SEE APPENDIX "E")

Document/s on file:

-Endorsement from the Cagayan de Oro Housing Board
-Final Recommendation for Subdivision Approval
-Application for Approval for a Simple Subdivision
-Consulate General of the Philippines
-Transfer Certificate of Title

-Endorsement from the City Planning & Devt Office
-Site Inspection Result submitted by the City Engineer's Office
-Deed of Absolute Sale
-Declaration of Real Property
-Plans & other supporting documents

COMMITTEE SPONSOR/S:

• COMMITTEE ON SUBDIVISION & LANDED ESTATE

- COUNCILOR DOMETILO C. ACENAS, JR., CHAIR
- COUNCILOR ENRICO D. SALCEDO, V-CHAIR
- COUNCILOR REUBEN R. DABA, MEMBER
- COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR ROMEO V. CALIZO, MEMBER
- COUNCILOR GEORGE S. GOKING, MEMBER

• COMMITTEE ON LAWS AND RULES

[5.] PROPOSED ORDINANCE NO. 2017-14 – providing for the Parental Responsibility Code of Cagayan de Oro City, and for other purposes.

(SEE APPENDIX "F")

Author: - Councilor Enrico D. Salcedo

Document/s on file:

-Opinion of the City Legal Office dated February 14, 2017
-Draft Ordinance (detailed)
-A copy of Declaration of the Rights of the Child

COMMITTEE SPONSOR/S:

• COMMITTEE ON SOCIAL SERVICES

- COUNCILOR REUBEN R. DABA, CHAIR
- COUNCILOR MARIA LOURDES S. GAANE, V-CHAIR
- COUNCILOR EDNA M. DAHINO, MEMBER
- COUNCILOR SUZETTE G. MAGTAJAS-DABA, MEMBER

• COMMITTEE ON LAWS AND RULES

- COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, MEMBER
- COUNCILOR ROMEO V. CALIZO, MEMBER

[6.] PROPOSED ORDINANCE NO. 2017-15 – granting one (1) grade salary increase from Grade 4 to Grade 5 to Ms. Eden M. Mabulay, former Nursing Attendant I of the J.R. Borja General Hospital, this City, who retired from the service last February 2, 2017, pursuant to Section 2, Article 13 of R.A. 7305, otherwise known as the Magna Carta of Public Health Workers; and for this purpose appropriating the sum of ₱2,261.00 from the item "Personal Services: Salary Savings, Item No.108, Nurse V, for the period November 1-3, 2016" in the 2016 Annual Budget of the said office to be made available therefor.

(SEE APPENDIX "G")

Document/s on file:

-Endorsement from the Honorable City Mayor
-Endorsement from the Local Finance Committee
-Certificate of Availability of Funds (CAF) dated December 8, 2016
-Endorsement from the JR Borja General Hospital
-Letter-request from Ms. Eden L. Mabulay

COMMITTEE SPONSOR/S:

- COMMITTEE ON HEALTH, SANITATION & HEALTH INSURANCE - COUNCILOR MARIA LOURDES S. GAANE, CHAIR
- COUNCILOR SUZETTE G. MAGTAJAS-DABA, MEMBER
- COMMITTEE ON FINANCE, BUDGET & APPROPRIATIONS - COUNCILOR EDNA M. DAHINO, CHAIR
- COUNCILOR REUBEN R. DABA, MEMBER
- COUNCILOR GEORGE S. GOKING, MEMBER
- COMMITTEE ON LAWS AND RULES - COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, MEMBER
- COUNCILOR ROMEO V. CALIZO, MEMBER

- [7.] **PROPOSED ORDINANCE NO. 2017-16** – extending the deadline for the filing of business license renewal of all stallholders in the public markets, from February 28, 2017 to March 31, 2017.
(SEE APPENDIX "H")

Document/s on file:

-Letter from City Economic Enterprises Dept

COMMITTEE SPONSOR/S:

- COMMITTEE ON ECONOMIC ENTERPRISES - COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, V-CHAIR
- COMMITTEE ON LAWS AND RULES - COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, MEMBER

- [8.] **PROPOSED ORDINANCE NO. 2017-17** – amending Ordinance No. 13172-2016, entitled; *"An ordinance appropriating the sum of ₱219,270.00 from the "Continuing Appropriation for CY 2013 Non-Office-Land Acquisition/Expropriation" to be made available for the full payment of the claim for just compensation of the herein specified claimants of improvements (plants/trees) which were affected by the 8.00m-wide road-right-of-way of the farm-to-market road from Purok 2 towards Birhen sa Guadalupe located at Barangay Balubal, this City; and for this purpose, authorizing the Honorable City Mayor to sign the corresponding Deeds of Absolute Sale thereof"*, so as to correct the misspelled name of "Luciano Comenghod" to "Lucia A. Comighod", per recommendation of the City Legal Office.
(SEE APPENDIX "I")

Document/s on file:

-Letter from the City Legal Office
-Ordinance No. 13172-2016

COMMITTEE SPONSOR/S:

- COMMITTEE ON LAWS AND RULES - COUNCILOR IAN MARK Q. NACAYA, CHAIR
- COUNCILOR GEORGE S. GOKING, MEMBER
- COUNCILOR ROMEO V. CALIZO, MEMBER

- [9.] A) **PROPOSED RESOLUTION NO. 2017-81** – declaring as a matter of policy that the Community-Based Monitoring System (CBMS) program shall be undertaken every five (5) years to be supervised by the City Planning and Development Office.

- B) PROPOSED RESOLUTION NO. 2017-82** -- urging the Barangays of the City of Cagayan de Oro to support and participate in the Community-Based Monitoring System (CBMS) program of activities in their respective areas of responsibility.
(SEE APPENDIX "J")

COMMITTEE SPONSOR/S:

- | | | |
|---------------------------------------|---|-------------------------------------|
| • COMMITTEE ON PLANNING & DEVELOPMENT | - | COUNCILOR IAN MARK Q. NACAYA, CHAIR |
| | - | COUNCILOR GEORGE S. GOKING, MEMBER |
| • COMMITTEE ON LAWS AND RULES | - | COUNCILOR IAN MARK Q. NACAYA, CHAIR |
| | - | COUNCILOR GEORGE S. GOKING, MEMBER |

- [10.] PROPOSED ORDINANCE NO. 2017-18** – providing for the prevention, control, reduction, and mitigation of the mosquito vector of dengue, chikungunya, and zika, in Cagayan de Oro City, penalizing violators thereof and for other purposes.
(SEE APPENDIX "K")

Author: - Councilor Maria Lourdes S. Gaane

Document/s on file:

- Opinion from the City Legal Office dated February 20, 2017*
-Draft Ordinance (detailed)

COMMITTEE SPONSOR/S:

- | | | |
|--|---|---|
| • COMMITTEE ON HEALTH, SANITATION & HEALTH INSURANCE | - | COUNCILOR MARIA LOURDES S. GAANE, CHAIR |
| | - | COUNCILOR REUBEN R. DABA, V-CHAIR |
| | - | COUNCILOR GEORGE S. GOKING, MEMBER |
| | - | COUNCILOR JAY R. PASCUAL, MEMBER |
| • COMMITTEE ON LAWS AND RULES | - | COUNCILOR IAN MARK Q. NACAYA, CHAIR |
| | - | COUNCILOR ENRICO D. SALCEDO, MEMBER |
| | - | COUNCILOR ROMEO V. CALIZO, MEMBER |

- [11.] PROPOSED ORDINANCE NO. 2017-19** – authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Agreement (MOA) with the Philippine Health Insurance Corporation, represented by its Regional Vice President Datu Masiding M. Alonto, Jr., covering the implementation of the National Health Insurance Program, under the terms and conditions stated therein.
(SEE APPENDIX "L")

Note: - Certified urgent by the City Mayor

Document/s on file:

- Indorsement from the City Mayor*
-Opinion from the City Legal Office dated February 20, 2017
-detailed MOA

COMMITTEE SPONSOR/S:

- | | | |
|--|---|---|
| • COMMITTEE ON HEALTH, SANITATION & HEALTH INSURANCE | - | COUNCILOR MARIA LOURDES S. GAANE, CHAIR |
| | - | COUNCILOR REUBEN R. DABA, V-CHAIR |
| | - | COUNCILOR GEORGE S. GOKING, MEMBER |
| | - | COUNCILOR JAY R. PASCUAL, MEMBER |

- [12.] **PROPOSED ORDINANCE NO. 2017-20** – authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Collection and Remittance Agreement with the Philippine Health Insurance Corporation, under the terms and conditions stated therein.

(SEE APPENDIX "M")

Note: - Certified urgent by the City Mayor

Document/s on file:

- Indorsement from the City Mayor

- Opinion from the City Legal Office dated February 20, 2017

-detailed CRA

COMMITTEE SPONSOR/S:

- COMMITTEE ON HEALTH, SANITATION & HEALTH INSURANCE

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COUNCILOR MARIA LOURDES S. GAANE, CHAIR

COUNCILOR REUBEN R. DABA, V-CHAIR

COUNCILOR GEORGE S. GOKING, MEMBER

COUNCILOR JAY R. PASCUAL, MEMBER

**MINUTES OF THE 29TH REGULAR SESSION OF THE 18TH CITY COUNCIL
(SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO
MONDAY, 20 FEBRUARY 2017**

City Vice Mayor **RAINEIR JOAQUIN V. UY** called the session to order at exactly 3:10 P.M.

The members present were the following:

City Vice Mayor **RAINEIR JOAQUIN V. UY**

First District:

- City Councilor **LORDAN G. SUAN**
- City Councilor **JAY R. PASCUAL**
- City Councilor **ROMEO V. CALIZO**
- City Councilor **GEORGE S. GOKING**
- City Councilor **ANNIE Y. DABA**
- City Councilor **REUBEN R. DABA**

Second District:

- City Councilor **NADYA B. EMANO- ELIPE**, ASSISTANT MINORITY FLOOR LEADER
- City Councilor **MARIA LOURDES S. GAANE**
- City Councilor **DOMETILO C. ACENAS, JR.**
- City Councilor **IAN MARK Q. NACAYA**, MAJORITY FLOOR LEADER-COALITION
- City Councilor **LEON D. M. GAN, JR.**, MINORITY FLOOR LEADER
- City Councilor **TEODULFO E. LAO, JR.**, ASSISTANT MAJORITY FLOOR LEADER- COALITION
- City Councilor **ENRICO D. SALCEDO**
- City Councilor **SUZETTE G. MAGTAJAS-DABA**

Ex-Officio Member:

- City Councilor **YAN LAM LIM**, (President, Liga Ng Mga Barangay)

On Leave:

- City Councilor **ZALDY O. OCON**, PRESIDING OFFICER PROTEMPORE
- City Councilor **EDNA M. DAHINO**

After determining that a quorum existed, the City Council proceeded to do business.

A. ON MINUTES OF THE 28TH REGULAR SESSION ON FEBRUARY 13, 2017

MOTION NO. 22947-2017

MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE 28TH REGULAR SESSION ON FEBRUARY 13, 2017 AND TO CONSIDER THE FURNISHING OF THE COPIES THEREOF TO EACH MEMBER AS THE READING ITSELF

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., George S. Goking, Jay R. Pascual & Suzette G. Magtajas-Daba, UNANIMOUSLY CARRIED.

MOTION NO. 22948-2017

MOTION TO APPROVE THE MINUTES OF THE 28TH REGULAR SESSION ON FEBRUARY 13, 2017

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., Maria Lourdes S. Gaane, George S. Goking & Annie Y. Daba, UNANIMOUSLY CARRIED.

B. SPECIAL REPORT/S:

- i. Councilor Nadya B. Emano-Elipe reported about the conditions of the national highway, particularly in Gusa and Cugman, which pose danger to motorists due to potholes and the absence of center lane markers.

Action Taken: The Body adopted Resolution No. 12621-2017.

- ii. Councilor Romeo V. Calizo reported about the shooting incident at Cogon area, which resulted to the death of three people, among other things.

Action Taken: The Body adopted Resolution No. 12620-2017.

C. ON MINUTES OF THE 29TH REGULAR SESSION ON FEBRUARY 20, 2017

RESOLUTION NO. 12614-2017

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF BARANGAY NO. 20, THIS CITY, ITS ORDINANCE NO. 02, SERIES OF 2016, COVERING ITS ANNUAL BUDGET FOR CALENDAR YEAR 2017, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12615-2017

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF BARANGAY NO. 25, THIS CITY, ITS ORDINANCE NO. 1, SERIES OF 2017, COVERING ITS ANNUAL BUDGET FOR CALENDAR YEAR 2017, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12616-2017

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF BARANGAY NO. 38, THIS CITY, ITS ORDINANCE NO. 03, SERIES OF 2016, COVERING ITS ANNUAL BUDGET FOR CALENDAR YEAR 2017, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12617-2017

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF KAUSWAGAN, THIS CITY, ITS ORDINANCE NO. 1, SERIES OF 2017, COVERING ITS ANNUAL BUDGET, FOR CALENDAR YEAR 2017, WITH THE

INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12618-2017

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF TAGPANGI, THIS CITY, ITS ORDINANCE NO. 03, SERIES OF 2016, COVERING ITS ANNUAL BUDGET, FOR CALENDAR YEAR 2017, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12619-2017

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF BARANGAY NO. 38, THIS CITY, ITS ORDINANCE NO. 03, SERIES OF 2016, COVERING ITS SUPPLEMENTAL BUDGET NO. 1, FOR CALENDAR YEAR 2016, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

MOTION NO. 22949-2017

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NOS. 12614-2017, 12615-2017, 12616-2017, 12617-2017, 12618-2017 AND 12619-2017**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Jay R. Pascual, Yan Lam S. Lim & Annie Y. Daba, UNANIMOUSLY CARRIED.

ORDINANCE NO. 13191-2017

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR OSCAR S. MORENO TO ENTER INTO A CONTRACT OF LEASE (RENEWAL) WITH MS. PILAR N. SIA COVERING THE LATTER'S THREE (3) -DOOR SPACE WITH AN AREA OF 225 SQUARE METERS OCCUPIED BY THE CITY COMMISSION ON ELECTIONS OFFICE, LOCATED AT CRUZ TAAL-BURGOS STREETS, THIS CITY, FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017, UNDER THE TERMS AND CONDITIONS OF THE OLD CONTRACT THEREOF

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY APPROVED.

MOTION NO. 22950-2017

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13191-2017**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Annie Y. Daba & Jay R. Pascual, UNANIMOUSLY CARRIED.

ORDINANCE NO. 13192-2017

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR OSCAR S. MORENO TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT), COVERING THE ESTABLISHMENT OF TECH4ED CENTER AT THE CAGAYAN DE ORO CITY PUBLIC LIBRARY, UNDER THE TERMS AND CONDITIONS STATED THEREIN

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Annie Y. Daba, George S. Goking, Jay R. Pascual & Reuben R. Daba, UNANIMOUSLY APPROVED.

MOTION NO. 22951-2017

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13192-2017**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Annie Y. Daba, George S. Goking & Teodulfo E. Lao, Jr., UNANIMOUSLY CARRIED.

ORDINANCE NO. 13193-2017

AN ORDINANCE AMENDING ORDINANCE NO. 13172-2016, ENTITLED; "AN ORDINANCE APPROPRIATING THE SUM OF ₱219,270.00 FROM THE "CONTINUING APPROPRIATION FOR CY 2013 NON-OFFICE-LAND ACQUISITION/EXPROPRIATION" TO BE MADE AVAILABLE FOR THE FULL PAYMENT OF THE CLAIM FOR JUST COMPENSATION OF THE HEREIN SPECIFIED CLAIMANTS OF IMPROVEMENTS (PLANTS/TREES) WHICH WERE AFFECTED BY THE 8.00M-WIDE ROAD-RIGHT-OF-WAY OF THE FARM-TO-MARKET ROAD FROM PUROK 2 TOWARDS BIRHEN SA GUADALUPE LOCATED AT BARANGAY BALUBAL, THIS CITY; AND FOR THIS PURPOSE, AUTHORIZING THE HONORABLE CITY MAYOR TO SIGN THE CORRESPONDING DEEDS OF ABSOLUTE SALE THEREOF", SO AS TO CORRECT THE MISSPELLED NAMES OF THE HEREIN CLAIMANTS AS ENUMERATED THEREIN, PER RECOMMENDATION BY THE CITY LEGAL OFFICE, TO WIT:

From	To
Alecia Abuzo	Alicia Abuso
Angelina Abuzo Pasamonte	Angelina Abuso Pasamonte
Segundo Padenio	Segundo Pareño

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Romeo V. Calizo, Jay R. Pascual & Maria Lourdes S. Gaane, UNANIMOUSLY APPROVED.

MOTION NO. 22952-2017

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13193-2017**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Romeo V. Calizo & George S. Goking, UNANIMOUSLY CARRIED.

MOTION NO. 22953-2017

MOTION TO INCLUDE IN TODAY'S REGULAR AGENDA THE FOLLOWING AS ITEM:

- 15.] PROPOSED RESOLUTION NO. 2017-75 – urging P/Sr. Supt. Gerardo M. Rosales, OIC City Police Director, COCPO, to immediately relieve the Station Commander of Police Station No. 2 for negligence and inefficiency in the service in view of the several shooting incidents in his area of responsibility particularly at Cogon area.

Proponent: - Councilor Romeo V. Calizo

- 16.] PROPOSED RESOLUTION NO. 2017-76 – requesting the Department of Public Works and Highways-Regional Office No. 10 to look into the condition of the national highway, particularly in Gusa and Cugman, this City, which poses danger to the lives and limbs of the motorists due to potholes and absence of center lane markers.

Proponent: - Councilor Nadya B. Emano-Elipse

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12620-2017

RESOLUTION URGING P/SR. SUPT. GERARDO M. ROSALES, OIC CITY POLICE DIRECTOR, COCPO, TO IMMEDIATELY RELIEVE THE STATION COMMANDER OF POLICE STATION NO. 2 FOR NEGLIGENCE AND INEFFICIENCY IN THE SERVICE IN VIEW OF THE SEVERAL SHOOTING INCIDENTS IN HIS AREA OF RESPONSIBILITY PARTICULARLY AT COGON AREA

Proponent: - Councilor Romeo V. Calizo

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors George S. Goking & Romeo V. Calizo, CARRIED BY MAJORITY.

Infavor (6):

1 ST District:	- Councilor Romeo V. Calizo	- Councilor George S. Goking
	- Councilor Reuben R. Daba	
2 nd District:	- Councilor Maria Lourdes S. Gaane	- Councilor Ian Mark Q. Nacaya
	- Councilor Enrico D. Salcedo	

Against (4):

- Councilor Lordan G. Suan	- Councilor Jay R. Pascual
- Councilor Nadya B. Emano-Elipe	- Councilor Leon D. M. Gan, Jr.

Abstained (5):

- Councilor Annie Y. Daba	- Councilor Dometilo C. Acenas, Jr.
- Councilor Teodulfo E. Lao, Jr.	- Councilor Suzette G. Magtajas-Daba
- Councilor Yan Lam S. Lim, Liga Ng Mga Barangay (President)	

On Leave:

- Councilor Zaldy O. Ocon	- Councilor Edna M. Dahino
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MOTION NO. 22954-2017

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 12620-2017**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 12621-2017

RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS-REGIONAL OFFICE NO. 10 TO LOOK INTO THE CONDITION OF THE NATIONAL HIGHWAY, PARTICULARLY IN GUSA AND CUGMAN, THIS CITY, WHICH POSES DANGER TO THE LIVES AND LIMBS OF THE MOTORISTS DUE TO POTHOLE AND ABSENCE OF CENTER LANE MARKERS

Proponent: - Councilor Nadya B. Emano-Elipe

Moved by Councilor Nadya B. Emano-Elipe, duly seconded by Councilors Ian Mark Q. Nacaya, Jay R. Pascual & Teodulfo E. Lao, Jr., UNANIMOUSLY CARRIED.

MOTION NO. 22955-2017

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 12621-2017**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Jay R. Pascual, Yan Lam S. Lim & George S. Goking, UNANIMOUSLY CARRIED.

OTHER MATTER:

Councilor Teodufo E. Lao, Jr. moved, duly seconded by Councilors Romeo V. Calizo and George S. Goking, to invite in the next Regular Session P/SSupt. Gerardo M. Rosales, OIC City Police Director, Cagayan de Oro City Police Office (COCPO), to answer queries in aid of legislation regarding the city's peace and order condition, among other concerns.

MOTION NO. 22956-2017

MOTION TO ADJOURN THE 29TH REGULAR SESSION OF THE 18TH CITY COUNCIL (SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO HELD ON 13 FEBRUARY 2017

Moved by Councilor Ian Mark Q. Nacaya, severally seconded by the members present, UNANIMOUSLY CARRIED.

The session adjourned at 4:20PM., February 20, 2017.

I hereby certify to the correctness of the foregoing Minutes.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as correct:

RAINEIR JOAQUIN V. UY
CITY VICE MAYOR
PRESIDING OFFICER



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 13191 - 2017

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR OSCAR S. MORENO TO ENTER INTO A CONTRACT OF LEASE (RENEWAL) WITH MS. PILAR N. SIA COVERING THE LATTER'S THREE (3) -DOOR SPACE WITH AN AREA OF 225 SQUARE METERS OCCUPIED BY THE CITY COMMISSION ON ELECTIONS OFFICE, LOCATED AT CRUZ TAAL-BURGOS STREETS, THIS CITY, FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017, UNDER THE TERMS AND CONDITIONS OF THE OLD CONTRACT THEREOF

BE IT ENACTED by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City, in session assembled, that:

SECTION 1. - The Honorable City Mayor Oscar S. Moreno is hereby authorized to enter into a Contract of Lease (Renewal) with Ms. Pilar N. Sia covering the latter's three (3) -door space with an area of 225 square meters occupied by the City Commission on Elections Office, located at Cruz Taal-Burgos Streets, this City, for the period January 1, 2017 to December 31, 2017, under the terms and conditions of the old contract thereof.

SECTION 2. - The detailed aforesated Contract of Lease composed of two (2) pages on file with the Records Section of the Office of the City Council shall form part and parcel of this Ordinance.

SECTION 3. - This Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED.

Present:

1ST District:

- Councilor Lordan G. Suan	- Councilor Jay R. Pascual
- Councilor Romeo V. Calizo	- Councilor George S. Goking
- Councilor Annie Y. Daba	- Councilor Reuben R. Daba

2ND District:

- Councilor Nadya B. Emano-Elipse	- Councilor Maria Lourdes S. Gaane
- Councilor Dometilo C. Acenas, Jr.	- Councilor Ian Mark Q. Nacaya
- Councilor Leon D. M. Gan, Jr.	- Councilor Teodulfo E. Lao, Jr.
- Councilor Enrico D. Salcedo	- Councilor Suzette G. Magtajas-Daba

Ex-Officio Member: - Councilor Yan Lam S. Lim, *Liga Ng Mga Barangay (President)*

On Leave:

- Councilor Zaldy O. Ocon	- Councilor Edna M. Dahino
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ENACTED this 20TH day of February 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as duly enacted:

RAINEIR JOAQUIN V. UY
CITY VICE MAYOR
PRESIDING OFFICER

Approved:

OSCAR S. MORENO
CITY MAYOR

Attested:

DIONNIE P. GERSANA
ASSISTANT CITY ADMINISTRATOR



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 13192 - 2017

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR OSCAR S. MORENO TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (DICT), COVERING THE ESTABLISHMENT OF TECH4ED CENTER AT THE CAGAYAN DE ORO CITY PUBLIC LIBRARY, UNDER THE TERMS AND CONDITIONS STATED THEREIN

BE IT ENACTED by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City, in session assembled, that:

SECTION 1. - The Honorable City Mayor Oscar S. Moreno is hereby authorized to enter into and sign the Memorandum of Agreement (MOA) with the Department of Information and Communications Technology (DICT), covering the establishment of Tech4Ed Center at the Cagayan de Oro City Public Library, under the terms and conditions stated therein.

SECTION 2. - The detailed aforesated Memorandum of Agreement composed of seven (7) pages on file with the Records Section of the Office of the City Council shall form part and parcel of this Ordinance.

SECTION 3. - This Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED.

Present:

1st District:

- Councilor Lordan G. Suan	- Councilor Jay R. Pascual
- Councilor Romeo V. Calizo	- Councilor George S. Goking
- Councilor Annie Y. Daba	- Councilor Reuben R. Daba

2nd District:

- Councilor Nadya B. Emano-Elipse	- Councilor Maria Lourdes S. Gaane
- Councilor Dometilo C. Acenas, Jr.	- Councilor Ian Mark Q. Nacaya
- Councilor Leon D. M. Gan, Jr.	- Councilor Teodulfo E. Lao, Jr.
- Councilor Enrico D. Salcedo	- Councilor Suzette G. Magtajas-Daba

Ex-Officio Member: - Councilor Yan Lam S. Lim, *Liga Ng Mga Barangay (President)*

On Leave:

- Councilor Zaldy O. Ocon	- Councilor Edna M. Dahino
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ENACTED this 20TH day of February 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as duly enacted:

RAINEIR JOAQUIN V. UY
CITY VICE MAYOR
PRESIDING OFFICER

Approved:

OSCAR S. MORENO
CITY MAYOR

Attested:

DIONNIE P. GERSANA
ASSISTANT CITY ADMINISTRATOR



Republic of the Philippines

CITY OF CAGAYAN DE ORO

OFFICE OF THE CITY COUNCIL

(088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 13193 - 2017

AN ORDINANCE AMENDING ORDINANCE NO. 13172-2016, ENTITLED; "AN ORDINANCE APPROPRIATING THE SUM OF ₱219,270.00 FROM THE "CONTINUING APPROPRIATION FOR CY 2013 NON-OFFICE-LAND ACQUISITION/EXPROPRIATION" TO BE MADE AVAILABLE FOR THE FULL PAYMENT OF THE CLAIM FOR JUST COMPENSATION OF THE HEREIN SPECIFIED CLAIMANTS OF IMPROVEMENTS (PLANTS/TREES) WHICH WERE AFFECTED BY THE 8.00M-WIDE ROAD-RIGHT-OF-WAY OF THE FARM-TO-MARKET ROAD FROM PUROK 2 TOWARDS BIRHEN SA GUADALUPE LOCATED AT BARANGAY BALUBAL, THIS CITY; AND FOR THIS PURPOSE, AUTHORIZING THE HONORABLE CITY MAYOR TO SIGN THE CORRESPONDING DEEDS OF ABSOLUTE SALE THEREOF", SO AS TO CORRECT THE MISPELLED NAMES OF THE HEREIN CLAIMANTS AS ENUMERATED THEREIN, PER RECOMMENDATION BY THE CITY LEGAL OFFICE

BE IT ENACTED by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City, in session assembled, that:

SECTION 1. - Ordinance No. 13172-2016, entitled; "An Ordinance appropriating the sum of ₱219,270.00 from the "Continuing Appropriation for CY 2013 Non-Office-Land Acquisition/Expropriation" to be made available for the full payment of the claim for just compensation of the herein specified claimants of improvements (plants/trees) which were affected by the 8.00m-wide road-right-of-way of the farm-to-market road from Purok 2 towards Birhen sa Guadalupe located at Barangay Balubal, this City; and for this purpose, authorizing the Honorable City Mayor to sign the corresponding Deeds of Absolute Sale thereof", is hereby amended so as to correct the misspelled names of the herein claimants as enumerated therein, per recommendation by the City Legal Office, to wit:

From	To
Alecia Abuzo	Alicia Abuso
Angelina Abuzo Pasamonte	Angelina Abuso Pasamonte
Segundo Padenio	Segundo Pareño

SECTION 2. - This Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED.

Present:

1st District:

- Councilor Lordan G. Suan
- Councilor Romeo V. Calizo
- Councilor Annie Y. Daba
- Councilor Jay R. Pascual
- Councilor George S. Goking
- Councilor Reuben R. Daba

2nd District:

- Councilor Nadya B. Emano-Elipse
- Councilor Dometilo C. Acenas, Jr.
- Councilor Leon D. M. Gan, Jr.
- Councilor Maria Lourdes S. Gaane
- Councilor Ian Mark Q. Nacaya
- Councilor Teodulfo E. Lao, Jr.

Ex-Officio Member: - Councilor Enrico D. Salcedo

On Leave:

- Councilor Yan Lam S. Lim, *Liga Ng Mga Barangay (President)*
- Councilor Zaldy O. Ocon
- Councilor Suzette G. Magtajas-Daba
- Councilor Edna M. Dahino

ENACTED this 20TH day of February 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as duly enacted:

RAINEIR JOAQUIN V. UY
CITY VICE MAYOR
PRESIDING OFFICER

Approved:

OSCAR S. MORENO
CITY MAYOR

Attested:

DIONNIE P. GERSANA
ASSISTANT CITY ADMINISTRATOR

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

Comm. No.: 2016-14

Received by: _____

From: 2016-14

Date: _____

Proposed Resolution No. 2017-22 -- most respectfully endorsing the various complaints, stated in the attached letter dated 6 September 2016, filed by the parents and teachers of City Central School against Mr. Arnold P. Tejero, Principal thereof, to the Offices of Director Allan G. Farnazo, Department of Education-Regional Office No. 10, this City, Honorable Rodolfo M. Elman, Deputy Ombudsman for Mindanao, Davao City; and Regional Director Adams D. Torres, Civil Service Commission-Regional Office No. 10 (CSCRO-10), (with a request that the said complaints respectively filed in your good offices to be given preferential attention in order to restore peace at the said school which is designed to be a zone of peace and to uphold the moral integrity of the school which is currently besieged by the unresolved complaints.

Respectfully referred to the Committee on **EDUCATION**, 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: _____

February 23, 2017

For recommending approval - LR

Chairman: HON. SUZETTE G. MAGTAJAS-DABA

Vice-Chairman: HON. JAY R. PASCUAL

Member: HON. MARIA LOURDES S. GAANE

Member: HON. ROMEO V. CALIZO

Member: HON. REUBEN R. DABA

Ex-Officio-Member: _____

Ex-Officio-Member: _____

Ex-Officio-Member: _____

DISSENTING

Member

Member



OFFICE OF THE CITY COUNCIL

(08822) 724854; (088) 857-4029; 857-4035; 857-2258



MOTION NO. 22893-2017

MOTION TO DEFER ACTION ON PROPOSED RESOLUTION NO. 2017-22-“EARNESTLY REQUESTING REGIONAL DIRECTOR ALLAN G. FARNAZO, DEPARTMENT OF EDUCATION-REGIONAL OFFICE NO. 10, THIS CITY; HON. RODOLFO M. ELMAN, DEPUTY OMBUDSMAN FOR MINDANAO, DAVAO CITY; AND REGIONAL DIRECTOR ADAMS D. TORRES, SERVICE COMMISSION-REGIONAL OFFICE NO. 10 (CSCRO-10) TO EXPEDITE THEIR RESPECTIVE INVESTIGATION ON THE COMPLAINT FILED BY MR. JUNAS ROY C. CABIGAS AGAINST MR. ARNOLD P. TEJERO, PRINCIPAL, CITY CENTRAL SCHOOL, CAGAYAN DE ORO CITY, FOR ALLEGED MISDEEDS AS MENTIONED IN THE LATTER’S LETTER DATED 6 SEPTEMBER 2016”;AND TO REFER BACK THE SAME TO THE COMMITTEE ON EDUCATION IN VIEW OF MANIFESTATIONS OF SOME MEMBERS THAT IT MIGHT BE CONSTRUED AS INTERFERENCE WITH THE ACTIONS OF OTHER INDEPENDENT AGENCIES AND CONSTITUTIONAL BODIES AND THE SUGGESTIONS TO TONE DOWN THE TENOR OF SAID RESOLUTION

Moved by Councilor Leon D.M. Gan, Jr., duly seconded by Councilors Teodulfo E. Lao, Maria Lourdes S. Gaane & Edna M. Dahino, to defer action on proposed Resolution No. 2017-22- “earnestly requesting Regional Director Allan G. Farnazo, Department of Education-Regional Office No. 10, this City; Hon. Rodolfo M. Elman, Deputy Ombudsman for Mindanao, Davao City; and Regional Director Adams D. Torres, Service Commission-Regional Office No. 10 (CSCRO-10) to expedite their respective investigation on the complaint filed by Mr. Junas Roy C. Cabigas against Mr. Arnold P. Tejero, principal, City Central School, Cagayan de Oro City, for alleged misdeeds as mentioned in the latter’s letter dated 6 September 2016”; and to refer back the same to the Committee on Education in view of manifestations of some members that it might be construed as interference with the actions of other independent agencies and constitutional bodies and the suggestions to tone down the tenor of said resolution.

CARRIED BY MAJORITY.

In favor:

1st District

- Councilor Zaldy O. Ocon
- Councilor Edna M. Dahino
- Councilor George S. Goking

- Councilor Lordan G. Suan
- Councilor Romeo V. Calizo

2nd District

- Councilor Maria Lourdes S. Gaane
- Councilor Ian Mark Q. Nacaya

- Councilor Dometilo C. Acenas, Jr.
- Councilor Leon D.M. Gan, Jr.

Ex-Officio Member:- Councilor Teodulfo E. Lao, Jr.

- Councilor Enrico D. Salcedo

- Councilor Yan Lam Lim

Against:

- Councilor Reuben R. Daba

On Leave:

- Councilor Jay R. Pascual
- Councilor Suzette Magtajas-Daba

- Councilor Annie Y. Daba

Absent:

- Councilor Nadya Emano-Elipe

ADOPTED this 23RD day of January 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the aforestated Motion.

Attested as duly adopted:

RAINEIR JOAQUIN V. UY
CITY VICE MAYOR
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

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

Comm. No.: _____

Received by _____

From: _____

Date: _____

Letter-complaint filed by Mr. Junas Roy C. Cabigas, against Principal, Mr. Arnold P. Tejero and Assistant Mr. Rudy Villalobos of City Central School, this City, regarding the alleged misdeeds as mentioned in his letter dated September 6, 2016.

Respectfully referred to the Committee on EDUCATION, 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

Actions: Date of Meeting: Dec. 3, 2016

- 1) Urged all concerned parties to submit necessary documents for presentation
- 2) The Committee will conduct lots of research to ensure credibility of the story of the complainant
- 3) Urged the working relation between the principal and the teacher to improve
- 4) Urged DepEd to attend the issues raised as soon as possible

Chairman: HON. SUZETTE G. MAGTAJAS-DABA

Vice-Chairman: HON. JAY R. PASCUAL

Member: HON. MARIA LOURDES S. GAANE

Member: HON. ROMEO Y. CALIZO

Member: HON. REUBEN R. DABA

Ex-Officio-Member: _____

Ex-Officio-Member: _____

Ex-Officio-Member: _____

DISSENTING

Member

Member



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
Sangguniang Panlungsod
Tel. # 854-4026 / 857-4032 / 857-2258

Communication Number: 2016-174

Date: 10/26/2016
Receiver: JESSAMINE

Letter-complaint filed by Mr. Junas Roy C. Cabigas, against Principal, Mr. Arnold P. Tejero and Assistant Mr. Rudy Villalobos of City Central School, this City, regarding the alleged misdeeds as mentioned in his letter dated September 6, 2016.

Respectfully referred to **COMMITTEE ON EDUCATION**
the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Nov. 17, 2016

Topic: Report on Dec. 3, 2016 - at City Council Session Hall
9:00 AM - 7:00 PM

HON. SUZETTE MAGTAJAS-DABA

Chairperson

HON. MARIA LOURDES S. GAANE

Member

HON. ROMEO V. CALIZO

Member

HON. JAY R. PASCUAL

Vice Chairperson

HON. REUBEN R. DABA

Member

EX-OFFICIO MEMBERS

HON. IAN MARK Q. NACAYA

Majority Floor Leader

HON. LEON D.M. GAN, JR.

Minority Floor Leader

HON. RAINEIR JOAQUIN X. UY

City Vice Mayor

DISSENTING

Ann 3 Benjamin C. Delute

LOLLY VACADOR - 0975-3722791

ENR. BEN DELUTE

CAMPANER - 858-1988

0915-8847565

September 21, 2016

Hon. SUZETTE MAGTAJAS-DABA
Chairperson Committee on Education
City Council, Cagayan de Oro City

Madam:

Good Day!

We, the concern parents of City Central School are constrain with no other option except to bring these issues to your attention, because we strongly believe that your good office wants best public service and will never miss any opportunity to look into matters of interest involving IMMORALITY, ABUSE OF POWER, ABUSE OF AUTHORITY and the dreaded language by your administration, GRAFT AND CORRUPTION committed in broad daylight.

We believe, the degree of offense committed is unparalleled blatantly defying Civil Service and DepEd rules and openly committing crimes using one's position needs to STOP immediately.

This is the predicament of CITY CENTRAL SCHOOL, CAGAYAN DE ORO CITY under ARNOLD P. TEJERO, Ph. D. as lead Principal and Mr. RUDY VILLALOBOS as his assistant.

With due respect, please read this manifestation and please give immediate solution to spare City Central School from further shame.

To give a precise view of how serious the issues at hand or the crimes committed, please take notice of the following:

1. The tour of duty of Mr. Tejero started July of 2015 as lead Principal, holding a Principal 1 item, with the school population of almost eight thousand (8,000) pupils and more than two hundred (200) teachers. He assumed office as Principal 1 and was then promoted to Principal III within a period of 3 months or more specifically on October of 2015, jumping from salary grade 19 to 21. There, the abuse of power and immoral acts started as evident by his obsession to the beauteous teachers of the school. Hereto attached is the

affidavit complaint to the Ombudsman (**Annex A**) of a teacher to provide a clearer view of his evil desires. It is very unfortunate for the complainant because upon knowledge of Mr. Tejero that a case has been filed against him, everyday, all form of harassment has been employed to her. Moreover, there has been reliable information that another teacher who has been molested by Mr. Tejero is preparing another complaint for sexual harassment against Mr. Tejero to the Ombudsman whom she regard as the worst school administrator. “

2. On March of 2016, Mr. Tejero’s evil desires transcended from helpless teachers to a helpless single mother. He used his power and authority to make sexual advances to the helpless mother and with the help of his Assistant Principal Mr. Villalobos harasses her every day. The helpless single mother pleads that Mr. Tejero be relieved or transferred to another school because she could not bear the emotional, psychological and physical stress she is experiencing due to the situation she is in. For the clearer view of the facts of the case, hereto attached also is the affidavit complaint to the **CITY PROSECUTOR OF CAGAYAN DE ORO CITY** for **ACTS OF LASCIVIOUSNESS** and to the **OMBUDSMAN MINDANAO** for **GRAVE MISCONDUCT** and **GRAVE ABUSE OF AUTHORITY** against Mr. Tejero. Please see attached copy of the complaint to the City Prosecutor and the Ombudsman. (**Annexes B and B.1**).

In the counter affidavit of Mr. Tejero he **NEVER DENIED** that on May 17, 2016, Tuesday, at around 1:00 p.m. he entered the Resonance Inn together with his victim. As May 17, 2016 is NOT a holiday and Mr. Tejero professed that he reported for work that day, hence, it is worth emphasizing that Mr. Tejero has received a FULL PAY on such date, of which part of his official time at work has been used in a shameful act. This manifests evidence of Mr. Tejero’s **GRAVE MISCONDUCT** and **GRAVE ABUSE OF AUTHORITY**. (**Annexes B.2 and B.3**)-The counter affidavit of Mr. Tejero and his Daily Time Record, respectively.

3. On the first quarter of Mr. Tejero’s assumption as lead Principal, he started his malicious desire of taking the management of the school canteen from the School Teacher’s Cooperative. The school canteen has been properly and orderly managed by the School Teacher’s Cooperative that it grew in size through the years, even if there has been a constant change of school administrator, years before Mr. Tejero’s administration. This prompted Mr. Tejero’s malicious desire to do a lot of scheme to transfer the school canteen’s management into his hands for his own personal interest and benefit sacrificing the interest of the public. He succeeded on his schemes with the help of the aunt of his wife which is at the same time, the School’s Division Superintendent, Mrs. Elena

Burcillo, who signed and issued the order to take over the school canteen's management on February 24, 2016. The order was arbitrary because it did not follow the basic rules as provided by DepEd Order # 8 s, 2007 but procedural due process was never followed by Mr. Tejero and Supt. Burcillo. As proof, when the issue was appealed to the office of the Regional Director, Director Farnaso issued a comment/directive last June 23, 2016 that the Mr. Tejero and the Superintendent failed to observe due process. The order to take over has no legal basis, thus, erroneous. This directive of the Regional Director has not swayed Mr. Tejero from returning the school canteen's management to the School Teacher's Cooperative.

What is more eye popping is the system adopted by Mr. Tejero. Firstly, he required that all the stall lease/renter to pay a cash bond in the amount of P 5,000.00 per stall violating DepEd Order # 8, s.2007 which states that leasing is strictly prohibited. (**Annex C.1**) . Secondly, Mr. Tejero registered the school canteen in HIS NAME as OWNER. The school canteen is inside the premises of the school occupying a government owned land and building and the utilities incurred by the school canteen is paid for and by the school. This is a blatant violation of RA 3019 Anti Graft and Corrupt Practices of a Government Official, to be financially interested in government owned properties for his personal gain. Furthermore, what is much worse is the person who handles the income of the canteen; it is Mr. TEJERO and Mr. VILLALOBOS themselves. They serve as treasurer. Thirdly, the more serious action of Mr. Tejero is the open defiance to a lawful order of the Regional Director, Allan Farnaso, to follow the basic rule on procedural due process. When the cooperative Board of Director inquired thru a formal letter on matters at hand he surprisingly replied that the inquiry shall not be addressed to him but to the School's Division Superintendent or to the Regional Director Allan Farnaso. "Attached as Annexes, **D.1**-Business permit-Tejero as owner, **D.2** letter of inquiry of the Cooperative's Board of Director and the response of Mr. Tejero. Annexes: **E.1**-comment of the Regional Director. **E.2** Temporary receipt requesting the amount received by Mr. Cleo Maestrado/ **E.3** The contract of lessee entered into by the canteen manager, lessee and the School Administrator"

4. Test papers and Phil-IRI, for Grade VI, for the fourth and final grading has not been duly received by the Grade VI Teachers and the Grade Leader for Grade VI level, Mrs. Escabusa, has been coerced by the Assistant Principal, Mr. Villalobos, to sign the distribution list signifying that she later received the test paper and the Phil-IRI materials for liquidation purposes, even without receiving a single sheet of the said test papers. This issue was brought up and revealed during the teachers' year end conference last April 1, 2016, which shocked most of the participants there. The Grade VI Teachers will attest to the veracity of the issue and in an instance of an investigation to look into the

seriousness of the issue, the Grade VI teachers are all willing to execute an affidavit, because they are witness of the broad daylight corruption of Mr. Tejero and Mr. Villalobos.

5. On May of 2016, scrap materials of the school such as but not limited to the used roofing, z bars, purling iron window and door grills brought to about by the demolition of eight classrooms and one school library has been sold by Mr. Tejero without complying with the proper process in disposing the said government properties. In line with this, the Commission on Audit made a surprise visit to the school's property custodian, Mr. Nicolas Nacaytuna, and he failed to present any document on this matter because he has none. A glaring violation of PD 1445 sec. 79 "Destruction or sale of unserviceable property." Hereto attached as **Annex "F"** and photos of the materials as **Annex "F.1"**
6. Half of the cost of the school ID for pupils for the school year, 2016-2017 has been shouldered and paid for by the parents/guardians of the pupils in violation of the DepEd order # 48 s. 2009 which states that "The ID for the pupil shall be of no cost to them. The money shall be taken from the MOOE funds." Mr. Tejero blatantly defied the DepEd order and employed a scheme wherein 50% shall be shouldered by the pupils and the other 50% shall be taken from the MOOE fund of the school. Moreover, the teachers were directed to collect the said amount which is a direct defiance also to the DepEd order # 48 s. 2009 that Teachers must not be involved in any form of collection of money from the pupils. Despite this obvious defiance to the DepEd order the said collection has been duly approved by the Schools Division Superintendent, Mrs. Elena Burcillo which raises doubts to the objectivity of Mrs. Burcillo. It is worth noting that Mrs. Burcillo is related to Mr. Tejero by affinity. Attached as **Annex G**-DepEd Order #48 s. 2009 **G.1**- Approved Letter of Mr. Tejero by Schools Division Superintendent **G.2** Letter to all Teachers.
7. Back in year 2009, when Mr. Tejero was still an Assistant Principal because of his attitude-problem, the Parent-Teachers Association thru the Board of Directors and the Teachers themselves found it deemed appropriate to file a petition to the Superintendent, earnestly requesting to immediate transfer of Mr. Tejero to another school to put to stop his abuses. The superintendent during that time, Dr. Myna Motomul immediately granted the request. Attached as **Annex H**- Petition of the PTA Board and the Teachers of City Central School.

In another sad experience of City Central School as evidence of his questionable attitude, he was found guilty and suspended for eight (8) months without pay by the DepEd

Regional Office, but lowered to three (3) months by the DepEd Central Office Manila. Attached as **Annex H.1**-Decision of the DepEd.

In recollection of the above said situation, when Mr. Tejero's name first floated that he will be assigned back to City Central School, the concerned teachers and parents personally requested the Superintendent Mrs. Burcillo not to assign him back to avoid any disaccord and because of the previous bad experience, but the present Superintendent for whatever reason, did not consider nor listen.

8. Last June 24, 2014, Mr. RUDY VILLALOBOS, the assistant principal of Mr. Tejero assaulted one of the teachers, Mrs. Arabis of City Central School, inside her classroom. The frightening incident happened before the eyes of the pupils of Mrs. Arabis, some children were in panicked and others cried because of the abusive and vulgar attitude of Mr. Villalobos.

The more surprising scenario was, when Mrs. Arabis filed a case of grave misconduct before the Office of the Regional Director. The Officer-in-Charge directed the Division Superintendent to conduct a preliminary investigation/fact finding investigation. Mr. Villalobos **VOLUNTARILY PLEADED GUILTY** to the offense charged and **MANIFESTED WILLINGLY** that he will make/undergo a **PUBLIC APOLOGY, NEURO-PSYCHO TEST, DRUG TEST AND A COUNSELLING SESSION FROM AUTHORIZED PSYCHIATRIST OR GUIDANCE COUNSELLOR.**

But again for whatever reason, none of the condition was complied by Mr. Villalobos. "Attached **Annex I**. Kasabutan"

Finally, it is to the best of our knowledge that the family affiliation of Mr. Tejero with the DepEd Division of Cagayan de Oro has developed the culture of impunity which resulted to his unreasonable acts such that he has been bold enough to defy and transgress the DepEd rules, orders and memoranda; Civil Service rules, and the law on anti-graft and corrupt practices.

In the light of the foregoing, the undersigned beg for consideration of your Honorable Office, to order a **special and immediate investigation in your committee** on these matters and strongly pray that pending the investigation, **Mr. Arnold Tejero and Mr. Rudy Villalobos** be immediately transferred to another school or be assigned in the Regional Office of DepEd Region X to avert further damage as well as to save the aggrieved parties especially the helpless victims of Mr. Tejero's sexual advances from his harassment and ill-doings which has inflicted pain not only them but as well as their families.

With all sincerity,

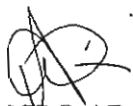
MARLOU OMPOY



LUCITA MISSION



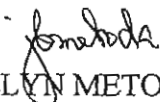
CARLA M. CAMAMA

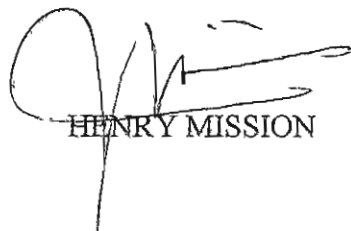


DR. AMANDO APARICI ~~D.D.M~~



JOEFREY CAILO


JOCELYN METODA



HENRY MISSION

ALFONSO MAÑACAP



MARK BRYAN OLARTE


GRACE PALOMERO

cc:

ALLAN FARNAZO
Regional Director
Department of Education
Regional Office No. 10
Cagayan de Oro City



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY VICE MAYOR



2F Legislative Building
City Hall Compound,
Burgos St., Brgy. 2,
Cagayan de Oro City

SEPTEMBER 20, 2016

FROM: MR. JUNAR ROY C. CABIGAS

SUBJECT MATTER:

LETTER-COMPLAINT FILED BY JUNAS ROY C. CABIGAS, AGAINST PRINCIPAL,
MR. ARNOLD P. TEJERO AND ASSISTANT MR. RUDY VILLALOBOS OF CITY
CENTRAL SCHOOL. THIS CITY.

ACTION: REFER TO COMMITTEE ON EDUCATION.

HON. RAINEIR JOAQUIN V. DY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. DY
City Vice Mayor



Department of Education
Region X
Division of Cagayan de Oro City
Central District



CITY CENTRAL SCHOOL
Yacapin-Velez Streets, Cagayan de Oro City

Republic of the Philippines
City of Cagayan de Oro
November 18, 2016

November 18, 2016

HON. SUZETTE MAGTAJAS-DABA
City Councilor
Chairperson, Committee on Education

Madam:

The undersigned school heads are respondents to the complaint lodged by a certain Junar Roy C. Cabigas for alleged misdeeds they committed in the management of City Central School.

Considering the seriousness and gravity of the allegations and considering further that they are certain in filing a criminal case against complainant for the baseless and malicious complaint hurled against them, they are *requesting from your good office and from that Honorable Investigating Committee* that the complainant be directed to have his complaint **subscribed and sworn under oath**.

Thank you very much.

Very truly yours,

RUDY P. VILLALOBOS

Principal I

ARNOLD P. TESERO, PhD

Principal III

Respondents

Appendix B

Page 19

Encls: Copy of the Unsubscribed and Unsworn Complaint

Copy of the Invitation for the appearance of respondent(s) to the Investigation

Copy of the Invitation for the Superintendent

September 6, 2016

Hon. JOAQUIN "Kikang" UY
City Vice Mayor
Cagayan de Oro City

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE CITY VICE MAYOR
CITY OF CAGAYAN DE ORO

RECEIVED

Sir:

DATE: 9/6/15
TIME: 2:05 PM
BY: GERMELSON KANA LOPEZ

Greetings!

As a taxpayer, a parent and a concern member of the City Central School community, I believed it is not only my right but also my obligation to get involve and to inform a government instrumentality whom I trust and hope that can give or provide immediate answer not only to my question, but as I see it, this is the question of the overwhelming majority of the teachers, parents of City Central School. Why this happens and until now no one from the system that looks into the matter or even gives a sort of interest to put to stop this kind of illegal, immoral and counterproductive activities.

With these, please take notice of the following misdeeds done with impunity by the Lead Principal, Mr. Arnold P. Tejero in connivance with one of his assistants Mr. Rudy Villalobos, to wit.

First, last April 1, 2016, during the year end conference of all the teachers and school administrator of City Central School, everybody who attended were surprised that one of the issues that was discussed was about the Test Paper and the Phil_ IRI materials, it was at the height of discussion that the assistant principal, Mr. Villalobos cautioned the Grade VI grade leader Ms. Escabusa not to signed the distribution list if no materials received, but the sad thing was the answer of Ms. Escabusa that it was he, Mr. Villalobos who forced her to signed. What a shame, they pocketed the MOOE fund intended for the pupils. How and why these corrupt practices happen? The teachers answered, "diskarte kana sa principal". Then what materials the teacher used in the 4th grading examination of grade VI pupils. The answer was very alarming., the grade six teachers used the old test papers. I believe this issue was already brought to the attention of the higher authority of the Department of Education but nothing happen. All grade IV teachers can attest to this and ready to execute an affidavit.

Second, the illegal disposal of the scrap or unserviceable materials/equipment of the school. During the howling of the scrap materials, only Mr. Tejero facilitated no one from the Commission on Audit (COA) and the Division Supply Office attended. The correct process of the disposal was not followed. The "gi inato lang nila pagbaligya" per information from the property custodian.

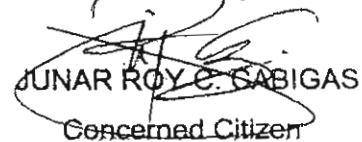
Third, the open defiance of the DepEd Order, # 48 s 2009. The no collection orders for the pupils ID. What Mr. Tejero did, he directed the teachers to collect. This issue has been brought to the higher DepEd authorities of the City Division but to no avail, and brought to the attention of the Local Media, but still he (Mr. Tejero) never back off in collecting. (see attached

✓ Fourth, the issue of grave abuse of authority in managing his canteen inside the school. (Please see the Mayor's permit) although there is a DepEd rules on managing a canteen, he openly defy those rules, (e.a). The unilateral action of the school principal by terminating a contract. Even without following the procedural due process is one of those abuses.

With these, I and other members of the City Central School community believe that through your office these illegal and corrupt practices and the culture of impunity committed by the heads of the school shall be checked. The culprit shall not go unpunished.

Thank you very much.

Sincerely yours;


JUNAR ROY C. CABIGAS
Concerned Citizen

Junar Roy C. Cabigas

Blk-16 L-12 NHA PHASE 2 KANISWAGAN, CDO

Mobile # 09770047400

Republic of the Philippines
Department of Justice
NATIONAL PROSECUTION SERVICE
OFFICE OF THE CITY PROSECUTOR
Cagayan de Oro City

INVESTIGATION DATA FORM

To be accomplished by the Office: 1644-2636

DATE RECEIVED:
(stamped and initiated):

Time Received:

Receiving Staff:

DATE: May 17, 2016
TIME: 10:36 AM

NPS DOCKET NO: X-06-INV-_____

Assigned to: _____

Date Assigned: _____

To be accomplished by complainant/counsel/law enforcer:
(Use back portion if space is not sufficient)

COMPLAINANT/s: Name, Sex, Age & Address RESPONDENT/s: Name, Sex, Age & Address

0905117774
JICKIE ROSALES AVILA
c/o GAN & ASSOCIATES LAW OFFICE
CHAVES-VELEZ STREETS
CAGAYAN DE ORO CITY

ARNOLD P. TEJERO
CITY CENTRAL SCHOOL
YACAPIN-VELEZ STREETS
CAGAYAN DE ORO CITY

OFFENSE/s COMMITTED/ LAW/s VIOLATED:

WITNESS/es: Name & Address

ACTS OF LASCIVIOUSNESS

DATE & TIME of COMMISSION:

MAY 17, 2016
2:30 PM

PLACE of COMMISSION:

RESONANCE INN
KAUSWAGAN HIGHWAY CAGAYAN DE ORO CITY

1. Has a similar complaint been filed before any other office? * YES ☐ NO ☒
2. Is this complaint in the nature of a counter-charge? * YES ☐ NO ☒ If yes, indicate details below.
3. Is this complaint related to another case before this office? * YES ☐ NO ☒ If yes, indicate details below.

I.S. / NPS Docket No.: _____

Handling Prosecutor: _____

CERTIFICATION*

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that if I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office within five(5) days from knowledge thereof.

JICKIE ROSALES AVILA
(Signature over printed name)

SUBSCRIBED AND SWORN TO before me this 12 day of August, 2016
in _____

Alfonso S. Vicente, Jr.
ASSISTANT CITY PROSECUTOR

Administering Prosecutor/ Officer:
CAGAYAN DE ORO CITY

*1,2,3 and CERTIFICATION need not be accomplished for inquest cases

Republic of the Philippines
DEPARTMENT OF JUSTICE
Office of the City Prosecutor
Cagayan de Oro City

JICKIE ROSALES AVILA,
Complainant,

I.S. No. _____

FOR:

Acts of Lasciviousness
under the Revised Penal Code

-versus-

ARNOLD P. TEJERO
Respondent

x-----//

AFFIDAVIT OF COMPLAINT

I, **JICKIE ROSALES AVILA**, of legal age, Filipino, single and resident of c/o Gan and Associates Law Office, Chaves-Velez Sts., Cagayan de Oro City, after having duly sworn to in accordance with law do hereby depose and say THAT:

1. I am charging **ARNOLD P. TEJERO** of Acts of Lasciviousness under the Revised Penal Code;
2. Sometime on March 30, 2016, while I was attending a Recognition Day where my Grade 5 child was one of those to be recognized at City Central School, this City, the Respondent approached and greeted me and introduced himself;
3. Sometime on April 2016, while I opened my face book account, I was surprised upon seeing that the Respondent wanted to be added as one of my friends. I accepted him out of respect considering that he is the principal of my Grade 5 child. He asked my cellphone number and thereafter he sent text messages appreciating the fact that he met me;
4. Sometime on May 2016, he offered a business proposal to me to the effect that he would give me privilege to operate a stall in the school canteen without a rental. I told him that I

could engage to sell sherbet of which he responded that he had a friend who could help me to such kind of business;

5. Sometime on May 17, 2016, he invited me to have a coffee date and told me that we could meet at DBP Xavier, this City and convinced me with his sweet words that he could take me to his friend who could help finance the sherbet business. Out of my desire to be involved in that proposed practice of making one's living by engaging in commerce, I yielded to go with him to meet his friend. While on our way to Patag Highway, this City, he took me to Resonance Inn at Kauswagan Highway, this City. I protested why he brought me to Resonance Inn. With his sweet words and promises coupled with lewd design he successfully brought me inside in one of the rooms in the said Inn. He undressed his polo shirt and ordered two(2) bottles of San Miguel Light and he forced me to drink and kept on saying while holding my right leg and squeezing my buttock: "GUSTONG GUSTO KITA MAGING GIRL FRIEND"(I REALLY WANT YOU TO BE MY GIRL FRIEND). I resisted when he held my right leg and squeezed my buttock. But because of his superior strength he held my hand and pulled me toward him for several times and kissed my lips against my will. He kept on saying: "BALIW NA BALIW TALAGA AKO SAYO JICK" (I AM REALLY CRAZY ON YOU JICK), "SIGE NA PAYAG KANA NA MAY MANGYARI SA ATIN NGAYON" (COME ON PLEASE SO THAT SOMETHING WILL HAPPEN TO BOTH OF US). Sensing his evil motive and lewd design I bluffed him by saying: "HUWAG MUNA NGAYON" (NO, NOT NOW). He kept calm and I took picture¹ to both of us for record purposes and we went out² and I went home immediately thereafter;

6. The crime of acts of lasciviousness as punished under Article 336 of the Revised Penal Code provides:

ART. 336. Acts of lasciviousness.- Any person who shall commit any act of lasciviousness upon other persons of either sex, under any of the circumstances mentioned in the preceding article, shall be punished by *prision correccional*.

¹ Cashier's record of Resonance Inn hereto attached as Annex "A".

² Picture of Respondent and Complainant hereto attached as Annex "B".

The case at bar clearly showed that Respondent committed Acts of Lasciviousness of which the following essential elements are considered: (1) that the offender commits any act of lasciviousness or lewdness; and (2) that it is done under any of the following circumstances: (a) by using force or intimidation; (b) when the offended woman is deprived of reason or otherwise unconscious; or (c) when the offended party is under twelve (12) years of age.³

In the case of *Amployo v. People*,⁴ the Court expounded on the definition of the term lewd, thus:

The term lewd is commonly defined as something indecent or obscene; it is characterized by or intended to excite crude sexual desire. That an accused is entertaining a lewd or unchaste design is necessarily a mental process the existence of which can be inferred by overt acts carrying out such intention, i.e., by conduct that can only be interpreted as lewd or lascivious. The presence or absence of lewd designs is inferred from the nature of the acts themselves and the environmental circumstances. What is or what is not lewd conduct, by its very nature, cannot be pigeonholed into a precise definition. As early as *U.S. v. Gomez* we had already lamented that it would be somewhat difficult to lay down any rule specifically establishing just what conduct makes one amenable to the provisions of article 439 of the Penal Code. What constitutes lewd or lascivious conduct must be determined from the circumstances of each case. It may be quite easy to determine in a particular case that certain acts are lewd and lascivious, and it may be extremely difficult in another case to say just where the line of demarcation lies between such conduct and the amorous advances of an ardent lover.

In *People v. Victor*, the Court held that in cases of acts of lasciviousness, it is not necessary that intimidation be irresistible. It being sufficient that some compulsion equivalent to intimidation annuls or subdues the free exercise of the will of the offended party.

³*People v. Victor*, G.R. No. 127904, December 5, 2002, 393 SCRA 472, 485.

⁴G.R. No. 157718, April 26, 2005, 457 SCRA 282, 292.

7. I executed this Affidavit of Complaint to attest the truth of the foregoing facts and averments and to formally charge **ARNOLD P. TEJERO** of Acts of Lasciviousness under the Revised Penal Code.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ in Cagayan de Oro City, Philippines.


JICKIE ROSALES AVILA
Affiant

SUBSCRIBED and sworn to before me this Aug 12 '16 in Cagayan de Oro City, Philippines. This is to certify that I have examined the Affiant and am convinced that she voluntarily executed her Affidavit of Complaint and fully understood its contents.


ALFONSO S. VICENTE, JR.
ASSISTANT CITY PROSECUTOR
CAGAYAN DE ORO CITY

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-8026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Resolution expressing gratitude and appreciation to the Pimentel Institute of Leadership and Governance through former Senate President Aquilino "Nene" Pimentel for nominating the Honorable City Vice Mayor Raineir Joaquin V. Uy to the short course of federalism and governance at the EURAC Research Academy-Winter School on Federalism & Governance in Austria

Proponent: City Vice Mayor Raineir Joaquin V. Uy

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER.

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

for inclusion

[Signature]
HON. IAN MARK Q. NACAYA, Chairman

HON. ZALDY O. OCON, Vice Chairman

[Signature]
HON. GEORGE S. GOKING, Member

[Signature]
HON. ROMEO V. CALIZO, Member

HON. ENRICO S. SALCEDO, Member

DISSENTING

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032; 857-4035; 857-2250

Communication Number:

From :

Received by:

Date:

SUBJECT MATTER: Proposed Resolution expressing gratitude and appreciation to the Hans-Seidel Foundation for its magnanimity in sponsoring the study of Honorable City Vice Mayor Raineir Joaquin V. Uy of federalism and governance at the EURAC Research Academy-Winter School on Federalism & Governance in Austria

Proponent: City Vice Mayor Raineir Joaquin V. Uy

Respectfully referred to the COMMITTEE on LAWS AND RULES, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

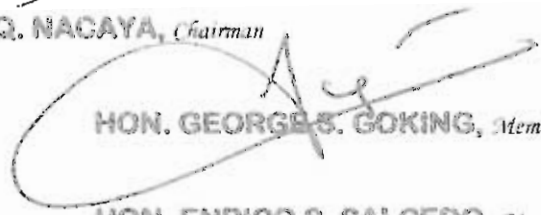
Date of Meeting: Feb. 23, 2017

for inclusion


HON. IAN MARK Q. NACAYA, *Chairman*

HON. ZALDY O. OCON, *Vice Chairman*


HON. ROMEO V. CALIZO, *Member*


HON. GEORGE S. GOKING, *Member*

HON. ENRICO S. SALCEDO, *Member*

DISSENTING

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PAMLUNGSOD)
18th CITY COUNCIL
(ORR) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Resolution expressing gratitude and appreciation to the EURAC Research Academy-Winter School on Federalism & Governance in Austria for its magnanimity in approving the study of Honorable City Vice Mayor Raineir Joaquin V. Uy of federalism and governance thereat.

Proponent: City Vice Mayor Raineir Joaquin V. Uy

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

for inclusion

HON. IAN MARK Q. NACAYA, Chairman

HON. ZALDY O. OCON, Vice Chairman

HON. GEORGE S. GOKING, Member

HON. ROMEO V. CALIZO, Member

HON. ENRICO S. SALCEDO, Member

DISSENTING

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

From :

Received by:

Date:

SUBJECT MATTER: Proposed Resolution earnestly requesting Honorable Senate President Aquilino "Koko" Pimentel III to allocate funds for the construction of water channels or drainage systems in Cagayan de Oro City to abate perennial flooding in flood-prone areas as recommended by the Department of Public Works and-Regional Office No. 10.

Proponents: Councilor Zaldy O. Ocon
Councilor Edna M. Dahmo
Councilor Teodulfo E. Lao Jr
Councilor Romeo V. Calizo
Councilor Suzette Magtajas-Daba
Councilor Annie Y. Daba
Councilor Jay R. Pascual
Councilor Reuben R. Daba

Respectfully referred to the COMMITTEE on LAWS AND RULES, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER.

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2019

1 for resolution

HON. IAN MARK Q. NACAYA, *Chairman*

HON. ZALDY O. OCON, *Vice Chairman*

HON. GEORGE S. GOKING, *Member*

HON. ROMEO V. CALIZO, *Member*

HON. ENRICO S. SALCEDO, *Member*

DISSENTING

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Ordinance approving the application for simple subdivision project of Sps. Pedro A. Tan & Nena A. Tan, represented by Mr. Santos R. Ongos, Jr. covering Lot 8, Block 9, (LRC) Psd-102917 with an area of 308 square meters, containing 2 lots, located at Barangay Patag, this city.

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

for imposition

HON. IAN MARK Q. NACAYA, Chairman

HON. ZALDY O. OCON, Vice Chairman

HON. GEORGE S. GOKING, Member

HON. ROMEO V. CALIZO, Member

HON. ENRICO S. SALCEDO, Member

DISSENTING



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
Sangguniang Panlungsod
Tel # 854-4026 / 557 1032 853-2258

Communication Number: 2016-308

Date: 12/08/2016

Receiver: JESSAMINE

From: CAGAYAN DE ORO HOUSING BOARD

Subject: APPLICATION FOR SIMPLE SUBDIVISION OF SPS. PEDRO A TAN & NENA A TAN LOCATED AT BARANGAY PATAG, COVERING AN AREA OF 308 SQ.M.M CONTAINING 2 LOTS

Respectfully referred to **COMMITTEE ON SUBDIVISION AND LANDED ESTATE** the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 22, 2017

HON. DOMETILO C. ACENAS, JR.
Chairperson

HON. JAY R. PASCUAL
Member

HON. REUBEN R. DABA
Member

HON. ENRICO D. SALCEDO
Vice Chairperson

HON. MARIA LOURDES S. GAANE
Member

EX-OFFICIO MEMBERS

HON. IAN MARK Q. NACAYA
Majority Floor Leader

HON. LEON D.M. GAM, JR.
Minority Floor Leader

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor

DISSENTING



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY VICE MAYOR



2F Legislative Bui
City Hall Compoun
Burgos St., Brgy. 2,
Cagayan de Oro Ci

DECEMBER 7, 2016

FROM: CAGAYAN DE ORO HOUSING BOARD

SUBJECT MATTER: APPLICATION FOR SIMPLE SUBDIVISION OF SPS., PEDRO A TAN & NENA A TAN LOCATED AT BARANGAY PATAG, COVERING AN AREA OF 308 SQ.M.M CONTAINING 2 LOTS.

ACTION: REFER TO COMMITTEE ON SUBDIVISION & LANDED ESTATE

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V.
CITY VICE MAYOR



Republic of the Philippines
City of Cagayan de Oro

CAGAYAN DE ORO HOUSING BOARD

1st Endorsement
December 01, 2016

Respectfully forwarded to the Committee Chairperson on Subdivision and Landed Estate, Office of the City Council the enclosed pertinent documents of the following applications after the deliberations of the CdeO Housing Board on 28 November 2016:

A. Simple Subdivision:

1. Application for Simple Subdivision of National Housing Authority (NHA) located at Macabalan, covering an area of 122 sq.m., containing 2 lots represented by Engr. Judy A. Fernandez. ✓
2. Application for Simple Subdivision of Sps. Pedro A. Tan & Nena A. Tan located at Barangay Patag, covering an area of 308 sq.m., containing 2 lots. ✓

B. PALC:

1. Application for Preliminary Approval and Locational Clearance (PALC) for Development and Expansion of Eternal Gardens Memorial Park-Cagayan de Oro, Inc., located at Barangay Bulua, represented by Ms. Liezl F. Adlawon. ✓

C. Alteration:

1. Application for Alteration of Plan particularly the resizing of lots of Montierra Subdivision located at Barangay Balulang, having an affected area of 33,854 sq.m., represented by its President Mr. Richard D. Lim.
2. Application for Alteration of Plan of La Mirande Trails re: resizing of lots particularly Block 6, lots 1-8, Block 15 lots 1-14 and Block 16 lots 1-26 having a total affected area of 7,207 sq.m. located at Barangay Lumbia.

For favorable approval.


RAMON L. FERNANDEZ
Vice Chairperson



FINAL RECOMMENDATION FOR SUBDIVISION APPROVAL

SSA/SA NO. :
PROJECT NO. :
DATE ISSUED : 10-27-2016

NAME OF APPLICANT/DEVELOPER: **Mr. Santos R. Ongos, Jr.**
NAME OF PROJECT: Subdivision Plan of Sps. Pedro A. Tan & Nena A. Tan
LOCATION: Patag, CDO. ADDRESS: Patag, Cagayan de Oro City
PROJECT DESCRIPTION APPLICATION: Simple Subdivision Approval of Lot 8, Blk.9, (LRC) Psd-102917 with an area of 308 sq. m. containing 2 lots located at Patag, this City.
ZONING CLASSIFICATION: Medium Density Residential Zone (R2)
PURPOSE: For Sale

CONDITIONS :

1. The subdivision scheme shall not be altered other than what is applied for except when prior clearance from the City Government is secured;
2. A Certificate of Registration must be secured from the Housing and Land Use Regulatory Board (HLURB) after the verification of survey returns from the Land Management Sector, DENR;
3. Further subdivision of lot 8, Blk.9, (LRC) Psd-102917 is prohibited without prior approval from the City Government of Cagayan de Oro;
4. *A license to sell shall be secured prior to actual disposal of lot 8-A & lot 8-B.*
5. This approval shall be revoked if not registered within a period of (1) one year from the date of issued;
6. Any misrepresentation of the application may cause for cancellation or revocation of subdivision permit.

Engr. **SIDRO G. BORJA**
City Planning & Development Coordinator

Republic of the Philippines
City of Cagayan de Oro
Department of Engineering & Public Works
Office of the City Engineer

September 21, 2016

To : Engr. **ISIDRO G. BORJA**
City Planning & Development Coordinator
City Planning & Development Office

Subject: Application for Simple Subdivision applied by Sps.
Pedro A. Tan and Nena A. Tan represented by
Mr. Santos R. Ongos, Jr.

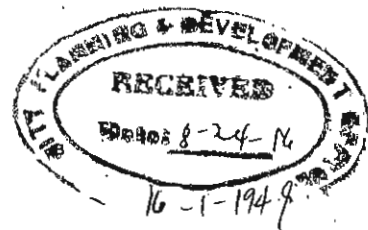
Location : Patag, Cagayan de Oro City

Enclosure : Plans & other supporting documents.

Remarks : Simple Subdivision . **NOTED.**


ROLANDO M. RACURIBOT
CEED Manager
Acting City Engineer

File/trans-borja-ficco-lumbia
Code#819



APPLICATION FOR APPROVAL
FOR A SIMPLE SUBDIVISION

August 22, 2016

Date

THE CITY COUNCIL
Office of the City Council
Cagayan de Oro City

Sir/Mesdames:

In accordance with Section 4 of PD and its implementing Standard Rules by Executive Order No. 848 dated 07, February 1981 and R.A. 7160 and its implementing rules, I am applying for approval for Development of Simple Subdivision Project having an area of 308 sq.m., containing 2 lots.

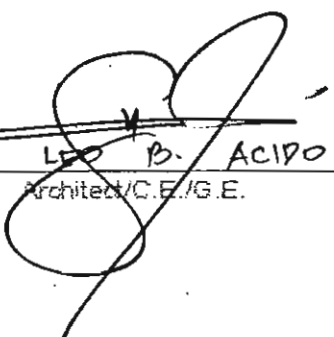
Attached herewith are:

1. Six (6) sets of the following duly signed and sealed by a Licensed Architect/Engineer:
 - a) Site Development Plan (schematic plan) showing the proposed layout;
 - b) Vicinity map of location plan drawn to scale showing the adjoining circulation network as well as existing facilities and utilities at least 100 meters radius from project boundaries.
2. Two (2) copies of Certified True Copy of Title/s from the Register of deeds or photo of title/s together with the owner's copy for the City Government, records authentication (Deed of sale/Memorandum of Agreement if the title is not registered in the name of applicant);
3. Latest Tax Receipt;
4. Purpose/Intent;

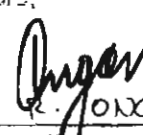
- ☒ For Sale
☐ Subdivision among co-owners/relatives
☐ Others, (please specify)

5. Present Land Use;

- ☐ Vacant
☒ With house constructed, type:
☐ Concrete
☒ Mixed
☐ Indigenous
☐ Agricultural


LEO B. ACIPO
Architect/C.E./G.E.

Very truly yours,


SANTOS R. LONGOS JR.
Applicant

BATAG, CDOC.
Address

Reg. No. 5402
PTR No. 7037361
Date issue: 1/11/2016
T.I.N. 919-149-657

Res. Cert. No. _____
Date Issue: _____
Place Issue: _____

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032, 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Ordinance providing for the Parental Responsibility Code of Cagayan de Oro City, and for other purposes.

Author: Councilor Enrico D. Salcedo

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2014

for inclusion

HON. IAN MARK Q. NACAYA, Chairman

HON. ZALDY O. OCON, Vice Chairman

HON. GEORGE S. GOKING, Member

HON. ROMEO V. CALIZO, Member

HON. ENRICO S. SALCEDO, Member

DISSENTING



Republic of the Philippines
Cagayan de Oro City

CITY LEGAL OFFICE

14 February 2017

HON. IAN MARK Q. NACAYA

City Councilor

Chairman, Committee on Laws and Rules

Cagayan de Oro City

THRU:

MS. MARIA CARLA L. LICAYAN

Local Legislative Staff Officer V

Chief, Legislative Committees Division

Dear Ms. Licayan,

This has reference to your letter, requesting for this Office's review and legal opinion relative to Proposed Ordinance providing for the Parental Responsibility Code of Cagayan de Oro City and for other purposes¹.

After careful review of the aforementioned Ordinance this office finds to be in legal order considering that it is consistent in the UN Declaration of the Rights of the Child¹ that *"the best interest of the child shall be the paramount consideration in the enactment of laws that would enable the child to enjoy special protection, including protection from all forms of neglect, cruelty and exploitation"*, as well as consistent with the State's recognition of the vital role of our youth as declared under Article II, Section 13² of the 1987 Constitution of the Philippines.

¹ Please see attached copy of the Declaration of the Rights of the Child, 20 November 1959

² Section 13. The State recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public civic affairs.

Finally, we also like to point out that the pertinent provisions of the Proposed Ordinance are either lifted or consistent with the provisions of our Family Code.

For your guidance and appropriate action.



ATTY. DONALD G. DELEGENCIA
OIC-City Legal Office



Republic of the Philippines

CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL

(088) 857-4029; 857-4035; 857-2258



Comm. No. 0662-14 Laws & Rules Received by: _____
From: _____ Date: _____

SUBJECT MATTER: **Proposed ordinance providing for the Parental Responsibility Code of Cagayan de Oro City, and for other purpose.**

RESPECTFULLY referred to the **COMMITTEE ON SOCIAL SERVICES** the herein Communication for study, investigation, report and/or recommendation. (

For the City Vice-Mayor and Presiding Officer:

ARTURO S. DE SAN MIGUEL
City Council Secretary

=====

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: January 12, 2017 (Perusa)

Endorse to Committee on Laws and Rules

[Signature]
HON. REUBEN R. DABA
CHAIRMAN

[Signature]
HON. MARIA LOURDESS. GAANE
VICE-CHAIRMAN

HON. JAY R. PASCUAL
1ST MEMBER

[Signature]
HON. EDNA M. DAHINO
2ND MEMBER

HON. GEORGE S. GOKING
3RD MEMBER

[Signature]
HON. SUZETTE G. MAGTAJAS-DABA
4TH MEMBER

EX-OFFICIO

EX-OFFICIO

DISSENTING

AN ORDINANCE PROVIDING FOR THE PARENTAL RESPONSIBILITY CODE OF CAGAYAN DE ORO CITY, AND FOR OTHER PURPOSES

Author: Councilor Enrico D. Salcedo

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

CHAPTER I
TITLE, PRINCIPLES AND POLICY

SECTION 1. Title - This ordinance shall be known and cited as the "Parental Responsibility Code of Cagayan de Oro City".

SECTION 2. Declaration of Principles and Policy - The City Government of Cagayan de Oro recognizes, believes and declares:

- a) The vital role of children in nation building and therefore, the promotion and protection of their physical, moral, spiritual, intellectual and social well-being as well as inculcate in the them patriotism and nationalism, and encourage their involvement in public and civic affairs;
- b) To protect the best interest of children through measures that will ensure the observance of international standards of child rights and protection, especially those to which the Philippines is a party, in order to serve the best interests of children which shall be the paramount consideration in all actions concerning them, consistent with local autonomy and the principle of "First Call for Children" as enunciated in the United Nations Convention of the Rights of the Child;
- c) The right of children to assistance, including care and nutrition and specially protection from all forms of neglect, abuse, cruelty and exploitation, and other condition prejudicial to their development and to undertake the holistic protection and development of children together with national government agencies and non-governmental organizations concerned;
- d) To effectively promote, fully enhance and institutionalize the survival, development, participation and protection of children's rights within the framework of advancing general welfare in furtherance of integrated, sustainable, and equitable development;

The recognition of rights and the granting of privileges to parents and their children shall be guided by the following:

- e) Parents shall have the primary right and obligation to provide for their children upbringing;
- f) Parents have the right to discipline their children as may be necessary for the formation of good character, and may require obedience to just and reasonable suggestions, rules, and admonitions;
- g) Children are important assets of our nation and every effort should be exerted to promote their welfare and enhance their opportunities for useful and happy lives;
- h) Children shall enjoy special protection, and be given opportunities and facilities, by law and by other means, to ensure and enable the fullest physical, mental, emotional, moral, spiritual and social development in a healthy and normal manner and in conditions of freedom and dignity appropriate to the corresponding developmental stage;
- i) Children shall be brought up in an atmosphere of universal understanding tolerance, friendship, and helpfulness and in full consciousness of their responsibilities as members of society;

- j) In all questions regarding the care, custody, education and property of children, their welfare shall be the paramount consideration;
- k) Individual traits and aptitudes of children should be cultivated to the utmost;
- l) The formation of the child's character begins at home, and consequently, every member of the family must the home a place that will positively influence the child's development;
- m) Other institutions, like schools, churches, guilds, and the community in general, should assist the home and the State in preparing the child for the responsibilities of adulthood.

SECTION 3. Definition of Terms and Description of Phrases – For purposes of this Ordinance, the herein terms shall be construed to mean as follows:

- (a) **Abandoned Child** refers to a child who has no proper parental care or guardianship, or whose parent(s) has/have deserted him/her for a period of at least three (3) continuous months;
- (b) **Abused Child** refers to a child who experienced all forms of abuse; i.e. physical, sexual, emotional and economic inflicted by parents or guardians;
- (c) **Child/Children** refer to those below the age of eighteen (18) years, at a time of any relevant proceeding, or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- (d) **Child-Caring Agency or Institution** refers to a private non-profit or government agency duly accredited by the Department of Social Welfare and Development (DSWD) that provides twenty-four (24) hour residential care services for abandoned, neglected, or voluntarily committed children.
- (e) **Discriminated Child** refers to a child who experienced prejudices and biases from the parents restricting the child's privileges and opportunities which are available to another member of the family and excluded based on illogical and illogical and irrational decision-making for her or his total development;
- (f) **Exploited Child** refers to a child who is forced by the parents to be economically gainful;
- (g) **Hazing** is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization by placing the recruit, neophytes or applicant in some embarrassing or humiliating situations such as forcing him to do menial, silly, foolish and other similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury.
- (h) **Law Enforcement Officer** refers to a person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a Barangay Tanod or Barangay Police.
- (i) **Motorcycle** refers to motorcycles, scooters, tricycle, motorela and bicycles with motor attachments of two or three or four wheels.
- (j) **Neglected Child** refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:
- i. There is physical neglect when the child is malnourished, ill-clad, and without proper shelter. A child is unattended when left by himself/herself without proper provisions and/or without proper supervision.
 - ii. There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked, or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in mortal danger, or exposed to gambling, prostitution, and other vices.
- (k) **Parent** refers to the mother, father, guardian and those exercising substitute parental authority over a child, defined under Articles 216 and 217 of The Family Code;

- (l) **Parental Authority and Responsibility** shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being.
- (m) **Special Parental Authority and Responsibility** shall be exercised by the school, its administrators and teachers, or the individual, entity or institution engage in child care while the child is under their supervision, instruction or custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.
- (n) **Truancy** is any absence unexcused by the school. An absence that is excused by a parent but not by school officials is still a truancy.
- (o) **Voluntarily Committed Child** is one whose parent(s) or legal guardian knowingly and willingly relinquished parental authority to the DSWD or any duly accredited child-placement or child-caring agency or institution.

CHAPTER II

PARENTAL AUTHORITY AND RESPONSIBILITY

SECTION 3. Exercise of Parental Authority and Responsibility –

- A. The father and mother shall jointly exercise parental authority and responsibility over the persons of their common.
- B. In the case of absence or death of either parent, the parent present shall continue exercising parental authority and responsibility. The remarriage of the surviving parent shall not affect the parental authority and responsibility over the children, unless the court appoints another person to be the guardian of the person or property of the children.
- C. In case of separation of the parents, parental authority and responsibility shall be exercised by the parent designated by the Court.
- D. In case of death, absence or unsuitability of the parents, substitute parental authority and responsibility shall be exercised by the surviving grandparent. In case several survive, the one designated by the Court exercises such substitute authority and responsibility.
- E. In default of parents or a judicially appointed guardian, the following persons shall exercise shall exercise parental authority over the child, in the order indicated:
- 1) The surviving grandparent;
 - 2) The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
 - 3) The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.
- F. In case of abandoned, neglected or abuse children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of homes, orphanages, and similar institutions duly accredited by the proper government agency.

SECTION 4. Special Parental Authority - The school, its administrators and teachers, or the individual entity or institution engage in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction and custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

SECTION 5. Non-Renunciation/Transfer of Parental Authority - Parental authority and responsibility may not be renounced or transferred except in cases authorized by law.

SECTION 6. Suspension or Termination of Parental Authority - A) Parental authority terminates permanently:

- 1) Upon the death of the parents;
- 2) Upon the death of the child; or
- 3) Upon emancipation of the child.

B) Unless subsequently revived by a final judgment, parental authority also terminates:

- 1) Upon adoption of the child;
- 2) Upon appointment of a general guardian;
- 3) Upon juridical declaration of abandonment of the child in a case filed for such purpose;
- 4) Upon final judgment of a competent court divesting the party concerned of parental authority; or
- 5) Upon juridical declaration of absence or incapacity of the person exercising parental authority.

CHAPTER III **DUTIES OF PARENTS**

SECTION 7. Duties of Parents - Parents shall have the following duties and responsibilities toward the child:

- 1) To give love, affection, guidance, companionship and understanding;
- 2) To extend the benefits of moral guidance, self-discipline and religious instruction;
- 3) To provide proper education in accordance with the means of the family, including the monitoring of attendance and performance in school, and attending parent-teacher conferences when required;
- 4) To supervise activities, in and outside the home, including recreation activities;
- 5) To provide medical attention and health services, including, but not limited to, accessing government services for complete immunization from diseases for which vaccines have been developed for administration to children, screening tests for newborn babies, and other health services from the city government;
- 6) To prevent addiction to intoxicating drinks, narcotic drugs, smoking and other vices or harmful habits and practices;
- 7) To avoid situations which endanger physical safety, exposure to harm, and threaten normal personal development;
- 8) To stimulate interest in civic affairs, instill the duties of citizenship, and develop commitment to the community, which include providing every opportunity to form or join social, cultural, educational, recreational, civic and religious organizations, groups or movements, and other useful community activities;
- 9) To provide for basic needs for survival such as food, shelter and clothing, including adequate support as defined by the Family Code;
- 10) To encourage breastfeeding for newborn babies until two (2) years of age;
- 11) In no case shall those exercising parental authority inflict corporal punishment upon the child.

CHAPTER IV **VIOLATIONS OF CHILD RIGHTS AND OTHER ACTS AND/OR** **CONDITIONS PREJUDICIAL TO THE CHILD'S DEVELOPMENT**

SECTION 8. Abandonment, Neglect or Abuse of the Child by a Parent - Criminal liability shall attach to any parent having parental authority and responsibility who:

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- a) Abandons the child under such circumstances as to deprive him/her of the love, care and protection he/she needs;
- b) Sells or abandons the child to another person for valuable consideration;
- c) Neglects the child by not giving the education that the family's status in life and financial conditions permit;
- d) Fails or refuses, without justifiable grounds, to enroll the child in school, as required by law;
- e) Causes, abates, or permits the truancy of the child from the school where the child is enrolled. Truancy as used herein means absence without cause for more than twenty (20) school days, not necessarily consecutive ;
- f) Fails to monitor the child's attendance and performance in school, and to attend parent-teacher conferences, without justifiable grounds, when required by the school;
- g) Improperly exploits the child by using him/her, directly or indirectly, such as for begging and other acts which are inimical to his/her interest and welfare;
- h) Inflicts cruel or unusual punishment upon the child or deliberately subjects him/her to indignation and other excessive chastisement that embarrass or humiliate him/her;
- i) Causes or encourages the child to lead an immoral dissolute life;
- j) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership;
- k) Permits the child to possess or use intoxicating drinks, narcotic drugs, cigarettes and to engage in gambling and other vice or harmful practices.
- l) Causes or allows a child to act as conduit or middlemen in drug trafficking or pushing;
- m) Allows or requires the child to drive without a license or with a license that the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that the parent permitted or ordered the child to drive;
- n) Pedophilia or obsession with children as sex objects shall include overt acts such as taking sexually explicit photographs, molesting children and exposing one's genitalia to children. It is the paraphilia of being sexually attracted primarily or exclusively to prepubescent or peripubescent children;
- o) Allows the child to ride on a motorcycle (a) without the standard protective motorcycle helmet, or (b) allows the child to ride on an overloaded motorcycle, whether for hire or otherwise. Overloading happens when a tricycle exceeds four (4) passengers or when a motorela exceeds six (6) passengers.
- p) Fails to present the child at health centers for free prenatal and post natal care and Basic Immunization Services, and such other immunization services that the Department of Health (DOH) prescribes under Presidential Decree No. 996;
- q) Allows a child to loiter in public places or outside their residence between the restriction hours of 10:00 P.M. to 5:00 A.M. as prohibited Cagayan de Oro City Ordinance No. 10536-2007 (or the Comprehensive Children's Welfare Code of Cagayan de Oro City), provided further that three (3) instances, not necessarily consecutive, shall constitute as an offense punishable under Section 10 of this Ordinance;
- r) Allows his or her child to join gangs, fraternities or sororities inside or outside school, and who allows to head, join or, in any other, manner, participate in hazing and other forms of initiation rites under Republic Act No. 8049;
- s) Allows the child to sell, buy or smoke cigarettes or other tobacco products under Republic Act No. 9211;
- t) Allows the child to participate in any gambling activity or illegal numbers game as defined under Presidential Decree No. 1602, as amended by Republic Act No. 9287;
- u) Uses, coerces, forces, intimidates, causes, involves or directs a child in the conduct of illegal activities.

Before the filing of any formal charges, the parent concerned shall be given three (3) notices, except for Paragraphs (a), (b), (g), (h), (i), (j), (k) insofar as possession and use of narcotic drugs, (l), (m), (n) and (u).

CHAPTER V **LIABILITIES AND PENALTIES**

SECTION 9. Civil Liability of Parents - Parents shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to the appropriate defenses provided by law.

SECTION 10. Penalties for Violation of this Ordinance - The acts mentioned in Section 8 of this Parental Responsibility Code shall be punishable as follows:

- a) First Offense - a fine of PhP 500.00 or one (1) month imprisonment, or both, at the discretion of the court;
- b) Second Offense - a fine of PhP 1,000.00 or two (2) months of imprisonment, or both, at the discretion of the court;
- c) Third Offense - maximum penalty of a fine of PhP 3,000.00 or three (3) months imprisonment, or both at the discretion of the court.

SECTION 11. Notices and Mandatory Parent Effectiveness Service Sessions for Instances of Violations of Section 8(g) - Parents of children who loiter outside of residences during restriction hours shall be dealt with as follows:

- a) First Instance - first notice of violation and required to attend Parent Effectiveness Service Sessions for, at least one (1) hour;
- b) Second Instance - second notice of violation and required to attend Parent Effectiveness Service Session for, at least, two (2) hours;
- c) Third Instance - third notice of violation and required to attend Parent Effectiveness Service Session for, at least three (3) hours.

SECTION 12. Filing of Complaint/Information Against the Parent - Should the child be determined to be abandoned, neglected or abused by his/her parent under any of the circumstances under Section 8 of this Parental Responsibility Code, the CSWD Officer shall file the necessary complaint or information against the parent before the court having jurisdiction over the place where the child resides.

SECTION 13. No Contest Provision - The parents concerned who wish not to contest their liability may pay the fine for the offense with the barangay before the institution of formal charges. All payment of fines shall be placed in a Special Fund of the barangay to be used solely for the implementation of this Ordinance and managed by the Barangay Council for the Protection of Children (BCPC).

In case of inability to pay the fine, the parents concerned shall render community service in lieu of the fine as follows:

- a) For a penalty of a fine of PhP 500 = eight (8) hours
- b) For a penalty of a fine of PhP 1,000 = sixteen (16) hours
- c) For a penalty of a fine of PhP 3,000 = twenty-four (24) hours;

Provided that, should the parent concerned already rendered community service in lieu of fines provided in this Parental Responsibility Ordinance three (3) times, said parent can no

longer avail of the same, and the corresponding complaint for violation of this Ordinance with the maximum penalty imposed shall be filed;

SECTION 14. Undertaking by the Parent - The parent concerned shall execute a duly notarized Undertaking stating the terms and condition for the availment of the *No Contest Provision*, as follows.

- a) Relationship with the child;
- b) Circumstances supporting the determination that the child has been abandoned, neglected or abused by the parent;
- c) Admission of liability by the parent;
- d) Intention to avail of the *No Contest Provision* option to pay the fine or community service;
- e) Type of diversion for the Parent such as reparation for damages, attendance in parenting seminar, promise/apology, type and duration of community service, etc.
- f) Consequence for failure to comply with the terms and conditions; and
- g) Duration or period within as to the schedule to complete the Undertaking.

SECTION 15. Completion of the Undertaking - Upon completion of the Undertaking, the CSWD Office or concerned Barangay Council for the Protection of Children (BCPC) shall put the stamp mark "COMPLETED" thereon indicating the date and signature thereon. The CCPC, CSWD Officer shall issue an Order certifying completion of the Undertaking, and consider the case closed.

SECTION 16. Failure or Refusal to Complete the Undertaking - In case of failure or refusal to complete the Undertaking within the stipulated period, the concerned BCPC or CCPC, through the CSWD Office shall institute formal charges against the parent.

SECTION 17. Confidentiality of Records and Proceedings - All records and proceedings involving the child taken custody under this Ordinance from initial contact until final disposition of the case shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children taken custody under this Ordinance, and adopting a system of coding to conceal material information which will lead to the child's identity. Records of a child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender upon his/her written consent.

The child shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose.

SECTION 18. Recording and Reportorial Requirement - The concerned BCPC shall keep a record of all completed Undertakings, and shall make the necessary reportorial requirements to the Cagayan de Oro City Council for the Protection of Children in accordance with RA 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006.

SECTION 19. Attendance in Parent Effectiveness Service Sessions Mandatory - In all cases of violations under this Ordinance, the parent concerned shall always undergo Parent Effectiveness Service Sessions to be conducted in their respective barangays under the supervision of the concerned BCPC, in addition to the penalty imposed.

SECTION 20. Failure to Implement by Local Government Officials - Failure of the officials of local government offices under the City Government of Cagayan de Oro and its

barangays to implement the provisions of this Code shall be punishable pursuant to applicable existing laws, and their rules and regulations.

CHAPTER VI

THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN, THE CITY COUNCIL FOR THE PROTECTION OF CHILDREN, AND THE CITY SOCIAL WELFARE DEVELOPMENT OFFICE

SECTION 21. Role of the Barangay Council for the Protection of Children (BCPC) - In cases of violations of this Ordinance, the BCPC shall immediately summon the parents of the child.

Each BCPC shall perform the following functions consistent with the objectives of the RA 9344 on juvenile intervention and delinquency prevention:

- a) Encourage the proper performance of the duties of parents, and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
- b) Assist parents, whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agency;
- c) In addition, it shall hold classes and seminars on the proper rearing of children. It shall distribute to parents available literature and other information on child guidance. The Council shall assist parents, with behavioral problems whenever necessary, in securing expert guidance counseling from the proper governmental or private welfare agency;
- d) Coordinate the activities of organizations devoted to the welfare of children in coordination with other local government offices and secure their cooperation;
- e) Protect and assist children at risk; and
- f) Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice.

SECTION 22. Role of the City Council for the Protection of Children (CCPC) - The Cagayan de Oro CCPC shall serve as the Oversight Committee for monitoring the implementation of this Parental Responsibility Code and as such, may suggest proposals and submit recommendations for legislative action on matters affecting children. The CCPC can also provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children (BCPC).

SECTION 23. Role of the City Social Welfare Development Office (CSWD) - The Cagayan de Oro CSWD Office shall be the primary public service agency of the city government for leading and coordinating the implementation of this Parental Responsibility Code.

The CSWD Office can also provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children (BCPC), its local projects and activities.

Trained social workers of the Cagayan de Oro CSWD Office shall prepare a program for Parent Effectiveness Service Sessions and conduct the same in the city's barangays, and shall teach, train and develop proper barangay personnel in the conduct of such activities.

CHAPTER VII

FINAL PROVISIONS

SECTION 24. Coverage and Interpretation - This Parental Responsibility Code shall cover all persons exercising parental authority and responsibility over minor children in the City of Cagayan de Oro, its barangays, and to the extent herein provided for, communities, institutions, departments, offices and agencies under the supervision and jurisdiction of the Cagayan de Oro City Government.

443
444 In case of doubt, the interpretation of any of the provisions of this Parental Responsibility
445 Ordinance shall be construed liberally in favor of the parents, consistent with the best interest
446 of the child, the rights of the child, principles of restorative justice and general welfare.
447

448 **SECTION 25. Formulation of Implementing Rules and Regulations** - Within six (6)
449 months after the approval of this Parental Responsibility Code, the City Council for the
450 Protection of Children shall formulate the Implementing Rules and Regulations necessary for
451 the efficient and effective implementation of the provisions of this Ordinance which shall be
452 effective after approval by the City Mayor thereof.
453

454 **SECTION 26. Repealing Clause** - All ordinances, resolutions, Executive Orders and
455 other issuance/s, which are inconsistent with any of the provisions of this Code, are hereby
456 repealed or modified accordingly.
457

458 **SECTION 27. Separability Clause** - If, for any reason or reasons, any part or provision
459 of this Parental Responsibility Code shall be held to be unconstitutional or invalid, other parts
460 or provisions hereof which are not affected thereby shall continue to be in full force and effect.
461

462 **SECTION 28. Effectivity** - This Ordinance shall take effect upon completion of its
463 publication in a local newspaper of general circulation and posting in at least two (2)
464 conspicuous public places for a minimum period of three (3) consecutive weeks.
465

466 **APPROVED.**

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Proposed Ordinance granting one (1) grade salary increase from Salary Grade 4 to Salary Grade 5 to Ms. Eden M. Mabulay, former Nursing Attendant I of the J.R. Borja General Hospital, this city, who retired from the service last February 2, 2017, pursuant to Section 2, Article 13 of R.A. 7305, otherwise known as the Magna Carta of Public Health Workers; and for this purpose appropriating the sum of P2,261.00 from the item "Personal services: Salary Savings, Item No.108, Nurse V, for the period November 1-3, 2016" in the 2016 Annual Budget of the said office to be made available therefor.

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

> for inclusion

HON. IAN MARK Q. NACAYA, Chairman

HON. ZALDY Q. OCON, Vice Chairman

HON. GEORGE S. GOKING, Member

HON. ROMEO V. CALIZO, Member

HON. ENRICO S. SALCEDO, Member

DISSENTING+



Republic of the Philippines
City of Cagayan de Oro
OFFICE OF THE CITY COUNCIL
(08822) 721854; (088) 857-4029; 857-1035; 857-2048



ITEM NO. 4

Comm. No. 2016-340
From:

Received by:
Date:

Subject Matter:

Request of the City Mayor to appropriate an amount of Php 2,261.00 from Current Appropriation under the J. R. Borja General Hospital "PS-Salary Savings" of vacant position Item #108 for the period November 1-3, 2016, to cover payment of one salary grade higher from SG 4/8 to SG 5/8 of Ms. Eden N. Mabulay, Nursing Attendant I, of same office, who will retire on February 2, 2017 as mandated under Section 30, RA 7305 of magna Carta for Public Health Workers. With Certificate of Availability of Funds (CAF) issued December 8, 2016.

Recommended by the Committee on Health, Sanitation and Health Insurance

Referred to the **COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS**, the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR
& PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

=====

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: February 22, 2017

Recommending approval - LR

Chairman: **HON. EDNA M. DAHING**

Vice Chairman: **HON. TEODULFO E. LAO JR.**

1ST

Member: **HON. ZALDY O. OCON**

2ND

Member: **HON. REUBEN R. DABA**

3RD

Member: **HON. ENRICO S. SALCEDO**

4TH

Member: **HON. GEORGE S. GOKING**

DISSENTING

Member

Member



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
Sangguniang Panlungsod
Tel. #: 854-4026 / 857-4032 / 857-2258

Communication Number: 2016-340

Date: 12/20/2016

Receiver: JESSAMINE

From: CMO

Subject: LFC NO. 107-2016, RE: RESOLUTION RECOMMENDING FAVORABLE APPROVAL TO APPROPRIATE AN AMOUNT OF 2,261.00 FROM CURRENT APPROPRIATION UNDER THE JR BORJA GENERAL HOSPITAL PS-SALARY SAVINGS OF VACANT POSITION ITEM # 108 FOR THE PERIOD NOVEMBER 1-3, 2016, TO COVER PAYMENT ONE SALARY GRADE HIGHER FROM SG 4/8 TO SG 5/8 OF S. EDEN N. MABULAY, NURSING ATTENDANT 1, OF SAME OFFICE, WHO WILL RETIRE ON FEBRUARY 2, 2017 AS MANDATED UNDER SECTION 30, RA 7305 OF MAGNA CARTA FOR PUBLIC HEALTH WORKERS.

Respectfully referred to COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: 1-19-2017

Referred to Com. on Finance and Appropriation
HON. MARIA LOURDES S. GAANE
Chairperson

HON. REUBEN R. DABA
Vice Chairperson

HON. GEORGE S. GOKING
Member

HON. JAY R. PASCUAL
Member

Suzette M. Daba
HON. SUZETTE MAGTAJAS-DABA
Member

HON. YAN LAM LIM
Member

EX-OFFICIO MEMBERS

HON. IAN MARK Q. NACAYA
Majority Floor Leader

HON. LEON D.M. GAN, JR.
Minority Floor Leader

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY VICE MAYOR



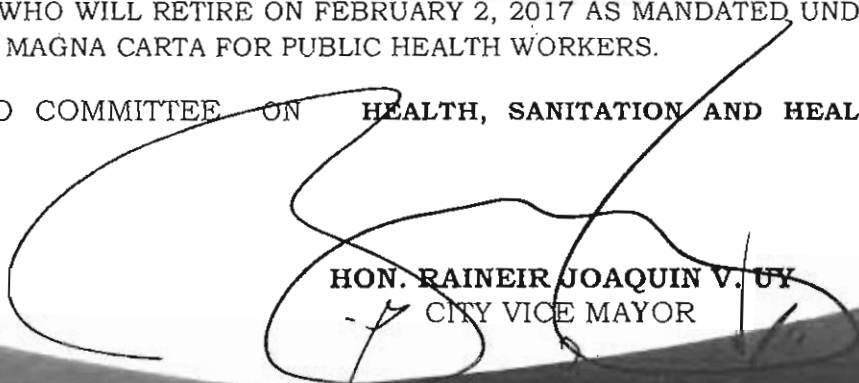
2F Legislative Building,
City Hall Compound,
Burgos St., Brgy. 2,
Cagayan de Oro City

DECEMBER 19, 2016

FROM: CMO

SUBJECT MATTER. LFC NO. 107-2016, RE: RESOLUTION RECOMMENDING FAVORABLE APPROVAL TO APPROPRIATE AN AMOUNT OF 2,261.00 FROM CURRENT APPROPRIATION UNDER THE JR BORJA GENERAL HOSPITAL PS-SALARY SAVINGS OF VACANT POSITION ITEM # 108 FOR THE PERIOD NOVEMBER 1-3, 2016, TO COVER PAYMENT ONE SALARY GRADE HIGHER FROM SG 4/8 TO SG 5/8 OF S. EDEN N. MABULAY, NURSING ATTENDANT 1, OF SAME OFFICE ~~AT~~, WHO WILL RETIRE ON FEBRUARY 2, 2017 AS MANDATED UNDER SECTION 30, RA 7305 OF MAGNA CARTA FOR PUBLIC HEALTH WORKERS.

ACTION: REFER TO COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE.


HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



Republic of the Philippines
Cagayan de Oro City

OFFICE OF THE CITY MAYOR

3RD Indorsment
13 December 2016

Respectfully transmitted to **The Honorable Members of the City Council** through **City Vice Mayor RAINIER JOAQUIN V. UY**, the attached Certificate of Availability of Funds No. 107-2016, to wit:

re: "RESOLUTION RECOMMENDING FAVORABLE APPROVAL TO APPROPRIATE AN AMOUNT OF ₱2,261.00 FROM CURRENT APPROPRIATION UNDER THE J.R. BORJA GENERAL HOSPITAL "PS-SALARY SAVINGS" OF VACANT POSITION ITEM # 108 FOR THE PERIOD NOVEMBER 1-3, 2016, TO COVER PAYMENT ONE SALARY GRADE HIGHER FROM SG 4/8 TO SG 5/8 OF MS. EDEN N. MABULAY, NURSING ATTENDANT I, OF SAME OFFICE AT, WHO WILL RETIRE ON FEBRUARY 2, 2017 AS MANDATED UNDER SECTION 30, RA 7305 OF MAGNA CARTA FOR PUBLIC HEALTH WORKERS".

Hereby requesting inclusion on the agenda for the forthcoming City Council Session, for passage of appropriate Ordinance.

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

Date received: 12/13/16 Time: 10:55 AM
By: [Signature] Comm. No: _____
For to: Carla - Heaton
[Signature]

[Signature]
OSCAR S. MORENO
City Mayor



Republic of the Philippines
Cagayan de Oro City

OFFICE OF THE CITY BUDGET OFFICE

CERTIFICATION

THIS IS TO CERTIFY that the amount of ₱ 2,261.00 from Current Appropriation, Personal Services - Salary Savings, of vacant position, item No. 108, Nurse V, for the period, November 1 - 3, 2016 of J.R. Borja General Hospital, this City, to cover payment of one Salary Grade higher from SG 4/8 to SG 5/8 as mandated under Section 30, RA 7305 of Magna Carta for Public Health Worker of Ms. Eden L. Mabulay, Nursing Attendant, of same office, who will retire on February 2, 2017, is available.

Issued this 8th day of December, 2016.

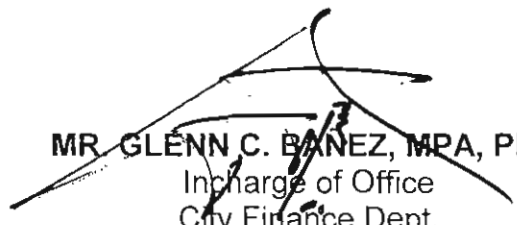

ATTY. PERCY G. SALAZAR

City Budget Officer

CAF - 107- 2016


ATTY. BEDA JOY B. ELOT, CPA

City Accountant
City Accounting Office


MR. GLENN C. BANEZ, MPA, Ph.D

Incharge of Office
City Finance Dept.



J.R. BORJA GENERAL HOSPITAL
J.V. Serina St. Carmen Cagayan de Oro City
Misamis Oriental PHILIPPINES, 9000
Tel. No. Office: (088) 858-4681
Emergency Room: (088) 858-2232
Email address: jrborjagenhosp@gmail.com



November 14, 2016

HON. OSCAR S. MORENO

City Mayor

Cagayan de Oro City

Thru: EVELYN C. PEREZ, M.D., DPPS, MPSM

Chief of Hospital

Dear Doc Evelyn:

Greetings of peace!

The undersigned is turning 65 years old and force to retire this coming February 2, 2017. I been in the government service for 45 years and appointed as Nursing Attendant 1 with a Salary Grade 4, step 8.

In this connection, I would like to request to allow me to avail a one-salary grade higher (SG 5/8) as mandated under Section 30, RA 7305 of Magna Carta for Public Health Workers.

Hoping for your kind consideration and favorable action on this request.

Thank you.

Very truly yours,


EDEN L. MABULAY
Nursing Attendant I

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(085) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Ordinance extending the deadline for the filing of business license renewal of all stallholders in the public markets, from February 28, 2017 to March 31, 2017, and for this purpose no surcharges and penalties shall be collected from the taxpayers who will be availing hereof

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb 23, 2017

for inclusion

HON. JAN MARK Q. NACAYA, Chairman

HON. ZALDY O. OCON, Vice Chairman

HON. GEORGE S. GOKING, Member

HON. ROMEO V. CALIZO, Member

HON. ENRICO S. SALCEDO, Member

DISSENTING:



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
Sangguniang Panlungsod
Tel. # : 854-4026 / 857-4032 / 857-2258

Communication Number: 2017-504

Date: 02/25/2017

Receiver: JESSAMINE

From: CEED

Subject: REQUESTING FOR THE EXTENSION IN THE RENEWAL OF BUSINESS PERMITS OF MARKET STALLHOLDERS FOR CY 2017.

Respectfully referred to **COMMITTEE ON ECONOMIC ENTERPRISES**
the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb 23, 2017

Recommendation: Approval (L.R.)

HON. IAN MARK Q. NACAYA
Chairperson

HON. GEORGE S. GOKING
Vice Chairperson

HON. ENRICO D. SALCEDO
Member

HON. REUBEN R. DABA
Member

HON. TEODULFO E. LAO, JR.
Member

EX-OFFICIO MEMBERS

HON. IAN MARK Q. NACAYA
Majority Floor Leader

HON. LEON D.M. GAN, JR.
Minority Floor Leader

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor

DISSENTING



Republic of the Philippines
CITY ECONOMIC ENTERPRISES DEPARTMENT

Cagayan de Oro City
Tel. Nos. 881-2914/email add: ceed@citycouncil.com

February 22, 2017

HON. OSCAR S. MORENO
City Mayor
Cagayan de Oro City

Sir:

One of the agenda discussed during our CEEBDA Meeting Presided by Hon. Ian Mark Q. Macaya, City Councilor and Chairman, City Economic Enterprises Committee, City Council, this city, scheduled every Tuesday of the Week, was the assessment and update of the on-going renewal of Business Permits in the public markets particularly the progress of the Orientation Seminar sa Mercado (OSM) conducted for the market stallholders and the renewal and processing of Business Permits.

Please be informed that during the deliberation of the above-mentioned agenda, the slow turn-out of said renewal is observed due to the perceived financial difficulty to settle the monetary obligations due to the city government.

In view of this and considering the proximity and deadline of said renewal on February 28, 2017, it was the consensus of the body to respectfully request Your Honor for the extension of said renewal of Business Permits for market stallholders for CY 2017, to give them ample time to comply with the said requirement.

Thank you.

Respectfully yours,

EDUARDO P. ALIMPOS, JR.
Officer In-Charge, CEED

Cc:
-Hon. Ian Mark Q. Macaya
City Councilor, Chairman
City Econ. Ent. Committee
-file/hra.17



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
Sangguniang Panlungsod
Tel. # 854-4026 / 857-4032 / 857-2258

Communication Number: 2017-489

Date: 02/18/2017

Receiver: JESSAMINE

From: LEGAL OFFICE

Subject: TYPOGRAPHICAL ERROR IN THE NAME OF THE CLAIMANT SPECIFIED IN ORDINANCE NO. 13172 DATED 19 DEC. 2016, REQUESTING TO CHANGE IT FROM LUCIANO COMENGHOD TO LUCIA A. COMIGHOD.

Respectfully referred to **COMMITTEE ON LAWS AND RULES**
the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb 23, 2017

for inclusion

HON. IAN MARK Q. NACAYA
Chairperson

HON. ENRICO D. SALCEDO

Member

HON. ROMEO V. CALIZO

Member

HON. ZALDY O. OCON

Vice Chairperson

HON. GEORGE S. GOKING

Member

EX-OFFICIO MEMBERS

HON. IAN MARK Q. NACAYA

Majority Floor Leader

HON. LEON D.M. GAN, JR.

Minority Floor Leader

HON. RAINEIR JOAQUIN V. UY

City Vice Mayor

DISSENTING

Generated from City Council Management System - Sangguniang Panlungsod, Cagayan de Oro



Republic of the Philippines
CITY LEGAL OFFICE
Cagayan de Oro City

City of Cagayan de Oro
OFFICE OF THE CITY COUNCIL
Date: FEB 15 2017 Time: 2:40
Comm. No.:
ACTION TAKEN
Date: RELEASED

1st Indorsement
13 February 2017

Respectfully forwarded to Mr. Arturo de San Miguel, City Secretary, City Council, Cagayan de Oro City, the herewith attached letter dated 10 February 2017 of Hon. Vivan M. Malingin, Punong Barangay, Brgy. Balubal, Cagayan de Oro City, in regard to the claim for payment of just compensation for the improvement (plant/trees) affected by the 8.00 m. wide road right-of-way of the farm to market road from Purok 2 towards Birhen sa Guadalupe located at Barangay Balubal, informing this Office that there is typographical error in the name of the claimant specified in Ordinance No. 13172-2016 dated 19 December 2016. For your ready reference:

ERRONEOUS CLAIMANT'S NAME
REFLECTED IN ORDINANCE

CORRECT SPELLING PROVIDED BY
BARANGAY CAPT. MALINGIN

1. LUCIANO COMENGHOD

LUCIA A. COMIGHOD

Due to the foregoing, this Office recommends for the issuance of an amended ordinance reflecting the aforesaid correct spelling of claimant's names. For your information and appropriate action.

ATTY. DONALD G. DELEGENCIA
OIC – City Legal Office

C.C.

- City Appraisal Committee
- City Engineers Office
- City Treasurer's Office



Republic of the Philippines
CITY OF CAGAYAN DE ORO
BARANGAY BALUBAL

OFFICE OF THE PUNONG BARANGAY

February 10, 2017

THE CITY LEGAL OFFICE
City Hall, Cagayan de Oro City

Sir/Ma'am:

The undersigned would like to endorse in your good office the names of claimants of improvements (plant/trees) which were affected by 8.00m wide road-right-of-way of the farm to market road from Purok 2 towards birhen sa Guadalupe located at Barangay Balubal, this city wherein their names has orthographical error.

These names of claimant as follow:

1. **LUCIA A. COMIGHOD** instead of **LUCIANO COMENGHOD**

Hoping for your approval.

Very respectfully yours,


VIVIAN M. MALINGIN
Punong Barangay



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(08822) 724854; (088) 857-4029; 857-4035; 857-2048



ORDINANCE NO. 13172 - 2016

AN ORDINANCE APPROPRIATING THE SUM OF ₱219,270.00 FROM THE "CONTINUING APPROPRIATION FOR CY 2013 NON-OFFICE-LAND ACQUISITION/EXPROPRIATION" TO BE MADE AVAILABLE FOR THE FULL PAYMENT OF THE CLAIM FOR JUST COMPENSATION OF THE HEREIN SPECIFIED CLAIMANTS OF IMPROVEMENTS (PLANTS/TREES) WHICH WERE AFFECTED BY THE 8.00M-WIDE ROAD-RIGHT-OF-WAY OF THE FARM-TO-MARKET ROAD FROM PUROK 2 TOWARDS BIRHEN SA GUADALUPE LOCATED AT BARANGAY BALUBAL, THIS CITY; AND FOR THIS PURPOSE, AUTHORIZING THE HONORABLE CITY MAYOR TO SIGN THE CORRESPONDING DEEDS OF ABSOLUTE SALE THEREOF

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

SECTION 1. - The sum of ₱219,270.00 is hereby appropriated from the "Continuing Appropriation for CY 2013 Non-Office-Land Acquisition/Expropriation" to be made available for the full payment of the claim for just compensation of the herein specified claimants of improvements (plants/trees) which were affected by the 8.00m-wide road-right-of-way of the farm-to-market road from Purok 2 towards Birhen sa Guadalupe located at Barangay Balubal, this City, to wit:

Owner/Claimant	Amount (P)	Owner/Claimant	Amount (P)
1. Justino Pabiano, Sr	27,516.00	7. Rene Sambaan	51,638.00
2. Luciano Comenghod	3,408.00	8. Conchita Saba	5,206.00
3. Alecia Abuzo	3,314.00	9. Leoncio Malingin	96,780.00
4. Cristito S. Vaguchay	1,750.00	10. Segundo Padenio	11,600.00
5. Jaime Borcillo	5,670.00	11. Petronila T. Abarquez	4,522.00
6. Angelina Abuzo Pasamonte	3,248.00	12. Loreto Saba	4,618.00

SECTION 2. - For this purpose, the Honorable City Mayor is hereby authorized to sign the corresponding Deeds of Absolute Sale thereof

SECTION 3. - This Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED.

Present:

1st District:

- Councilor Edna M. Dahino
- Councilor Romeo V. Calizo
- Councilor Annie Y. Daba

- Councilor Jay R. Pascual
- Councilor George S. Goking
- Councilor Reuben R. Daba

2nd District:

- Councilor Maria Lourdes S. Gaane
- Councilor Teodulfo E. Lao, Jr.
- Councilor Enrico D. Salcedo

- Councilor Ian Mark Q. Nacaya
- Councilor Suzette G. Magtajas-Daba

Out of the Session Hall:

Lordan G. Suan

- Councilor Zaldy O. Ocon - Councilor

- Councilor Nadya B. Emano-Elipe
- Councilor Leon D. M. Gan, Jr.
- Councilor Dometilo C. Acenas, Jr.

On Official Business: - Councilor Yan Lam S. Lim, *Liga Ng Mga Barangay (President)*

ENACTED this 19TH day of December 2016 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as duly enacted:

RAINEIR JOAQUIN V. UY
CITY VICE MAYOR
PRESIDING OFFICER

Approved:

OSCAR S. MORENO
CITY MAYOR

Attested:

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: a) Proposed Resolution declaring as a matter of policy that the Community-Based Monitoring System (CBMS) program shall be undertaken every five (5) years to be supervised by the City planning and Development Office

b) Proposed Resolution urging the Barangays of the City of Cagayan de Oro to support and participate in the Community-Based Monitoring System (CBMS) program of activities in their respective areas of responsibility.

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, *the herein communications for study, investigation, report and recommendation.*

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

s/ for inclusion


HON. IAN MARK Q. NACAYA, *Chairman*

HON. ZALDY O. OCON, *Vice Chairman*


HON. GEORGE S. GOKING, *Member*

HON. ROMEO V. CALIZO, *Member*

HON. ENRICO S. SALCEDO, *Member*

DISSENTING+

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(ORR) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Resolution declaring as a matter of policy that the Community-Based Monitoring System (CBMS) program shall be undertaken every five (5) years to be supervised by the City planning and Development Office.

Respectfully referred to the **COMMITTEE on PLANNING & DEVELOPMENT**, the herein communications for study, investigation, report and recommendation.

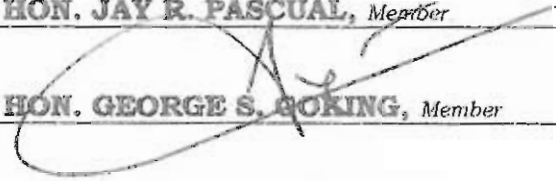
FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

recommending for approval - L/R

 HON. IAN MARK Q. NACAYA , Chairman	HON. ROMEO V. CALIZO , Vice Chairman
HON. ZALDY O. OCON , Member	HON. NADYA EMANO-ELIPE , Member
HON. LORDAN G. SUAN , Member	HON. MARIA LOURDES S. GAANE , Member
HON. EDNA M. DAHINO , Member	HON. DOMETILO C. ACENAS, JR. , Member
HON. JAY R. PASCUAL , Member	HON. LEON M. GAN JR. , Member
 HON. GEORGE S. BOKONG , Member	HON. TEODULFO E. LAO JR. , Member
HON. ANNIE Y. DABA , Member	HON. SUZETTE M. DABA , Member
HON. REUBEN R. DABA , Member	HON. ENRICO D. SALCEDO , Member
	HON. YAN LAM LIM , Member

DISSENTING

RESOURCE PERSONS:

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL

(098) 857-4026; 857-4032; 857-4015; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Resolution urging the Barangays of the City of Cagayan de Oro to support and participate in the Community-Based Monitoring System (CBMS) program of activities in their respective areas of responsibility.

Respectfully referred to the **COMMITTEE on PLANNING & DEVELOPMENT**, the herein communications for study, investigation, report and recommendation.

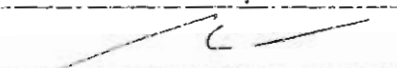
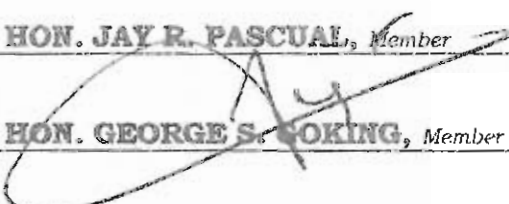
FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb 23, 2017

recommending for approval (CR)

 HON. IAN MARK Q. NACAYA , Chairman	HON. ROMEO V. CALIZO , Vice Chairman
HON. ZALDY O. OCON , Member	HON. NADYA EMANO-ELIPE , Member
HON. LORDAN G. SUAN , Member	HON. MARIA LOURDES S. GAANE , Member
HON. EDNA M. DAHINO , Member	HON. DOMETILO C. ACENAS, JR. , Member
HON. JAY R. PASCUAL , Member	HON. LEON M. GAN JR. , Member
 HON. GEORGE S. COKING , Member	HON. TEODULFO E. LAO JR. , Member
HON. ANNIE Y. DABA , Member	HON. SUZETTE M. DABA , Member
HON. REUBEN R. DABA , Member	HON. ENRICO D. SALCEDO , Member
	HON. YAN LAM LIM , Member

DISSENTING



LEAGUE OF CITIES OF THE PHILIPPINES

Unit 1 & 2, 7th Floor, CyberOne Building, Eastwood Avenue, Alabang, Muntinlupa City, Philippines 1110

Tel. No.: +632.470.6837, +632.470.6813, +632.470.6843 | Fax No.: +632.470.7210

URL: <http://www.lcop.org.ph>

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Reference No. (2017-02-13)

MEMORANDUM

FOR : THE HONORABLE CITY MAYORS

DATE : February 13, 2017

SUBJECT: 13TH CBMS- PHILIPPINES NATIONAL CONFERENCE on MARCH 1- 3, 2017 at CROWNE PLAZA MANILA GALLERIA, ORTIGAS AVE., QUEZON CITY

Atty. Bada ELOF.
Plz look into this,
we kindly consult
Dyan Yasy.

23 Feb 17

The 13th Community Based Monitoring System (CBMS) – Philippine National Conference will be held on March 1 – 3, 2017, 8:00 AM – 6:00 PM at the Ballroom of Crowne Plaza Manila Galleria Ortigas Ave., Corner ADB Ave., Quezon City, Philippines. The three-day conference will gather partners and stakeholders from national and local government units, non- government organizations, and academic and development partner agencies to discuss good practices and strategies for various challenges in local planning and budgeting, poverty monitoring, disaster- risk reduction management and climate change adaptation and impact- monitoring through the use of the CBMS.

The live- out registration package is Php 5, 500/NETT/person. This includes conference registration fee, snacks and lunch for the 3-day conference, and conference kit. Participants are expected to arrange and pay for their own hotel accommodation, breakfast and dinner arrangements.

For live- in registration package, please refer to Annex "A" for details on individual or group registration rates.

Payment of conference registration fee can be made in cash, check deposit or electronic fund transfer through the following bank details:

Account Name: DE LA SALLE UNIVERSITY

Account Number: 120- 1147119

Account Type: Peso – Savings Account

Bank Name: UNITED COCONUT PLANTERS BANK

Should you have further inquiries about the conference, please do not hesitate to coordinate with the CBMS Secretariat through (02) 526- 2067 or 2305- 100 loc. 2461 or via email at cbms.network@gmail.com or cbms@banicoad.edu.ph.

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(SANGGUNIANG PANLUNGSOD)
18th CITY COUNCIL
(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Ordinance providing for the prevention, control, reduction, and mitigation of the mosquito vector of dengue, chikungunya, and zika, in Cagayan de Oro City, penalizing violators thereof and for other purposes.

Author: Councilor Maria Lourdes S. Gaane, M.D.

Respectfully referred to the COMMITTEE on LAWS AND RULES, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Feb. 23, 2017

2 for inclusion

HON. IAN MARK Q. NACAYA, *Chairman*

HON. ZALDY O. OCON, *Vice Chairman*

HON. GEORGE S. GOKING, *Member*

HON. ROMEO V. CALIZO, *Member*

HON. ENRICO S. SALCEDO, *Member*

DISSENTING

PROPOSED ORDINANCE NO. 2017-_____**AN ORDINANCE PROVIDING FOR THE PREVENTION, CONTROL, REDUCTION, AND MITIGATION OF THE MOSQUITO VECTOR OF DENGUE, CHIKUNGUNYA, AND ZIKA, IN CAGAYAN DE ORO CITY, PENALIZING VIOLATORS THEREOF, AND FOR OTHER PURPOSES**

WHEREAS, based on record, dengue cases continue to increase causing an alarming public health problem; Chikungunya and Zika cases are likewise on the rise;

WHEREAS, these common diseases are a community based problem and there is a need to intensify community awareness and participation to successfully minimize or eradicate the vector and the disease;

WHEREAS, these diseases remain a major cause of mortality and morbidity in the country. All regions, cities and municipalities are endemic for dengue and Cagayan de Oro City, despite its being a highly progressive city, is not spared from experiencing such an outbreak or epidemic;

WHEREAS, considering that these diseases are vector-borne disease transmitted by an infected mosquito, produced in any artificial containers that hold clear stagnant water, that dengue will spread easily,

WHEREAS, at present, the only method of controlling or preventing transmission of dengue virus, (and other vector-borne disease) is to combat the vector mosquitoes

WHEREAS, vector control can be effectively and efficiently implemented using environmental management and chemical methods as well as proper solid waste disposal and improved water storage practices, including covering containers to prevent access by egg-laying female mosquitoes.

NOW, THEREFORE:

BE IT ORDAINED by the City Council (Sangguniang Panlungsod) of Cagayan de Oro that:

SECTION 1. TITLE - This ordinance shall be known as the "Iwas Dengue Ordinance of 2017".

SECTION 2. DEFINITION OF TERMS - As used in this Ordinance, the following terms are hereby defined as follows:

2.1 Dengue – an acute infectious disease caused by a flavivirus (species Dengue virus of the genus Flavivirus), transmitted by aedes mosquitoes, and characterized by headache, severe joint pain, and a rash – also called breakbone fever, dengue fever

2.1.a Chikungunya - is a viral disease transmitted to humans by infected mosquitoes, causing fever, severe joint pain, muscle pain, headache, nausea, fatigue and rash. The virus is transmitted from human to human by the bites of infected female mosquitoes: Aedes aegypti and Aedes albopictus, two species which can also transmit other mosquito-borne viruses, including dengue. These mosquitoes can be found biting

throughout daylight hours, though there may be peaks of activity in the early morning and late afternoon.

2.1.b Zika - Zika virus disease is a mosquito-borne viral infection caused by the Zika flavivirus that is transmitted to people through the bite of infected Aedes mosquitoes such as Aedes aegypti, and Aedes albopictus, similar vectors of Dengue and Chikungunya virus. The virus has a high potential to spread to countries where Aedes mosquitoes are present.

2.2 Stagnant Water - motionless water, not flowing in: stream or current. Also known as standing water.

2.3 Public Places/Establishments - hotels, motels, dormitories, commercial buildings, lodging and boarding houses, apartments, hospitals, libraries, museums, offices, malls, markets, supermarkets, movie houses, schools, colleges and universities and other similar institutions.

2.4 Vector - an organism a particular disease-causing agent (like a virus) without actually developing the disease.

2.5 Place - land, building, residence, pier, watercraft, or any means of conveyance.

2.6 Public Places - parks, plazas, picnic grounds, camps, roads, cemeteries and memorial parks, terminals, rest areas, and other open fields and enclosed areas of public assembly".

2.7 Integrated Control - controlling pests through the use of several different methods and procedures which are used to complement each other. These procedures may include the use of pesticides, environmental sanitation measures, natural as well as mechanical and biological control methods.

2.8 Pesticides - any substance or product, or mixture intended to control, prevent, destroy, repel or mitigate, directly or indirectly any pest.

2.9 Urban Pest Control - pest control activities in all habitable areas but not to include agricultural pest control activities.

2.10 Urban Pest Control Applicator -any individual who uses or supervises the use of pesticides or any methods or services for urban pest control or implementation of a vermin reduction and mitigation program.

2.11 Fumigation - the act of applying, releasing or dispensing a toxic chemical so that it reaches the target organism primarily or wholly in gaseous state.

2.12 Misting- a fine spray of approved chemicals to control or eradicate the vector of the disease.

2.13 Urban Pest Control Operator - refers to establishment or entities engaged in the application of pesticides or any other methods or services for urban pest control or implementation of a vermin reduction and mitigation program.

SECTION 3. VECTOR BREEDING GROUNDS CONTROL - Buildings/structures under construction must not accumulate stagnant water and solid wastes. All owners, managers, administrators and/or care takers of households, schools, vacant lots, abandoned houses, tire trading/merchandise business, and all other buildings/establishments within Cagayan de Oro City are hereby mandated to get rid of vectors breeding ground, particularly stagnant water, to avoid mosquito larvae (*kiti-kiti*), otherwise they shall be presumed to have violated this Ordinance.

SECTION 4. MINIMUM REQUIREMENTS FOR COMPLIANCE OF THE CONSTITUENTS OF THE CITY-

- a. Water drums, pails, similar containers must be covered at all times.
- b. Old or discarded tires should be punctured or cut.
- c. Unused tin cans, jars, bottles, pots, and the like should be properly collected,
- d. Gutters of roof must be maintained free from accumulation of rain water
- e. Abandoned swimming pools must be treated with larvicides or other means of controlling the vectors. Uninhabited structures/buildings must be free from all kinds of waste and stagnant waters.
- f. All plant vases and pots, open bamboo poles, free holes, leaf plant axils, other natural or artificial containers that may accumulate water, should always be checked as the potential breeding place of *aedes aegypti* mosquitoes.

SECTION 5. PREVENTION AND CONTROL.

- 5.1 All other interventions especially the use of chemicals other than for research purposes shall secure clearance from the City Health Office (CHO) prior to its conduct.
- 5.2 Pest Control Operators shall be accredited by the CHO prior to the render of services within the jurisdiction of Cagayan de Oro City.
- 5.3 All new technologies, approaches and processes that may be developed in the future which will help in the prevention and control of dengue shall be adopted for implementation upon recommendation by the CR0.

SECTION 6. INFORMATION EDUCATION CAMPAIGN (IEC). - The City Health Office with the cooperation of the City Local Environment and Natural Resources Office, Liga ng mga Barangay and the barangay concerned shall conduct a massive public awareness campaign, which shall include but not limited to health education including the organization/coordination and lectures, manner of destroying breeding sites, and participation in the "Oplan Linis" Activities as well as disseminate all information relative to the implementation of this Ordinance.

SECTION 7. RULES AND REGULATIONS. - The City Health Office shall, in coordination with the City Environment Office (CENRO) and Liga ng mga Barangay, promulgate rules and regulations necessary to prevent, control and abate the mosquito vector of dengue, subject to the approval of the City Mayor. Such rules and regulations shall take effect upon publication.

SECTION 8. PENALTIES. - All owners, managers, administrators who fail or refuse to comply with the provisions of this Ordinance shall be punished in accordance with the following penalties:

- a. 1st Offense - Stern written warning by the City Health Office;
- b. 2nd Offense - A fine of One Thousand Pesos (P2, 000.00) or imprisonment of two (2) days at the discretion of the court;
- c. 3rd Offense - A fine of Three Thousand Pesos (P3, 000.00) and imprisonment of three (3) days at the discretion of the court;

Where the violator of this Ordinance does not contest his/her apprehension and elect to pay the fine imposed under the preceding paragraph, the enforcement officer shall forthwith issue citation ticket to the person apprehended without resort to the Court. The citation ticket shall state or contain:

- a. the name, signature, age and address of the person apprehended;
- b. the material facts obtaining on the commission of omission of the crime defined and penalized under this ordinance;
- c. the amount of fine which is payable in favor of the City Government of Cagayan de Oro City; and
- d. notice requiring the person apprehended for extra-judicial settlement of his/her violation by paying the prescribed amount of fine at the Office of the City Treasurer within seventy-two (72) hours from issuance thereof; otherwise, appropriate complaint shall be filed against him/her before the Court of law.

SECTION 9. ENSURING SAFE BLOOD SUPPLY. - All barangays are hereby directed to identify and enlist at least 20 standby donors for voluntary blood donation program of the JR Borja General Hospital, the Philippine National Red Cross, the Department of Health. They shall be called upon to provide blood in case a patient from their barangay would need immediate blood transfusion in cases of dengue hemorrhagic fever or similar medical complications.

SECTION 10. CREATION OF ANTI -DENGUE TASK FORCE AND DEPUTATION OF ENFORCERS. - An Anti-Dengue Task Force is hereby created and organized which shall formulate comprehensive policies, programs and guidelines on the prevention and control of dengue.

Likewise, it shall perform the following tasks:

- a. monitor the implementation and enforcement of this ordinance;
- b. oversee and enforce strict implementation of the clean-up drive;
- c. coordinate with agencies or offices concerned relative to the information and awareness campaign against dengue;
- d. monitor the incidence of dengue in all 80 barangays in Cagayan de Oro City and submit monthly reports, regarding data collected on dengue cases in the barangays.

An orientation shall be conducted by the City Health Office and Legal Department for the enforcers of this ordinance and their names shall later be endorsed by the City Health Office to the City Mayor for deputation.

SECTION 11. FINES FOR VIOLATION OF THIS ORDINANCE SHALL ACCRUE IN FAVOR OF THE FOLLOWING:

1. 60% to the City Government;

2. 30% to fund Dengue Prevention Projects/Programs of the City;
3. 10% to the deputized enforcers who apprehended the violator of this Ordinance.

SECTION 12. SEPARABILITY CLAUSE. - If any provision or part of this ordinance is declared invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

SECTION 13. REPEALING CLAUSE. - All ordinances, orders, or rules and regulations is inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 14. EFFECTIVITY. - This ordinance shall take effect after 15 days following the completion of its full publication in any newspaper of general circulation within Cagayan de Oro City.

APPROVED.

*

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Republic of the Philippines
CITY LEGAL OFFICE
Cagayan de Oro City

FEB 20 2017
4:18
CR
Hatch
R
J. R.

20 February 2017

HON. MARIA LOURDES S. GAANE

Chairperson

Committee on Health, Sanitation and Health Insurance

Cagayan de Oro City

THRU: MS. MARIETTA A. PALAGBAS

Local Legislative Staff Officer V

Chief, Executive Committees Division

City Council

Cagayan de Oro City

Dear Ms. Palagbas,

This has in reference to the hereto-attached copy of draft *Proposed Iwas Dengue Ordinance of 2017* requesting for this Office comment, legal opinion and/or recommendation, entitled: "An Ordinance providing for the prevention, control, reduction, and mitigation of the mosquito vector of dengue, chikungunya, and zika, in Cagayan de Oro City, penalizing violators thereof and for other purposes"

After careful review of the afore-said draft Proposed Ordinance, this Office finds to be in legal order considering that it is intended for the general welfare of the inhabitants of the City Government of Cagayan de Oro as mandated under Section 16 of R.A. 7160¹; to wit:

SECTION 16. General Welfare. – Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public

¹ The 1991 Local Government Code

morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

For your guidance and appropriate action.

Very truly yours,

ATTY. DONALD G. DELEGENCIA
OIC-City Legal Office



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088)857-4029; 857-4035; 857-2258; 857-4032



Date: 2 Feb 2017

Communication Number:
Receiver:

FROM:

SUBJECT MATTER: PROPOSED LWAS DENGUE ORDINANCE OF 2017

Respectfully referred to the COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE
the herein communication for study, investigation, report and/or recommendation.

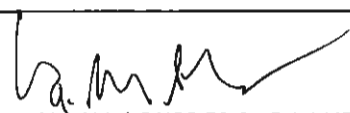
FOR THE VICE MAYOR &
PRESIDING OFFICER

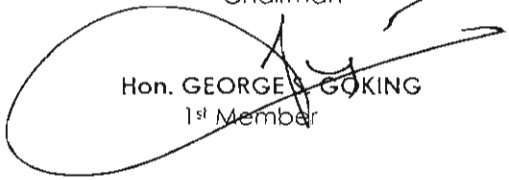
ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: February 2, 2017

REFER TO RULES AND LAWS

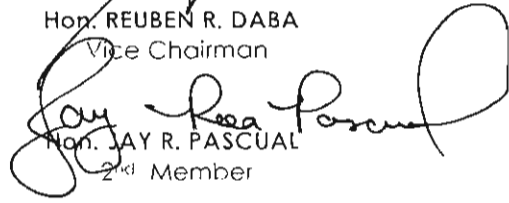

Hon. MARIA LOURDES S. GAANE
Chairman


Hon. GEORGE S. GOKING
1st Member

Hon. ZALDY O. OCON
3rd Member

Ex-Officio Member


Hon. REUBEN R. DABA
Vice Chairman


Hon. JAY R. PASCUAL
2nd Member

Hon. SUZETTE M. DABA
4th Member

Ex-Officio Member

DISSENTING



Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE CITY MAYOR

1st Indorsement
24 February 2017

Respectfully transmitted to **The Honorable Members of the City Council** through **Hon. RAINEIR JOAQUIN V. UY**, City Vice Mayor, the herein Memorandum of Agreement between the Philippine Health Insurance Corporation and the City Government of Cagayan de Oro City, relative to implementation of the National Health Insurance Program, authorizing the undersigned to enter into said Memorandum of Agreement, certifying urgency of the same and requesting inclusion in the agenda of the forthcoming session of the City Council appropriate ordinance.


OSCAR S. MORENO
City Mayor

referat: indorsement.maydocs.vda



Republic of the Philippines
CITY OF CAGAYAN DE ORO

OFFICE OF THE CITY COUNCIL

(08822) 724854; (088) 857-4029; 857-4035; 857-2048



Communication Number:

Date:

Receiver:

FROM:

SUBJECT MATTER:

REQUESTING THE CITY COUNCIL FOR AN AUTHORITY TO SIGN THE MEMORANDUM OF AGREEMENT BY AND IN BETWEEN THE CITY GOVERNMENT OF CAGAYAN DE ORO AND THE PHILHEALTH COVERING THE IMPLEMENTATION OF THE NHIP UNDER TERMS AND CONDITIONS INDICATED THEREIN

Respectfully referred to the COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE the herein communication for study, investigation, report and/or recommendation.

FOR THE VICE MAYOR &
PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: February 2, 2017

Hon. MARIA LOURDES S. GAANE
Chairman

Hon. GEORGE S. GOKING
1st Member

Hon. ZALDY O. OCON
3rd Member

Ex-Officio Member

Hon. REUBEN R. DABA
Vice Chairman

Hon. JAY R. PASCUAL
2nd Member

Hon. SUZETTE M. DABA
4th Member

Ex-Officio Member

DISSENTING



Republic of the Philippines
Cagayan de Oro City

CITY LEGAL OFFICE

20 February 2017

HON. MARIA LOURDES S. GAANE

Chairperson

Committee on Health, Sanitation and Health Insurance

Cagayan de Oro City

THRU: MS. MARIETTA A. PALAGBAS

Local Legislative Staff Officer V

Chief, Executive Committees Division

City Council

Cagayan de Oro City

Dear Ms. Palagbas,

This has in reference to your letter dated 17 February 2017 relative to the draft Memorandum of Agreement ("MOA") entered between Philhealth Insurance Corporation and the City Government of Cagayan de Oro.

In this connection, kindly be informed that this Office finds the said MOA to be in legal order. While we find nothing objectionable to the terms and conditions of the MOA, however, this Office hereby recommends that prior to the execution of the MOA, the same be referred to the different concerned offices/departments of the City Government of Cagayan de Oro (e.g. City Finance Department, City Accounting Office and City Budget Office) for their comment and recommendation, specifically to determine if the City Government can readily to comply with its undertakings under the MOA.

For your information and appropriate action.

ATTY. DONALD G. DELEGENCIA
OIC-City Legal Office

Cc:

DR. WILLIAM D. BERNARDO

OIC-City Health Insurance Office

Cagayan de Oro City

Republic of the Philippines
City of Cagayan de Oro
OFFICE OF THE CITY COUNCIL
Date received: 2/21/17 9:30 AM
By: [Signature]
[Signature]
[Signature]

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered into by and between:

The **PHILIPPINE HEALTH INSURANCE CORPORATION**, a government owned and controlled corporation duly organized and existing by virtue of Republic Act No. 7875, as amended by Republic Act No. 9241, otherwise known as the National Health Insurance Act of 1995, duly represented herein by its Regional Vice President, **DATU MASIDING M. ALONTO, JR.**, and hereinafter referred to as "**PhilHealth**" or the "**Corporation**";

- AND -

The **CITY GOVERNMENT OF CAGAYAN DE ORO**, a political entity organized and existing under the law of the Republic of the Philippines, represented herein by its **HONORABLE OSCAR S. MORENO** and hereinafter referred to as the "**LOCAL GOVERNMENT UNIT**";

WITNESSETH THAT:

WHEREAS, Section 11, Article XIII of the 1987 Constitution of the Republic of the Philippines declares that "*the State to adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost*";

WHEREAS, the National Health Insurance Act of 1995, in recognition of the need to provide all citizens with the mechanism to gain financial access to health services, created the National Health Insurance Program (NHIP) to serve as the means to help the people pay for the same and established the Philippine Health Insurance Corporation to administer the NHIP at central and local levels;

WHEREAS, consistent with the vision and objectives of the State, as manifested in NHIP's mandate and local autonomy statutes, the parties herein acknowledge their joint responsibility to provide a basic package of needed personal health services for the social and economic well-being of the people of **Cagayan de Oro City**, specifically the marginalized and underprivileged, through the implementation of the Sponsored Program component of the NHIP;

WHEREAS, in furtherance of the foregoing the LGU has passed Sangguniang Bayan Resolution No. _____ dated _____ adopting and giving continued support to the National Health Insurance Program and its governing rules as set forth in Republic Act No. (R.A.) 7875, as amended by Republic Act. No. 9241, and R.A. 10606, and its Implementing Rules and Regulations;

WHEREAS, consistent with the vision and objectives of the State, the parties herein acknowledge their joint responsibility to provide a basic package of needed personal health services for the social and economic well-being of the people of Cagayan de Oro, specifically the underprivileged and marginalized;

WHEREAS, in support of the national government's Health Agenda to provide Universal Health Care for all Filipinos, PhilHealth and the LGU aims to ensure that all Filipinos have access to quality health services that are efficiently delivered, equitably distributed, fairly financed, and appropriately utilized by an informed and empowered public;

WHEREAS, PhilHealth through Board Resolution No. 1587, s. 2012 amended the implementation of the Outpatient Benefit Package and approved, in its stead, the Primary Care Benefit 1 (PCB1) Package as contained in PhilHealth Circular No. 10 s. 2012 along with its Manual of Operations and other pertinent PhilHealth Circulars;

WHEREAS, the parties hereto agree and declare their commitment to take the necessary steps to implement the principles and objectives provided for in this Agreement.

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereto have agreed as they hereby agree and bind themselves, as follows:

ARTICLE I
UNDERTAKINGS OF PHILHEALTH

SECTION 1. The **CORPORATION** shall perform, with due diligence and efficiency, the following undertakings:

1.1 It shall collect from the LGU at least Twenty-Five Percent (25%) of the Twenty Five Percent (25%) of the total premium required for the health insurance coverage of its identified beneficiaries as indicated in the validity period on the PhilHealth Identification Cards (PICs) prior to the release of the PICs;

1.2 It shall issue appropriate billing statement to notify and demand from the LGU its outstanding premium balance;

1.3 It shall assist in the activities leading to the enrollment of the LGU proposed members under the Partial Subsidy Scheme in accordance with all applicable rules and guidelines set forth;

1.4 It shall adopt and implement mechanisms to ensure that the premium payment for the outstanding balance of its enrolled beneficiaries are provided for in the annual budget of the LGU and be collected within the period of membership validity;

1.5 It shall conduct information, education and communication activities on the policies, rules and regulations relative to Program benefits, availment procedures, and the rights and obligations of a member to the identified beneficiaries;

1.6 It shall facilitate the accreditation or contracting of public health institutions and facilities under the jurisdiction of the LGU herein represented, in accordance with the accreditation standards set forth in R.A. No. 7875, as amended by R.A. 10606, and its Revised Implementing Rules and Regulations;

1.7 It shall ensure prompt disbursement of funds for the payment of NHIP benefits filed by accredited or contracted health care institutions or directly by duly qualified beneficiaries: *Provided*, That it shall be liable to pay only up to the prescribed limit of benefits;

1.8 It shall assist in the updating of the status of membership of current enrollees by reasons of transfer of residence, death, change in economic and civic status and/ or coverage under NHIP in any of its membership categories; and

1.9 It shall provide the LGU herein represented, appropriate monitoring reports, as may be needed and requested, relative to the availment of the Program of the identified members and their qualified dependents.

Article II

UNDERTAKINGS OF CITY

SECTION 2. The LGU shall perform, with due diligence and efficiency, the following undertaking:

2.1 It shall enact appropriate Resolution for the following purposes:

2.1.1 Grant of authority to the City Mayor to enter into an Agreement and/or interpose favorable modifications, revisions and/or amendments thereto;

2.1.2 Continuous allocation of funds for its qualified beneficiaries as evidenced by the issuance of a Certificate of Availability of Funds (CAF);

2.2 It shall remit to Corporation at least Twenty-Five Percent (25%) of the Twenty Five Percent (25%) of the total premium required for the health insurance coverage of its identified beneficiaries as indicated in the validity period on the PhilHealth Identification Cards (PICs) prior to the release of the latter;

2.3 It shall ensure that the outstanding balance on premium contribution for the period of membership coverage are budgeted/funded in the local expenditure program for each year and to be paid in full on or before the expiration of validity period as indicated in the PICs of members;

2.4 It may collect from its intended beneficiaries their counterpart share but in no case more than Fifty percent (50%) of the total premium contribution;

2.5 It shall submit to the Corporation the certified list of its intended beneficiaries attaching the duly accomplished PhilHealth Member Registration Form (PMRF) of those beneficiaries who do not yet have their assigned PhilHealth Identification Number (PIN);

2.6 It shall assist in the conduct of information, education and communication activities on the policies, rules and regulations relative to Program benefits, availment procedures, and the rights and obligations of a member to its identified beneficiaries;

2.7 It shall submit to the Corporation updates on the status of membership of current enrollees by reasons of transfer of residence, death, change in economic and civic status and/or coverage under NHIP in any of its membership categories;

2.8 It shall ensure the accreditation or contracting of public health institutions and facilities under its jurisdiction, in accordance with the accreditation standards set forth in R.A. No. 7875, as amended, and its Revised Implementing Rules and Regulations;

2.9 It shall continuously strive for the expansion of Program coverage within its jurisdiction; and

2.10 It shall submit to the Corporation or its instrumentalities such reports as may be required for the purpose of monitoring/evaluation, research and program development.

ARTICLE III

HEALTH CARE BENEFITS

Section 3. The Corporation shall ensure the entitlements of all NHIP benefits applicable to the identified beneficiaries of the LGU and their qualified dependents in accordance with its existing policies and implementing guidelines.

ARTICLE IV PREMIUM CONTRIBUTION

Section 4. The LGU hereby agrees to fully or partially subsidize the premium contributions of its identified beneficiaries in accordance to the policies, rules and regulation set forth by the Corporation.

ARTICLE V PROVISION FOR PAYMENT OF CONTRIBUTION AND LATE REMITTANCES

Section 5. The parties shall be guided accordingly by the following provisions pertinent to premium contribution payments and late remittances, viz:

5.1 Payment of premiums by the LGU shall be remitted to PhilHealth either quarterly, semi-annually or annually;

5.2 For late remittances, the LGU is hereby given a grace period of thirty (30) calendar days from the date the payment is due within which to remit their premium contributions without incurring penalty as prescribed in the Implementing Rules and Regulations of R.A. No. 7875, as amended;

5.3 The Corporation shall cause the non-renewal or termination of coverage of the LGU identified beneficiaries in the event of non-payment of premium contribution when it is due and demandable; and

5.4 The LGU shall submit the Certificate of Availability of Funds (CAF) within the First Quarter of each calendar year to the Corporation to ensure continued coverage of its enrolled beneficiaries. Non-submission of the CAF to PhilHealth within the period specified shall cause the Corporation for the non-renewal or termination of coverage of the LGU identified beneficiaries.

ARTICLE VI
DISPOSITION OF PER FAMILY PAYMENT (PFP)

Section 6. Pursuant to Board Resolution No. 1587, s. 2012 which amended the implementation of the Outpatient Benefit Package and approved, in its stead, the Primary Care Benefit 1 (PCB1) Package as contained in PhilHealth Circular No. 10 s. 2012 along with its Manual of Operations and other pertinent PhilHealth Circulars, herein parties are bound to fulfill their respective obligations as follows:

6.1. The CORPORATION shall perform, with due diligence and efficiency, the following undertakings:

6.1.1. It shall facilitate the assignment of Sponsored Program members enrolled by the LGU and those identified thru the NHTS-PR and provide the LGU and its PCB1 provider with a soft copy of the masterlist of SP members in their respective areas. The said masterlist shall contain the names, addresses, and other details such as PhilHealth Identification Number (PIN) and number of dependents;

6.1.2. It shall assist in the conduct of information, education and communication activities on the policies, rules and regulations relative to Program benefits, availment procedures, and the rights and obligations of a member to the identified beneficiaries;

6.1.3. It shall ensure prompt disbursement of funds for the payment of NHIP benefits filed by accredited or contracted health care institutions or directly by duly qualified beneficiaries: *Provided*, That it shall be liable to pay only up to the prescribed limit of benefits;

6.1.4. It shall compute the Per Family Payment (PFP) and process the payment to the provider;

6.1.5. It shall make available for release the PCB1 check to the LGU within fifteen (15) working days upon the completion of the required reports from the provider.

6.1.6. It shall provide the LGU herein represented, appropriate monitoring report tools, as may be needed and requested, relative to the availment of the Program of the identified members and their qualified dependents.

6.1.7. The LGU shall perform, with due diligence and efficiency, the following undertakings:

6.2.1 It shall deliver the Primary Care Benefit Package 1 services for the duration of the validity of this commitment. As PCB Provider, it shall:

6.2.1.1 Be responsible to seek and enlist eligible members and their qualified dependents in the community assigned to this facility.

6.2.1.2 Establish a baseline health profile of all PhilHealth members and qualified dependents using Annex A.1 of the PCB1 Circular, which shall be kept and updated regularly.

6.2.1.3 Submit a consolidated profile of the clientele using the PCB Clientele Profile as a documentary requirement for the release of PFPR.

6.2.1.4 Deliver the services specified in the circular.

6.2.1.5 In case there is/are diagnostic examination/s outsourced from another facility, forge a Memorandum of Agreement (MOA) and provide the same to PhilHealth.

6.2.1.6 Abide by the performance targets on the minimum obligated services for all members assigned to the facility set by the Corporation.

6.2.2 It shall disburse and liquidate the PFP in accordance with pertinent government accounting and auditing rules and

regulations and shall maintain a separate book of accounts for the purpose.

6.2.3 It shall regularly submit monitoring reports as required in PhilHealth circulars and from time to time submit additional reports as may be required for quality assurance and other purposes.

6.2.4 It shall abide with all administrative orders, circulars and such other policies, rules and regulations issued by the Department of Health and the Corporation.

6.2.5 It shall adhere to pertinent statutory laws affecting Institutional Health Care Providers including but not limited to Expanded Senior Citizens Act of 2014 (RA10645), the Pharmacy Law (RA 5921), and all other laws, rules and regulations, that may hereinafter be passed by Philippine Congress and other instrumentalities of government.

6.2.6 It shall deposit all proceeds of the PCB1 package from the Corporation in a trust account opened solely for this purpose.

6.2.7 It shall be guided by such other provisions as contained in the Performance Commitment signed by the Local Chief Executive and the head of the facility, in behalf of the PCB1 provider.

Section 7. Herein parties shall abide by the prescribed disposition and allocation of the PFPR prescribed by PhilHealth Circular 010, s. 12 as follows:

7.1 Eighty percent (80%) of PFPR is operational cost and shall cover:

a. Minimum of forty percent (40%) for drugs and medicines as prescribed in the PNDF including those for Asthma, AGE and pneumonia.

b. Maximum of forty percent (40%) for reagents, medical supplies, equipments, information technology equipments specific for the facility, capacity build-up for staff, infrastructure or any other use related and necessary for the delivery of required service including referral fees for any outsourced diagnostic services.

7.2 Remaining twenty percent (20%) shall be exclusively utilized as honoraria of the staff of the health facility and in the improvement of their capabilities to be able to provide better health services, and allocated as follows:

- a. Ten percent (10%) for the physician/s
- b. Five percent (5%) for other health professional staff of the facility
- c. Five percent (5%) for non-health professional/staff including volunteers.

ARTICLE VII EFFECTIVITY

Section 7. This Agreement shall take effect this 2nd day of March 2017 and shall remain in effect unless otherwise amended, superseded, or revoked.

ARTICLE VIII REVISION OR AMENDMENT

Section 8. Any revision or amendment of this Agreement shall require the written consent of all parties hereto.

IN WITNESS WHEREOF, the parties have hereto set their hands this 2nd day of March 2017, at Cagayan de Oro City, Philippines.

**PHILIPPINE HEALTH INSURANCE
CORPORATION**

**CITY GOVERNMENT OF CAGAYAN
DE ORO**

By:

DATU MASIDING M. ALONTO, JR.

Regional Vice President, PRO 10

By:

HON. OSCAR S. MORENO

City Mayor

SIGNED IN THE PRESENCE OF:

HON. ANA THERESIA HONTIVEROS
Chair, Senate Committee on Health

HON. PAOLO BENIGNO A. AQUINO IV
Secretary Of Health

ATTY. ALLAN G. PANOLONG

OLC, FOD Chief & Concurrent
Legal Services Unit Head

HON. RAINEIR JOAQUIN V. UY

City Vice Mayor

MARIA RHODELLA S. PARE

Chief, Management Services Div.
PRO 10

KAG. MARIA LOURDES S. GAANE, M.D.

Chairman, Committee on Health

DR. MARILYN BASCO

Chief, HCDMD, PRO 10

ATTY. BEDA ELOT

City Accountant

MARLON NIÑO S. ARRABACA

Chief Social Insurance Officer,
LHIO-CDO

GLENN BAÑEZ, Ph.D.

City Treasurer

ACKNOWLEDGEMENT

Republic of the Philippines)

CAGAYAN DE ORO CITY) S.S.

BEFORE ME, a Notary Public, for and in the above jurisdiction, on this _____ day of _____, 2017, at Cagayan de Oro City, Philippines personally appeared:

Name	CTC Number	Date/Place Issued
DATU MASIDING M. ALONTO, JR.		
HON. OSCAR S. MORENO		

Known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free act and voluntary act and deed and that of the entries they represented.

This Memorandum of Agreement consists of twelve (12) pages including the page whereon which this Acknowledgement is written, signed by the parties at the left margin of every page hereof together with their instrumental witnesses.

IN TESTIMONY WHEREOF, I have hereunto signed and affixed my notarial seal on the date and at the place first above-written.

NOTARY PUBLIC

Doc. No. _____;

Page No. _____;

Book No. _____;

Series of 2017.



Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE CITY MAYOR

1st Indorsement
24 February 2017

Respectfully transmitted to **The Honorable Members of the City Council** through **Hon. RAINEIR JOAQUIN V. UY**, City Vice Mayor, the herein Collection and Remittance Agreement between the Philippine Health Insurance Corporation and the City Government of Cagayan de Oro City, hereby authorizing the undersigned to enter into said Agreement, certifying urgency of the same and requesting inclusion in the agenda of the forthcoming session of the City Council appropriate ordinance.


OSCAR S. MORENO
City Mayor

referral/endorsement.mydocs.vide



Republic of the Philippines
CITY OF CAGAYAN DE ORO



OFFICE OF THE CITY COUNCIL

(08822) 724834; (088) 857-4029; 857-4035; 857-2048

COMMITTEE ON TRADE AND COMMERCE

Communication Number:
Receiver:

Date:

FROM:

SUBJECT MATTER:

COLLECTION AND REMITTANCE AGREEMENT TO BE ENTERED INTO BY AND BETWEEN THE
PHILIPPINE HEALTH INSURANCE CORPORATION AND THE CITY GOVERNMENT OF CAGAYAN DE
ORO

Respectfully referred to the COMMITTEE ON HEALTH, SANITATION AND HEALTH
INSURANCE the herein communication for study, investigation, report and/or recommendation.

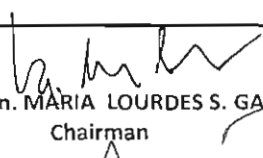
FOR THE VICE MAYOR &
PRESIDING OFFICER:

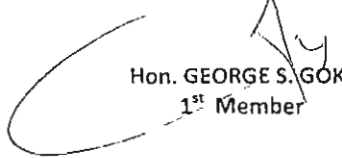
ARTURO S. DE SAN MIGUEL
City Council Secretary

=====

COMMITTEE REPORT AND RECOMMENDATION

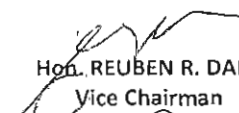
Date of Meeting: February 2, 2017

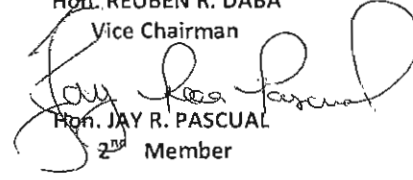

Hon. MARIA LOURDES S. GAANE
Chairman


Hon. GEORGE S. GOKING
1st Member

Hon. ZALDY O. OCON
3rd Member

Ex-Officio Member


Hon. REUBEN R. DABA
Vice Chairman


Hon. JAY R. PASCUAL
2nd Member

Hon. SUZETTE M. DABA
4th Member

Ex-Officio Member

DISSENTING

39 WHEREAS, PHILHEALTH has issued PhilHealth Circular No. 08, s. 2009
40 prescribing the new guidelines in accrediting collecting agents for the collection of
41 PhilHealth premium contribution;

42

43 WHEREAS, to make such remittances to PHILHEALTH more convenient to the
44 paying members/individuals and employers, PHILHEALTH needs to engage the
45 services of LGU-CdeO to collect and receive the NHIP premium contribution as one of
46 its collecting agents;

47

48 WHEREAS, LGU-CdeO is willing to act as collecting agents of PHILHEALTH by
49 accepting for and in behalf of the latter, the premium contributions of all PhilHealth
50 Members under the Employed Sector (both government and private employers and
51 employees), Self-employed Professionals, Individually Paying Program (IPP) and
52 Sponsored Sector Program as well as new members who may hereinafter be enrolled;

53

54 WHEREAS, PHILHEALTH has accredited LGU-CdeO which shall provide the
55 collection – remittance service; and

56

57 NOW THEREFORE, for and in consideration of the foregoing and of the terms
58 hereunder set forth, PHILHEALTH and LGU-CdeO hereby agree to enter into this
59 Collection and Remittance Agreement under the following terms and conditions.

60

61 ***Article I***

62

63 ***SUBJECT MATTER***

64

65 The subject matter of this Agreement is the collection and remittance of premium
66 contributions for the NHIP from PhilHealth members as mentioned above as well as
67 new members who may hereinafter be enrolled.

68

69 LGU-CdeO is categorized as a semi-automated collecting agent which shall
70 receive filled-out PhilHealth Premium Payment Slip (PPPS) along with the
71 corresponding premium contributions of paying PhilHealth members or newly enrolled
72 members. It shall issue a validated PhilHealth prescribed accountable form called
73 PhilHealth Agents Receipt (PAR) based on the received PPPS from the payor and shall
74 submit to PHILHEALTH a text file report via electronic mail (email).

75

76 ***Article II***

77
78 **CONSIDERATION**
79

80 During the collection period (i.e. the 1st to the 15th of the month and the 16th to
81 the last working day of the month), LGU-CdeO shall not be charged any interest on any
82 or all collections in its possession, except for late remittances, under remittances and
83 late submission of required reports and documents as hereinafter provided.
84

85 For acting as a collecting agent of PHILHEALTH, it shall pay to LGU-CdeO a
86 service fee for every collection made by LGU-CdeO for PHILHEALTH in accordance
87 with the following rates:
88

Service Fee Rate	Category of Membership	Remarks
3.0%	Employed Members and Individually Paying Members	For a minimum quarterly collections of P500,000.00, service fee shall be at 3.0% rate. However, if quarterly collections do not reach the minimum amount of P500,000.00, the service fee shall remain at 1.5% rate.
1.5%	Indigent or Sponsored Program Members	Collections from the Indigent or Sponsored Sector Members shall still be at 1.5% rate.

89
90 Such service fee shall be computed by multiplying the service fee rate of either
91 3.0% or 1.5%, whichever is applicable by the total quarterly collections. Payment of
92 such fee shall be made upon receipt of the Statement of Account or Notice of Billing
93 from LGU-CdeO.
94

95 Prior to the start of the actual collection, LGU-CdeO shall be required to post
96 Fidelity bond in the amount of FIVE HUNDRED THOUSAND PESOS (PhP 500,000.00),
97 subject, however, to increase based on the collection performance. This shall serve as
98 a measure of guarantee for losses, negligence, liability, injury or damage arising from
99 LGU-CdeO operations under this contract towards PHILHEALTH or the transacting
100 public for the faithful performance by LGU-CdeO of covenants, obligations and
101 undertakings assumed and agreed by both parties. Such surety bond shall remain in full
102 force until the period of prescription provided by law for the filing of such claim(s) for
103 loss, liability, negligence, injury or damage shall have lapsed.
104

105 LGU-CdeO shall likewise comply with all the provisions stated on the Warranties
106 of Accreditation (Annex A).

107

108 In addition, once PHILHEALTH has the application system for electronic receipt
109 issuance during the three-year accreditation period of LGU-CdeO, the latter shall be
110 required to comply with the prescribed electronic receipt issuance when accepting
111 premium collections from PhilHealth members and a revised RF2 report in xml format
112 shall thereafter be required accordingly. Meanwhile, the existing over-the-counter
113 collection and reporting system shall remain in effect.

114

115 **Article III**

116

117 **RESPONSIBILITIES OF COLLECTING AGENT**

118

119 Effective _____, LGU-CdeO shall start accepting
120 PHILHEALTH contributions from all members as well as new members who may
121 hereinafter be enrolled, except from Overseas Workers Program (OWP) members, and
122 must be accompanied by the prescribed PPPS as payment form.

123

124 LGU-CdeO shall acknowledge the payment by validating the PAR, through
125 machine validation and signature of the cashier, which shall be given to the payor and
126 thereafter serve as the official receipt of payment. However, in case of OFF-LINE
127 STATUS or branches without validating machines, LGU-CdeO shall indicate the payor's
128 name, PhilHealth Identification Number (PIN) or PhilHealth Employer Number (PEN), or
129 PhilHealth Organized Group Number (POGN), member type, applicable period, date of
130 payment, amount received and signature of the cashier in the PAR.

131

132 To allow the paying public convenience and easy access, LGU-CdeO shall
133 provide in all its branches an area or a place wherein payors can secure the PPPS.

134

135 LGU-CdeO, in accepting the remittances in behalf of PHILHEALTH, does not
136 guarantee that the amount remitted by the payor is the correct amount due from the
137 member or the covered employee for a given period and it shall not be obligated to
138 check with or verify from PHILHEALTH the correctness of the amount paid. LGU-CdeO,
139 however, guarantees that the amount paid corresponds with the amount printed on the
140 PAR.

141

142 In the event that payments are made by means of check or other clearing items,
143 and such check/clearing item is dishonored by the drawee bank, LGU-CdeO shall
144 deduct the amount of the check/s dishonored from the total remittance for the period
145 and forward a report of dishonored check/s duly addressed to PHILHEALTH together
146 with the dishonored check, which shall serve as the advice of dishonor. LGU-CdeO
147 shall then indicate at the back of the dishonored check the corresponding validation
148 control number and the date of the actual receipt of payment. In addition, LGU-CdeO
149 shall, as soon as possible, notify PHILHEALTH through fax, or any other faster means
150 available, of such dishonor by sending advance copies of reports, dishonored check(s)
151 and copy of PAR.

152 LGU-CdeO may refuse payment other than cash from payors who had records of
153 previously dishonored checks.

154
155 LGU-CdeO shall submit to PHILHEALTH within the specified remittance due date
156 for the applicable collection period the certified Remittance Report (RF2A), certified
157 Abstract of Daily Collection Report (RF2) both hard and soft copies in textfile format and
158 Bank Validated Deposit Slips (BVDS) or Credit Advice (CA), other documents (duly
159 validated PAR and a copy of PPPS) and such other reports that may thereafter be
160 required by PHILHEALTH.

161
162 If there are day/s without collection, it shall be included in the certified RF2A and
163 certified RF2, indicating that LGU-CdeO had no collection for a certain period/day.

164
165 Delayed remittance pertaining to a prior/different collection period shall be made
166 in a separate RF2A and RF2 reports.

167
168 Furthermore, LGU-CdeO shall always make available a certified Abstract of Daily
169 Collection (RF2) for PhilHealth Regional Office X.

170
171 LGU-CdeO, shall remit its collections to PHILHEALTH – Treasury Department by
172 way of direct deposit to PhilHealth's Mother Account maintained in Land Bank of the
173 Philippines, Pasig Capitol branch with supporting RF2A, RF2 both hard and soft copies
174 in textfile format, BVDS/CA, other documents (duly validated PAR and a copy of PPPS)
175 and such other reports that may thereafter be required by PHILHEALTH in accordance
176 with the following schedules:

177

178 a.) Payments accepted by LGU-CdeO from the first (1st) day to the fifteenth
179 (15th) day of the month (A "Collection Period") shall be remitted to PHILHEALTH not
180 later than the twenty-fifth (25th) day of the said month (a
181 "Remittance Due Date"); and

182

183 b.) Payments accepted by LGU-CdeO from the sixteenth (16th) day to the
184 last working day of the month (A "Collection Period") shall be remitted to PHILHEALTH
185 not later than the tenth (10th) day of the following month (a "Remittance Due Date").

186

187 5.1 If the remittance due date falls on a Saturday, Sunday or on a non-working
188 day/ holiday, collections shall be remitted to PHILHEALTH on the following working day.

189

190 However, should LGU-CdeO fail to remit its collections within the specified due
191 date for reasons other than force majeure, systems failure not exceeding 3 consecutive
192 business days or those reasons directly imputable to PHILHEALTH, a penalty of 1/30 of
193 3% plus an interest of 1/30 of 1% based on the total amount of the late remittance shall
194 be imposed for everyday of delay reckoned from the day immediately after the
195 applicable due date, as stipulated in this agreement and in conformity with applicable
196 laws and regulations.

197

198 Further, if LGU-CdeO fail to submit the required RF2A, RF2 both hard and soft
199 copy in textfile format and other documents (duly validated PAR and a copy of PPPS)
200 within the specified due date for reasons other than force majeure, systems failure not
201 exceeding 3 consecutive business days or those reasons directly imputable to
202 PHILHEALTH, a penalty of 1/30 of 1% based on the total amount covered by the late
203 submitted reports and documents shall be imposed for every day of delay reckoned
204 from the day immediately after the applicable due date, as stipulated in this contract and
205 under applicable laws.

206

207 In the event of system failure, LGU-CdeO shall ensure that there will be
208 continuity of the business process and it shall restore the system within three
209 consecutive business days. Otherwise, failure to restore the system beyond the three
210 days period shall be subjected to applicable penalties and interests as stipulated in the
211 provision of 5.2 and 5.3, Article III of this agreement.

212

213 LGU-CdeO shall undertake with proper coordination with PHILHEALTH, an
214 Information Education and Communication (IEC) campaign regarding arrangements
215 embodied in this agreement. It will also distribute and allow to be posted in its vicinity,

216 essential PHILHEALTH posters and other information materials needed for the effective
217 collection of premiums.

218

219 LGU-CdeO shall pay for all claims, damages and other benefits due to a
220 PhilHealth member whose contributions have been paid but were remitted late or under
221 remitted to PHILHEALTH on account of the negligence, omission and/or deliberate act
222 of its officers, personnel, employees, agents and other persons acting on its behalf.

223

224 Upon prior notice, LGU-CdeO shall allow PHILHEALTH or its representatives to
225 examine the accounts of LGU-CdeO arising from and by virtue of this agreement during
226 working hours of any working day as PHILHEALTH may deem necessary. It is
227 understood that such examination by PHILHEALTH shall be strictly limited only to the
228 records pertaining to PHILHEALTH and such other miscellaneous payments for the
229 accounts of PHILHEALTH. The confidentiality of accounts maintained by third persons
230 shall always be strictly observed.

231

232 LGU-CdeO shall be directly liable for damages or losses caused to PHILHEALTH
233 or its members for any anomaly or irregularity in any transaction covered by the
234 Agreement arising out of or in connection with the negligence of LGU-CdeO employees
235 or representatives as may be established after due investigation in an appropriate
236 proceeding.

237

238 LGU-CdeO shall duly receive the PAR and PPPS to be used for the transactions
239 under this agreement. LGU-CdeO shall be responsible in monitoring adequate supply of
240 PAR and PPPS and shall see to it that it has at least one month available supply of
241 such forms at all times.

242

243 To avoid shortage of available supply of PAR and PPPS, LGU-CdeO shall
244 request for additional supply of PAR And PPPS from PhilHealth Regional Office X
245 (Annex B). Series of PAR provided by PRO X must be utilized by the LGU-CdeO and
246 borrowing of PAR from other accredited collecting agents is strictly prohibited.

247

248 For unaccounted and/or missing validated PAR, LGU-CdeO shall submit an
249 affidavit of loss of unaccounted validated PAR to PHILHEALTH stating the facts and
250 circumstances surrounding the said loss, with an assurance that LGU-CdeO will
251 assume full responsibility should such forms be fraudulently used.

252

253

Article IV

254
255 **RESPONSIBILITIES OF PHILHEALTH**
256

257 PHILHEALTH shall provide the necessary information material for the IEC
258 campaign of LGU-CdeO.
259

260 PHILHEALTH shall deliver the PAR and PPPS to LGU-CdeO prior to the actual
261 implementation of this agreement and upon receipt of succeeding requests thereof.
262

263 PHILHEALTH shall update LGU-CdeO on any changes/amendments to the
264 applicable rules, regulations and policies concerning this Agreement.
265

266 PHILHEALTH shall conscientiously reconcile the remitted collections/payments
267 against both the hard and soft copies (in textfile format) of the corresponding RF2A and
268 RF2 submitted by LGU-CdeO as stipulated in Article III, item nos. 4 and 5.
269

270 Upon prior notice to LGU-CdeO, PHILHEALTH, thru its duly authorized
271 representative, reserves the right to examine the accounts of LGU-CdeO arising from
272 and by virtue of this Agreement during working hours of any working day as
273 PHILHEALTH may deem necessary. It is understood that such examination by
274 PHILHEALTH shall be strictly limited only to the records pertaining to PHILHEALTH and
275 such other miscellaneous payments for the account of PHILHEALTH. The confidentiality
276 of accounts maintained by third persons shall always be strictly observed.
277

278 **Article V**
279

280 **EFFECTIVITY, AMENDMENT AND PRE-TERMINATION**

281 This Agreement shall be effective for a period of three years from
282 _____ to _____, unless pre-terminated in writing by
283 either party.
284

285 Upon effectivity of this Agreement, LGU-CdeO assures that the provisions of this
286 Agreement and its Operating Guidelines (Annex C) shall be immediately implemented.
287

288 When the need arises, LGU-CdeO or PHILHEALTH may amend the provisions of
289 this Agreement and/or its annexes upon written notice and consent of the other party.
290

291 Violation of any provision of this agreement or failure to provide the services and
292 obligations as required by this agreement shall be tantamount to Breach of Contract
293 and/or violation of the Warranties of Accreditation which shall be, among others, be
294 valid grounds for pre-termination of this agreement.

295

296 In the event of Breach of Contract by LGU-CdeO, PHILHEALTH shall send a
297 written notice to LGU-CdeO specifying in reasonable detail, the circumstances which
298 constituted the breach. This shall also serve as the written notice from PHILHEALTH of
299 its intention to pre-terminate this agreement. Pre-termination of this agreement shall
300 take effect 60 days after the receipt of the written notice of pre-termination and shall be
301 without prejudice to the filing of appropriate legal actions against LGU-CdeO.

302

303 Within 10 days from the effectivity of the pre-termination of this agreement, LGU-
304 CdeO shall remit to PHILHEALTH all contributions due to the latter, together with all the
305 relevant reports, records and documents, with penalties and/or interests thereof, if any.

306

307 *Article VI*

308

309 **MISCELLANEOUS PROVISION**

310

311 The mechanics of implementation of this Agreement shall be embodied in its
312 Operating Guidelines (Annex C). Any amendment, modification or alteration of the
313 terms and conditions of this agreement may be made at any time during the period of its
314 effectivity provided that such amendment, modification and/or alteration shall be in
315 writing and upon mutual agreement of both parties.

316

317 *Article VII*

318

319 **SEPARABILITY CLAUSE**

320

321 If any of the terms and conditions of this Agreement is declared by a competent
322 court as invalid/void, the other terms not affected thereby shall remain in full force and
323 effect.

324

325 *Article VIII*

326

327 **CONFIDENTIALITY CLAUSE**

328

329 This agreement shall be treated with utmost confidentiality. As such, both parties
330 shall not, during the term of this Agreement, or at any time thereafter, disclose to any
331 person, firm or corporation, any information each party may have acquired by reason of
332 the services or responsibilities performed under this Agreement.

333

334 Each party will keep and maintain all Confidential Information in strict confidence,
335 using such degree of care as is appropriate to avoid unauthorized use or disclosure.

336

337 Each party will not, directly or indirectly, disclose any Confidential Information to
338 any third party, except with prior written consent of the other party.

339

340 At any time, upon request of a party (the "Requesting Party"), the other party (the
341 "Requested Party") will deliver promptly to the Requesting Party all memoranda, notes,
342 records, reports, media and other documents and materials regarding and including any
343 Confidential Information, which the Requesting Party may then process or have under
344 its control, except for one copy which it may keep for documentation purposes.

345

346 LGU-CdeO may disclose the Confidential Information to its directors, advisers,
347 employees and other agents who may need to know such information in connection with
348 and necessary for the performance of the collection services. If disclosure is required by
349 law however, a party shall notify the other party in writing at least five (5) calendar days
350 in advance of such disclosure, and provide the other party with copies of any related
351 information so that such party may take appropriate action to protect the Confidential
352 Information.

353

354 *Article VIII*

355

356 **GOVERNING LAWS**

357

358 The laws of the Philippines shall govern the relations of the parties and terms of
359 this Agreement. Any legal action arising out of this Agreement shall be submitted to the
360 proper courts of Pasig City only.

361

362 IN WITNESS WHEREOF, the parties have hereto affixed their signatures
363 through their duly authorized representatives on the date and place first herein
364 abovementioned.

365

366 **ACKNOWLEDGMENT**