



18th CITY COUNCIL

Cagayan de Oro

AGENDA



88th Regular Session
Monday / July 09, 2018
2:30 PM
Session Hall


HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



CAGAYAN DE ORO MARCH

CAGAYAN DE ORO OUR PRIDE
OUR BELOVED CITY
THY MOUNTAINS, RIVERS, PLAINS AND SEAS
THY PEOPLE CONTENTED HAPPY

CAGAYAN DE ORO OUR PRIDE
OUR BELOVED CITY
WE ARE SINGING PRAISES IN LOUD VOICE
FOREVER TO THEE TO THEE

THE GATEWAY TO THE LAND OF PROMISE
BRAVE MEN OF OLD FOUGHT FOR THY SAKE
INSPIRATION THEY HAVE LEFT FOR US
TO SERVE YOU FOREVER FREE

THE GOLD IN BRILLIANT GLITTERING
YOU'LL FIND NOT IN VERDANT MOUNTAIN VALES
BUT DEEP IN HOMES AND HEARTS DIVINE
HERITAGE FOR YOU AND MANKIND, AH!

THE BEAUTIFUL, THE PLACE OF GOLD
OUR BELOVED CITY
THE NAME WE PRIDE WE ALL ENDEAR
THY BANNER UP HIGH TO FLUTTER FREE

THE BEAUTIFUL, THE PLACE OF GOLD
OUR BELOVED CITY
TILL FOREVER AND FOREVER
FOR THY GLORY THY GLORY BE...



**cagayan
de Oro**
city of golden friendship

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088) 857-2258; 857-4029; 857-4032; 857-4035 / www.cdeo-sanggunian.online



July 6, 2018

THE HONORABLE MEMBERS

18TH CITY COUNCIL (*SANGGUNIANG PANLUNGSOD*)
CAGAYAN DE ORO CITY

Gentlemen and Ladies:

Please be informed that the **88th Regular Session** of the 18th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro will be on **Monday, 9 July 2018 at 2:30 PM** at the Session Hall, Legislative Bldg., City Hall, this City.

Thank you very much.

Very truly yours,

ARTURO S. DE SAN MIGUEL
CITY SECRETARY

THE HONORABLE MEMBERS

18TH CITY COUNCIL (*SANGGUNIANG PANLUNGSOD*)
CAGAYAN DE ORO CITY

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

First District

Second District

HON. ZALDY O. OCON
CITY COUNCILOR

HON. NADYA 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. 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

HON. JOHN MICHAEL L. SENO
CITY COUNCILOR
CITY SK FEDERATION PRESIDENT

**AGENDA OF THE 88TH REGULAR SESSION OF THE 18TH CITY COUNCIL
(SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO ON
MONDAY, 9 JULY 2018**

Order of Business

- A. CALL TO ORDER BY THE HONORABLE CHAIR AND PRESIDING OFFICER**
- B. INVOCATION BY HONORABLE CITY COUNCILOR DOMETILO C. ACENAS, JR.**
- C. SINGING OF THE NATIONAL ANTHEM**
- D. SINGING OF THE CAGAYAN DE ORO MARCH**
- E. ROLL CALL AND DETERMINATION OF QUORUM BY THE CITY SECRETARY**
- F. READING, CORRECTIONS, IF ANY, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR SESSION ON JULY 2, 2018
(SEE APPENDIX "A" / Pages 1-12)**
- G. SPECIAL REPORT**
- H. AGENDA PROPER:**

- 1) PROPOSED ORDINANCE NO. 2018-96** - appropriating the sum of ₱5,554.04 from the item: "Personal Services: Salary Savings of item #5 (Administrative Aide III, vacated by Mr. Kevin U. Lim for the period January 1-16, 2018" in the 2018 Annual Budget of the City Prosecutor's Office, this City, to be made available for the payment of his unpaid salary for the period December 1-11, 2017 due to this transfer to other Government Agency.
(SEE APPENDIX "B" / Pages 13-20)

Document/s on file:

- Indorsement of the City Vice Mayor Raineir Joaquin V. Uy dated April 17, 2018
- Letter of the City Mayor Oscar S. Moreno dated April 12, 2018
- Certificate of Availability of Funds (CAF) issued on April 5, 2018
- Letter of the OIC-Prosecutor dated March 21, 2018
- Service Record
- Certification (cleared of all accountabilities)

COMMITTEE SPONSOR/S:

COMMITTEE ON **FINANCE, BUDGET AND APPROPRIATIONS**

-

COUNCILOR EDNA M. DAHINO, CHAIR

COMMITTEE ON **LAWS AND RULES**

-

COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON

-

COUNCILOR GEORGE S. GOKING, MEMBER

- 2) PROPOSED ORDINANCE NO. 2018-97** - providing for the City Code pursuing a Public-Private Partnership for the People's Initiative for Local Governments (P4) Approach towards development, providing for the procedure for selecting a private sector proponent, adopting a contract management framework, and for other purposes.
(SEE APPENDIX "C" / Pages 21-60)

Proponents: City Vice Mayor Raineir Joaquin V. Uy
City Councilor George S. Goking
City Councilor Ian Mark Q. Nacaya

Document/s on file:

- Indorsement of the City Vice Mayor Raineir Joaquin V. Uy dated January 12, 2018
- Letter of the City Mayor Oscar S. Moreno dated October 19, 2017
- Endorsement of the Acting City Treasurer dated May 3, 2018
- Certificate of Availability of Funds (CAF) issued on May 22, 2018
- Letter of the City Legal Office dated May 24, 2018
- Draft Ordinance

COMMITTEE SPONSOR/S:

COMMITTEE ON WAYS AND MEANS	-	COUNCILOR GEORGE S. GOKING, CHAIR
COMMITTEE ON LAWS AND RULES	-	COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
	-	COUNCILOR GEORGE S. GOKING, MEMBER

- 3) PROPOSED ORDINANCE NO. 2018-98** - authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Agreement (MOA) with the Department of Agriculture – Regional Field Office 10, represented by Regional Executive Director Carlene C. Collado, covering the grant to the City of One (1) Unit Mobile Shredder, under the terms and conditions stated therein.
(SEE APPENDIX "D" / Pages 61-69)

Document/s on file:

- Indorsement of the City Vice Mayor Raineir Joaquin V. Uy dated June 19, 2018
- Letter of the City Mayor Oscar S. Moreno dated March 19, 2018
- Letter of the City Legal Office dated March 15, 2018
- Letter of the City Agriculturist dated March 12, 2018
- Draft MOA

COMMITTEE SPONSOR/S:

COMMITTEE ON AGRICULTURE & FISHERIES	-	COUNCILOR ANNIE Y. DABA, CHAIRPERSON
	-	COUNCILOR JAY R. PASCUAL, VICE CHAIR
	-	COUNCILOR SUZETTE G. MAGTAJAS-DABA, MEMBER
	-	COUNCILOR LORDAN G. SUAN, MEMBER
	-	COUNCILOR TEODULFO E. LAO, JR., MEMBER
COMMITTEE ON LAWS AND RULES	-	COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
	-	COUNCILOR GEORGE S. GOKING, MEMBER

- 4) PROPOSED RESOLUTION NO. 2018-152** - returning to the Barangay Council of Barangay Tuburan, this City, its Ordinance No. 001, Series of 2018, covering its Annual Budget for Calendar Year 2018, 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.
(SEE APPENDIX "E" / Pages 70-77)

Document/s on file:

- Indorsement of the City Vice Mayor Raineir Joaquin V. Uy dated June 19, 2018
- Indorsement of the City Budget Officer
- Technical Review Analysis Sheet by the LFC
- Budget Message
- Ordinance No. 001, Series of 2018 of Barangay Tuburan
- Certified Statement of Income
- Actual and Estimated Income & Expenditures CY 2017
- Income and Expenditure Estimates CY 2018
- Personnel Schedule
- Annual Procurement Program
- 2018 Annual Investment Plan

COMMITTEE SPONSOR/S:

COMMITTEE ON **BARANGAY AFFAIRS**

- COUNCILOR YAN LAM S. LIM, CHAIRPERSON
 - COUNCILOR TEODULFO E. LAO, JR., VICE CHAIR
 - COUNCILOR ENRICO D. SALCEDO, MEMBER
 - COUNCILOR NADYA EMANO-ELIPE, MEMBER

COMMITTEE ON **LAWS AND RULES**

- COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
 - COUNCILOR GEORGE S. GOKING, MEMBER

- 5) PROPOSED RESOLUTION NO. 2018-153** – declaring portion of Accretion Area, Barangay Macabalan, this City, as calamity area due to the fire that occurred thereat on January 7, 2018 per Final Disaster Report submitted by the City Social Welfare & Development Department and the Fire Incident Certification issued by the Office of the District Fire Marshal.

(SEE APPENDIX "F" / Pages 78-87)

Document/s on file:

- Indorsement of the City Vice Mayor Raineir Joaquin V. Uy dated February 22, 2018
- Final Disaster Report from the CSWD
- Resolution No. 02-2018 of Barangay Macabalan
- Fire Incident Certification issued by the Cagayan de Oro Fire District
- CSWD Form Case –Totally Damage (House Owner)

COMMITTEE SPONSOR/S:

COMMITTEE ON **BARANGAY AFFAIRS**

- COUNCILOR YAN LAM S. LIM, CHAIRPERSON
 - COUNCILOR TEODULFO E. LAO, JR., VICE CHAIR
 - COUNCILOR ENRICO D. SALCEDO, MEMBER

COMMITTEE ON **LAWS AND RULES**

- COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
 - COUNCILOR GEORGE S. GOKING, MEMBER

- 6) PROPOSED RESOLUTION NO. 2018-154** – requesting the Honorable City Mayor Oscar S. Moreno to reconstitute the Women's Development Council of Cagayan de Oro City pursuant to Ordinance No. 6764-99.

(SEE APPENDIX "G" / Pages 88-91)

Proponent – City Councilor Edna M. Dahino

Document/s on file:

- Ordinance No. 6764-99

COMMITTEE SPONSOR/S:

COMMITTEE ON **LAWS AND RULES**

- COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
 - COUNCILOR GEORGE S. GOKING, MEMBER

- 7) PROPOSED RESOLUTION NO. 2018-155** – affirming the interest of the Local Government Unit, and authorizing the Honorable City Mayor Oscar S. Moreno to apply, negotiate, avail the grant financing from the Integrated Natural Resources and Environmental Management Project (INREMP) of the Department of Environment and Natural Resources (DENR) thru the Municipal Development Fund Office (MDFO), and to undertake other acts necessary for the effective implementation of the construction of Spillway at Sitio Laguila, Barangay Balulang, Cagayan de Oro City.

(SEE APPENDIX "H" / Pages 92-104)

Document/s on file:

- *Endorsement of the City Vice Mayor Raineir Joaquin V. Uy dated May 10, 2017*
- *Endorsement of the OIC-CLENRO dated May 5, 2017*
- *Draft Resolution*
- *Executive Order No. 148-16 (Creation of SPMU)*
- *Letter of Intent*
- *Program of Work/Budget Cost*
- *Ordinance No. 13337-2017(Appropriation)*

COMMITTEE SPONSOR/S:

COMMITTEE ON **LAWS AND RULES**

-

COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON

-

COUNCILOR GEORGE S. GOKING, MEMBER

**MINUTES OF THE 87TH REGULAR SESSION OF THE 18TH CITY COUNCIL
(SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO ON
MONDAY, 2 JULY 2018**

City Vice Mayor **RAINEIR JOAQUIN V. UY**, Presiding Officer, called the session to order at exactly 3:35 P.M.

The members present were the following:

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

First District:

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

Second District:

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

Ex-officio Members:

- City Councilor **YAN LAM S. LIM**, PRESIDENT, LIGA NG MGA BARANGAY
- City Councilor **JOHN MICHAEL L. SENO**, PRESIDENT, SK FEDERATION

Absent:

- City Councilor **ZALDY O. OCON**

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

A. ON MINUTES OF THE 86TH REGULAR SESSION ON JUNE 25, 2018

MOTION NO. 23722-2018

MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE 86TH REGULAR SESSION ON JUNE 25, 2018, 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 Edna M. Dahino, Reuben R. Daba, George S. Goking & Jay R. Pascual, UNANIMOUSLY CARRIED.

MOTION NO. 23723-2018

MOTION TO APPROVE THE MINUTES OF THE 86TH REGULAR SESSION ON JUNE 25, 2018

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors George S. Goking, Edna M. Dahino & Reuben R. Daba, UNANIMOUSLY CARRIED.

B. ON SPECIAL REPORT

- i. Councilor Teodulfo E. Lao, Jr. reported about the anti-tambay campaign being implemented by the local police vis-à-vis the intention of Ordinance No. 5133-95, among other things.

Action taken: The report was referred to the Committee on Police, Fire and Public Safety for appropriate action.

C. ON MINUTES OF THE 87TH REGULAR SESSION ON JULY 2, 2018

ORDINANCE NO. 13452-2018

AN ORDINANCE APPROPRIATING THE SUM OF ₱24,767.97 FROM THE ITEM: "PERSONAL SERVICES: SALARY SAVINGS OF UNFILLED VACANT POSITION UNDER ITEM #14 (ENVIRONMENTAL MANAGEMENT SPECIALIST I AT A RATE OF ₱19,620.00/MONTH) FOR THE PERIOD JANUARY 1, 2018 TO FEBRUARY 7, 2018," IN THE 2018 ANNUAL BUDGET OF THE CITY LOCAL ENVIRONMENT AND NATURAL RESOURCES OFFICE (CLENRO), THIS CITY, TO BE MADE AVAILABLE FOR THE PAYMENT OF THE SALARY ADJUSTMENT OF MR. HILARION BACLIG, SENIOR ENVIRONMENTAL MANAGEMENT SPECIALIST OF SAID OFFICE, COVERING THE PERIOD APRIL 2017 TO DECEMBER 2017

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, George S. Goking, Reuben R. Daba & John Michael L. Seno, UNANIMOUSLY CARRIED.

MOTION NO. 23724-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13452-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Reuben R. Daba & John Michael L. Seno, UNANIMOUSLY CARRIED.

ORDINANCE NO. 13453-2018

AN ORDINANCE APPROPRIATING THE SUM OF ₱6,138.62 FROM THE ITEM: "PERSONAL SERVICES: SALARY SAVINGS OF UNFILLED VACANT POSITION UNDER ITEM #11 (ADMINISTRATIVE AIDE IV AT A RATE OF ₱13,851.00/MONTH) FOR THE PERIOD JANUARY 1-14, 2018" IN THE 2018 ANNUAL BUDGET OF THE CITY GENERAL SERVICES OFFICE (CGSO), THIS CITY, TO BE MADE AVAILABLE FOR THE PAYMENT OF THE SALARY DIFFERENTIAL DUE TO STEP INCREMENT OF THE HEREIN PERSONNEL OF SAID OFFICE, TO WIT:

NAME	POSITION	AMOUNT
a) NESTOR S. CAYLO	ADMIN OFFICER V	₱ 4,347.63
b) RADIAN S. HOSAIN	ADMIN OFFICER III	698.77
c) NATHY C. NANGKIL	ADMIN AIDE I	1,092.22
	TOTAL	₱ 6,138.62

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, George S. Goking, Reuben R. Daba & John Michael L. Seno, UNANIMOUSLY CARRIED.

MOTION NO. 23725-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13453-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors George S. Goking, Jay R. Pascual & John Michael L. Seno, UNANIMOUSLY CARRIED.

ORDINANCE NO. 13454-2018

AN ORDINANCE APPROVING THE APPLICATION OF THE LIBERTY LAND CORPORATION, REPRESENTED BY ITS VICE PRESIDENT FOR OPERATION, MR. NOEL A. TAN, FOR DEVELOPMENT PERMIT (DP) OF SOUTHPOINT I SUBDIVISION PROJECT, WITH AN AREA OF 49,880.00 SQUARE METERS, MORE OR LESS, CONTAINING 343 HOUSES/LOTS LOCATED IN BARANGAY LUMBIA, THIS CITY, SUBJECT TO THE HEREIN CONDITIONS AS RECOMMENDED BY THE CITY ENGINEER'S OFFICE PER ITS TECHNICAL EVALUATION DATED MARCH 23, 2018, AND THE RECOMMENDATION OF THE CITY PLANNING AND DEVELOPMENT OFFICE WHICH SHALL BE CONSIDERED DURING THE DEVELOPMENT STAGE

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Reuben R. Daba, Jay R. Pascual & John Michael L. Seno, UNANIMOUSLY CARRIED.

MOTION NO. 23726-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13454-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, George S. Goking & Maria Lourdes S. Gaane, UNANIMOUSLY CARRIED.

ORDINANCE NO. 13455-2018

AN ORDINANCE APPROVING THE APPLICATION FOR SIMPLE SUBDIVISION PROJECT OF SPS. ASISCULO AND AURORA DAAYATA, COVERING LOT 2 BLOCK 56, PCS-104305-001207 WITH AN AREA OF 150 SQUARE METERS, CONTAINING 2 LOTS, LOCATED IN BARANGAY BALULANG, THIS CITY, SUBJECT TO THE HEREIN CONDITIONS AS RECOMMENDED BY THE CITY PLANNING AND DEVELOPMENT OFFICE

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino & George S. Goking, UNANIMOUSLY CARRIED.

MOTION NO. 23727-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13455-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino & George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 13003-2018

RESOLUTION ENDORSING AND/OR ADOPTING THE COMPREHENSIVE LOCAL JUVENILE INTERVENTION PROGRAM (CLJIP) OF THE CITY OF CAGAYAN DE ORO FOR CY 2018-2021

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Maria Lourdes S. Gaane, John Michael L. Seno, Jay R. Pascual, George S. Goking & Teodulfo E. Lao, Jr., UNANIMOUSLY CARRIED.

MOTION NO. 23728-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13003-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Reuben R. Daba & John Michael L. Seno, UNANIMOUSLY CARRIED.

RESOLUTION NO. 13004-2018

RESOLUTION EXPRESSING THE CITY GOVERNMENT'S COMMITMENT TO THE CONSTRUCTION OF THE BAHAY PAG-ASA PROJECT AT THE 10,000-SQUARE METER LOT AT MAITUM, UPPER PUERTO, CAGAYAN DE ORO CITY, WHICH HAS BEEN RESERVED FOR THE PURPOSE; AND TO ALLOCATE FUNDS IN THE AMOUNT OF ₱9,000,000.00 TO BE TAKEN FROM THE HEREIN MENTIONED SOURCES OF FUNDS AS CERTIFIED TO BY THE LOCAL FINANCE COMMITTEE FOR THE CONSTRUCTION (COUNTERPART/SHARE), OPERATION AND MAINTENANCE OF THE SAID PROJECT

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino & George S. Goking, UNANIMOUSLY CARRIED.

MOTION NO. 23729-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13004-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, John Michael L. Seno, George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

MOTION NO. 23730-2018

MOTION TO INCLUDE THE FOLLOWING, AS ITEMS:

- 7) A. PROPOSED RESOLUTION NO. 2018-146** - commending and congratulating Ms. Easter Marie P. Senieres (5th Placer), Cristy Annababe C. Jamero (7th Placer) and Ms. Lady Lyn G. Legaspi (9th Placer), graduates of Cagayan de Oro College – Phinma Education Network (COC-PHINMA); and Mr. Harley Glenn B. Galpo (10th Placer) of Capitol University, for having placed in the Top Ten of the 2018 Criminologist Licensure Examination (CLE), thereby giving honor and pride to the City.
- B. PROPOSED RESOLUTION NO. 2018-147** – commending Dr. Chito B. Salazar, PhD, President, Dr. Gerry J. Caño, PhD, Dean of Criminology, and the faculty and staff of Cagayan de Oro College-PHINMA for producing three (3) of the Top 10 passers in the 2018 Criminologist Licensure Examination and for being the 5th Top Performing School out of 547 schools in the country.
- C. PROPOSED RESOLUTION NO. 2018-148** – commending Atty. Casimero Juarez, President, Dr. Charlyn S. Janog, PhD, Dean of the College of Criminology, faculty and staff of Capitol University for producing one (1) of the Top 10 passers in the 2018 Criminologist Licensure Examination.

Proponent: Councilor Ian Mark Q. Nacaya

- 8) A. PROPOSED RESOLUTION NO. 2018-149** - commending and congratulating Mr. Andrew Rey Lao del Fierro (2nd Placer), Mr. Philip Gabriel G. Gimotea (2nd Placer) and Ms. Ellen Jericka R. Tong (10th Placer), graduates of Xavier University (Ateneo de Cagayan), for having placed in the Top Ten of the 2018 Nurse Licensure Examination, thereby giving honor and pride to the City.
- B. PROPOSED RESOLUTION NO. 2018-150** – commending Dr. Ramona Heidi C. Palad, Dean of the College of Nursing, and the faculty and staff of Xavier University (Ateneo de Cagayan) for producing three (3) of the Top 10 passers in the 2018 Nurse Licensure Examination.

Proponent: Councilor Ian Mark Q. Nacaya

- 9) PROPOSED RESOLUTION NO. 2018-151** – electing Councilor John Michael L. Seno, SK Federation President, as Chairperson of the Committee on Youth and Sports Development pursuant to the pertinent provisions of the Local Government Code; and for this purpose, electing Councilor Jay R. Pascual as Vice Chairperson and Councilor Lordan G. Suan, Suzette G. Magtajas-Daba, George S. Goking and Romeo V. Calizo, as members thereof; amending pertinent provisions of the 18th City Council House Rules accordingly.

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Teodulfo E. Lao, Jr. & John Michael L. Seno, UNANIMOUSLY CARRIED.

RESOLUTION NO. 13005-2018

RESOLUTION COMMENDING AND CONGRATULATING MS. EASTER MARIE P. SENIERES (5TH PLACER), CRISTY ANNABABE C. JAMERO (7TH PLACER) AND MS. LADY LYN G. LEGASPI (9TH PLACER), GRADUATES OF CAGAYAN DE ORO COLLEGE – PHINMA EDUCATION NETWORK (COC-PHINMA); AND MR. HARLEY GLENN B. GALPO (10TH PLACER) OF CAPITOL UNIVERSITY, FOR HAVING PLACED IN THE TOP TEN OF THE 2018 CRIMINOLOGIST LICENSURE EXAMINATION (CLE), THEREBY GIVING HONOR AND PRIDE TO THE CITY

Proponent: Councilor Ian Mark Q. Nacaya

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors John Michael L. Seno, Edna M. Dahino, George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

RESOLUTION NO. 13006-2018

RESOLUTION COMMENDING DR. CHITO B. SALAZAR, PHD, PRESIDENT, DR. GERRY J. CAÑO, PHD, DEAN OF CRIMINOLOGY, AND THE FACULTY AND STAFF OF CAGAYAN DE ORO COLLEGE-PHINMA FOR PRODUCING THREE (3) OF THE TOP 10 PASSERS IN THE 2018 CRIMINOLOGIST LICENSURE EXAMINATION AND FOR BEING THE 5TH TOP PERFORMING SCHOOL OUT OF 547 SCHOOLS IN THE COUNTRY

Proponent: Councilor Ian Mark Q. Nacaya

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors John Michael L. Seno, Edna M. Dahino, George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

RESOLUTION NO. 13007-2018

RESOLUTION COMMENDING ATTY. CASIMERO JUAREZ, PRESIDENT, DR. CHARLYN S. JANOG, PHD, DEAN OF THE COLLEGE OF CRIMINOLOGY, FACULTY AND STAFF OF CAPITOL UNIVERSITY FOR PRODUCING ONE (1) OF THE TOP 10 PASSERS IN THE 2018 CRIMINOLOGIST LICENSURE EXAMINATION

Proponent: Councilor Ian Mark Q. Nacaya

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors John Michael L. Seno, Edna M. Dahino, George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

MOTION NO. 23731-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13005-2018, 13006-2018 & 13007-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Teodulfo E. Lao, Jr., Reuben R. Daba & George S. Goking, UNANIMOUSLY CARRIED.

RESOLUTION NO. 13008-2018

RESOLUTION COMMENDING AND CONGRATULATING MR. ANDREW REY LAO DEL FIERRO (2ND PLACER), MR. PHILIP GABRIEL G. GIMOTEA (2ND PLACER) AND MS. ELLEN JERICKA R. TONG (10TH PLACER), GRADUATES OF XAVIER UNIVERSITY (ATENEO DE CAGAYAN), FOR HAVING PLACED IN THE TOP TEN OF THE 2018 NURSE LICENSURE EXAMINATION, THEREBY GIVING HONOR AND PRIDE TO THE CITY

Proponent: Councilor Ian Mark Q. Nacaya

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

RESOLUTION NO. 13009-2018

RESOLUTION COMMENDING DR. RAMONA HEIDI C. PALAD, DEAN OF THE COLLEGE OF NURSING, AND THE FACULTY AND STAFF OF XAVIER UNIVERSITY (ATENEO DE CAGAYAN) FOR PRODUCING THREE (3) OF THE TOP 10 PASSERS IN THE 2018 NURSE LICENSURE EXAMINATION

Proponent: Councilor Ian Mark Q. Nacaya

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

MOTION NO. 23732-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13008-2018 13009-2018**

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

RESOLUTION NO. 13010-2018

RESOLUTION ELECTING COUNCILOR JOHN MICHAEL L. SENO, SK FEDERATION PRESIDENT, AS CHAIRPERSON OF THE COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT PURSUANT TO THE PERTINENT PROVISIONS OF THE LOCAL GOVERNMENT CODE; AND FOR THIS PURPOSE, ELECTING COUNCILOR JAY R. PASCUAL AS VICE CHAIRPERSON AND COUNCILOR LORDAN G. SUAN, SUZETTE G. MAGTAJAS-DABA, GEORGE S. GOKING AND ROMEO V. CALIZO, AS MEMBERS THEREOF; AMENDING ACCORDINGLY PERTINENT PROVISIONS OF RESOLUTION NO. 12392 – 2016, ENTITLED: RESOLUTION ELECTING THE RESPECTIVE CHAIRPERSON, VICE CHAIRPERSON AND MEMBERS OF THE STANDING COMMITTEES PROVIDED IN THE RULES OF PROCEDURE ADOPTED BY THIS BODY THE 18TH CITY COUNCIL HOUSE RULES ACCORDINGLY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Teodulfo E. Lao, Jr., Reuben R. Daba, George S. Goking & Jay R. Pascual, UNANIMOUSLY CARRIED.

MOTION NO. 23733-2018

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13010-2018**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Edna M. Dahino, Jay R. Pascual & Teodulfo E. Lao, Jr., UNANIMOUSLY CARRIED.

MOTION NO. 23734-2018

MOTION TO ADJOURN THE 87TH REGULAR SESSION OF THE 18TH CITY COUNCIL (SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO HELD ON JULY 2, 2018

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

The session adjourned at 4:40 PM, July 2, 2018.

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



ORDINANCE NO. 13452-2018

AN ORDINANCE APPROPRIATING THE SUM OF ₱24,767.97 FROM THE ITEM: “PERSONAL SERVICES: SALARY SAVINGS OF UNFILLED VACANT POSITION UNDER ITEM #14 (ENVIRONMENTAL MANAGEMENT SPECIALIST I AT A RATE OF ₱19,620.00/MONTH) FOR THE PERIOD JANUARY 1, 2018 TO FEBRUARY 7, 2018,” IN THE 2018 ANNUAL BUDGET OF THE CITY LOCAL ENVIRONMENT AND NATURAL RESOURCES OFFICE (CLENRO), THIS CITY, TO BE MADE AVAILABLE FOR THE PAYMENT OF THE SALARY ADJUSTMENT OF MR. HILARION BACLIG, SENIOR ENVIRONMENTAL MANAGEMENT SPECIALIST OF SAID OFFICE, COVERING THE PERIOD APRIL 2017 TO DECEMBER 2017

BE IT ORDAINED by the 18th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

SECTION 1. - The sum of ₱24,767.97 is hereby appropriated from the item: “Personal Services: Salary Savings of unfilled vacant position under item #14 (Environmental Management Specialist I at a rate of ₱19,620.00/month) for the period January 1, 2018 to February 7, 2018,” in the 2018 Annual Budget of the City Local Environment and Natural Resources Office (CLENRO), this City, to be made available for the payment of the salary adjustment of Mr. Hilarion Baclig, Senior Environmental Management Specialist of said office, covering the period April 2017 to December 2017.

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

UNANIMOUSLY APPROVED.

Present:

<i>1st District:</i>	- Councilor Lordan G. Suan	- Councilor Edna M. Dahino
	- Councilor Romeo V. Calizo	- Councilor Reuben R. Daba
	- Councilor Annie Y. Daba	- Councilor Jay R. Pascual
	- Councilor George S. Goking	
<i>2nd District:</i>	- Councilor Nadya B. Emano-Elipse	- Councilor Dometilo C. Acenas, Jr.
	- Councilor Suzette G. Magtajas-Daba	- Councilor Ian Mark Q. Nacaya
	- Councilor Leon D. Gan, Jr.	- Councilor Maria Lourdes S. Gaane
	- Councilor Teodulfo E. Lao, Jr.	- Councilor Enrico D. Salcedo
<i>Ex-Officio:</i>	- Councilor Yan Lam S. Lim (<i>President, Liga ng mga Barangay</i>)	
	- Councilor John Michael L. Seno (<i>President, City SK Federation</i>)	
<u>Absent:</u>	- Councilor Zaldy O. Ocon	

ENACTED this 2nd day of July 2018 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:

Attested:

OSCAR S. MORENO
CITY MAYOR

TEODORO A. SABUGA-A, JR.
ACTING CITY ADMINISTRATOR



ORDINANCE NO. 13453-2018

AN ORDINANCE APPROPRIATING THE SUM OF ₱6,138.62 FROM THE ITEM: “PERSONAL SERVICES: SALARY SAVINGS OF UNFILLED VACANT POSITION UNDER ITEM #11 (ADMINISTRATIVE AIDE IV AT A RATE OF ₱13,851.00/MONTH) FOR THE PERIOD JANUARY 1-14, 2018” IN THE 2018 ANNUAL BUDGET OF THE CITY GENERAL SERVICES OFFICE (CGSO), THIS CITY, TO BE MADE AVAILABLE FOR THE PAYMENT OF THE SALARY DIFFERENTIAL DUE TO STEP INCREMENT OF THE HEREIN PERSONNEL OF SAID OFFICE

BE IT ORDAINED by the 18th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

SECTION 1. - The sum of ₱6,138.62 is hereby appropriated from the item: “Personal Services: Salary Savings of unfilled vacant position under Item #11 (Administrative Aide IV at a rate of P13,851.00/month) for the period January 1-14, 2018” in the 2018 Annual Budget of the City General Services Office (CGSO), this City, to be made available for the payment of the salary differential due to step increment of the herein personnel of said office, to wit:

<u>Name</u>	<u>Position</u>	<u>Amount</u>
a) Nestor S. Caylo	Administrative Officer V	₱ 4,347.63
b) Radian S. Hosain	Administrative Officer III	698.77
c) Nathy C. Nangkil	Administrative Aide I	1,092.22

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

UNANIMOUSLY APPROVED.

Present:

<i>1st District:</i>	- Councilor Lordan G. Suan	- Councilor Edna M. Dahino
	- Councilor Romeo V. Calizo	- Councilor Reuben R. Daba
	- Councilor Annie Y. Daba	- Councilor Jay R. Pascual
	- Councilor George S. Goking	
<i>2nd District:</i>	- Councilor Nadya B. Emano-Elipe	- Councilor Dometilo C. Acenas, Jr.
	- Councilor Suzette G. Magtajas-Daba	- Councilor Ian Mark Q. Nacaya
	- Councilor Leon D. Gan, Jr.	- Councilor Maria Lourdes S. Gaane
	- Councilor Teodulfo E. Lao, Jr.	- Councilor Enrico D. Salcedo
<i>Ex-Officio:</i>	- Councilor Yan Lam S. Lim (<i>President, Liga ng mga Barangay</i>)	
	- Councilor John Michael L. Seno (<i>President, City SK Federation</i>)	

Absent:

- Councilor Zaldy O. Ocon

ENACTED this 2nd day of July 2018 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:

TEODORO A. SABUGA-A, JR.
ACTING CITY ADMINISTRATOR



ORDINANCE NO. 13454-2018

AN ORDINANCE APPROVING THE APPLICATION OF THE LIBERTY LAND CORPORATION, REPRESENTED BY ITS VICE PRESIDENT FOR OPERATION, MR. NOEL A. TAN, FOR DEVELOPMENT PERMIT (DP) OF SOUTHPOINT I SUBDIVISION PROJECT, WITH AN AREA OF 49,880.00 SQUARE METERS, MORE OR LESS, CONTAINING 343 HOUSES/LOTS LOCATED IN BARANGAY LUMBIA, THIS CITY, SUBJECT TO THE HEREIN CONDITIONS AS RECOMMENDED BY THE CITY ENGINEER'S OFFICE PER ITS TECHNICAL EVALUATION DATED MARCH 23, 2018, AND THE RECOMMENDATION OF THE CITY PLANNING DEVELOPMENT OFFICE WHICH SHALL BE CONSIDERED DURING THE DEVELOPMENT STAGE

BE IT ORDAINED by the 18th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

SECTION 1. - The application of the Liberty Land Corporation, represented by its Vice President for Operation, Mr. Noel A. Tan, for Development Permit (DP) of SouthPoint I Subdivision Project, with an area of 49,880.00 square meters, more or less, containing 343 houses/lots located in Barangay Lumbia, this City, is hereby approved, subject to the herein conditions as recommended by the City Engineer's Office per its Technical Evaluation dated March 23, 2018, and the recommendation of the City Planning Development Office which shall be considered during the development stage, to wit:

- a. The existing waterway shall not be blocked per certification issued by the Office of the City Engineer for fencing purposes;
- b. Catchment areas of the adjacent subdivision shall be considered in the consolidated drainage outfall line that will traverse the property;
- c. Desilting/declogging of any situation and/or eroded materials that may affect a waterway or any residential area that may be caused by said development shall be responsibility of the developer;
- d. Allocate 3.00m legal easement along Lumbia Main Drain and provide Bank Protection Structure along the waterway;
- e. Any requirement maybe imposed when necessary during construction stage;
- f. All works for this development shall be in accordance with DPWH Standard Specifications for roads and bridges;
- g. Observe the 16.00m widening of Carmen-Canitoan Road;
- h. That the steel grated lateral drain along slope areas shall be widened;
- i. Provide detention basin prior to earthwork activities, to avoid massive volume of water when heavy downpour of rain occurs;
- j. Slope protection structure shall be provided at the start of the development to avoid soil erosion on steep section and to protect or minimize hazards that may affect the adjacent low-lying areas and waterways; and
- k. Time frame on the completion of the project based on the PERT/CPM submitted from June 2018 to May 2020.

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

UNANIMOUSLY APPROVED.

Present:

- | | | |
|---------------------------------|-----------------------------|----------------------------|
| <i>1st District:</i> | - Councilor Lordan G. Suan | - Councilor Edna M. Dahino |
| | - Councilor Romeo V. Calizo | - Councilor Reuben R. Daba |
| | - Councilor Annie Y. Daba | - Councilor Jay R. Pascual |



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OFFICE OF THE CITY COUNCIL
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Page 2 of 2 of Ordinance No. 13454-2018

- Councilor George S. Goking
- 2nd District:* - Councilor Nadya B. Emano-Elipse - Councilor Dometilo C. Acenas, Jr.
- Councilor Suzette G. Magtajas-Daba - Councilor Ian Mark Q. Nacaya
- Councilor Leon D. Gan, Jr. - Councilor Maria Lourdes S. Gaane
- Councilor Teodulfo E. Lao, Jr. - Councilor Enrico D. Salcedo
- Ex-Officio:* - Councilor Yan Lam S. Lim (*President, Liga ng mga Barangay*)
- Councilor John Michael L. Seno (*President, City SK Federation*)
- Absent:* - Councilor Zaldy O. Ocon

ENACTED this 2nd day of July 2018 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:

Attested:

OSCAR S. MORENO
CITY MAYOR

TEODORO A. SABUGA-A, JR.
ACTING CITY ADMINISTRATOR



ORDINANCE NO. 13455-2018

AN ORDINANCE APPROVING THE APPLICATION FOR SIMPLE SUBDIVISION PROJECT OF SPS. ASISCULO AND AURORA DAAYATA, COVERING LOT 2 BLOCK 56, PCS-104305-001207 WITH AN AREA OF 150 SQUARE METERS, CONTAINING 2 LOTS, LOCATED IN BARANGAY BALULANG, THIS CITY, SUBJECT TO THE HEREIN CONDITIONS AS RECOMMENDED BY THE CITY PLANNING AND DEVELOPMENT OFFICE

BE IT ORDAINED by the 18th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

SECTION 1. - The application for Simple Subdivision Project of Sps. Asisculo and Aurora Daayata, covering Lot 2 Block 56, Pcs-104305-001207, with an area of 150 square meters, containing 2 lots, located in Barangay Balulang, this City, is hereby approved, subject to the herein conditions as recommended by the City Planning and Development Office, to wit:

- a) The subdivision scheme shall not be altered other than what is applied for except when prior clearance from the City Government is secured;
- b) A Certificate of Registration of Lots 3 & 4 must be secured from the HLURB after the verification of survey returns from the Land Management Sector, DENR;
- c) Further subdivision of Lot 2 Block 56, Pcs-104305-001207 is prohibited without prior approval from the City Government of Cagayan de Oro;
- d) A License to Sell shall be secured prior to actual disposal of Lot 2A & Lot 2B;
- e) This approval shall be revoked if not registered within a period of one (1) year from the date of issue; and
- f) Any misrepresentation of the application may cause for cancellation or revocation of subdivision permit.

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

UNANIMOUSLY APPROVED.

<u>Present:</u>	<i>1st District:</i>	- Councilor Lordan G. Suan - Councilor Romeo V. Calizo - Councilor Annie Y. Daba - Councilor George S. Goking	- Councilor Edna M. Dahino - Councilor Reuben R. Daba - Councilor Jay R. Pascual
	<i>2nd District:</i>	- Councilor Nadya B. Emano-Elipe - Councilor Suzette G. Magtajas-Daba - Councilor Leon D. Gan, Jr. - Councilor Teodulfo E. Lao, Jr.	- Councilor Dometilo C. Acenas, Jr. - Councilor Ian Mark Q. Nacaya - Councilor Maria Lourdes S. Gaane - Councilor Enrico D. Salcedo
	<i>Ex-Officio:</i>	- Councilor Yan Lam S. Lim (<i>President, Liga ng mga Barangay</i>) - Councilor John Michael L. Seno (<i>President, City SK Federation</i>)	
<u>Absent:</u>		- Councilor Zaldy O. Ocon	

ENACTED this 2nd day of July 2018 in the City of Cagayan de Oro.



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Page 2 of 2 of Ordinance No. 134545-2018

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:

Attested:

OSCAR S. MORENO
CITY MAYOR

TEODORO A. SABUGA-A, JR.
ACTING CITY ADMINISTRATOR

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 appropriating the sum of P5,554.04 from the item: "Personal Services: Salary Savings of item #5 (Administrative Aide III, vacated by Mr. Kevin U. Lim for the period January 1-16, 2018" in the 2018 Annual Budget of the City Prosecutor's Office, this City, to be made available for the payment of the his unpaid salary who was transferred to other Government Agency effective December 12, 2017

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: July 5, 2018

> 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 VICE MAYOR

EFFECTIVUM

DEC 12, 2017

NOT DEC. 11, 2017



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

DATE:

APR 17, 2018

FROM:

CMO/MR. KEVIN LIM

SUBJECT MATTER: RE: APPROPRIATING THE AMOUNT OF 5,554.04, TO COVER PAYMENT FOR THE UNPAID SALARY COVERING THE PERIOD DECEMBER 1-11, 2017 OF MR. KEVIN U. LIM, ADMINISTRATIVE AIDE III, CITY PROSECUTORS OFFICE, WHO TRANSFERRED TO OTHER GOVERNMENT AGENCY EFFECTIVE DECEMBER 11, 2017, TO BE TAKEN FROM CURRENT APPROPRIATION, ANNUAL BUDGET CY 2018, PS-SALARY UNDER ITEM NO. 5 VACATED BY MR. LIM FOR THE PERIOD January 1-16, 2018, WITH CORRESPONDING CAF NO. 036-2018.

ACTION: REFER TO COMMITTEE ON FINANCE, BUDGET AND APPROPRIATION.

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



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: 2018-1596

Date: 04/17/2018
Receiver: JESSAMINE

From: CMO/ MR. KEVIN LIM

Subject: RE: APPROPRIATING THE AMOUNT OF 5,554.04, TO COVER PAYMENT FOR THE UNPAID SALARY COVERING THE PERIOD DECEMBER 1-11, 2017 OF MR. KEVIN U. LIM, ADMINISTRATIVE AIDE III, CITY PROSECUTORS OFFICE, WHO TRANSFERRED TO OTHER GOVERNMENT AGENCY EFFECTIVE DECEMBER 11, 2017, TO BE TAKEN FROM CURRENT APPROPRIATION, ANNUAL BUDGET CY 2018, PS-SALARY UNDER ITEM NO. 5 VACATED BY MR. LIM FOR THE PERIOD January 1-16, 2018, WITH CORRESPONDING CAF NO. 036-2018.

Respectfully referred to **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: May 16, 2018

RECOMMENDING APPROVAL CL/R - SUBJECT TO VERIFICATION from the HUMAN RESOURCE
OFFICE

HON. EDNA M. DAHINO
Chairperson

HON. TEODULFO E. LAO, JR.
Vice Chairperson

HON. ENRICO D. SALCEDO
Member

HON. GEORGE S. GOKING
Member

HON. REUBEN R. DABA
Member

HON. ZALDY O. OCON
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
Cagayan de Oro City

OFFICE OF THE CITY MAYOR

2nd Indorsement
12 April 2018

Respectfully transmitted to **The Honorable Members of the City Council** through **City Vice Mayor RAINEIR JOAQUIN V. UY**, the attached Certificate of Availability of Funds No. 036-2018, to wit:

re: "APPROPRIATING THE AMOUNT OF 5,554.04, TO COVER PAYMENT FOR THE UNPAID SALARY COVERING THE PERIOD DECEMBER 1-11, 2017 OF MR. KEVIN U. LIM, ADMINISTRATIVE AIDE III, CITY PROSECUTORS OFFICE, WHO TRANSFERRED TO OTHER GOVERNMENT AGENCY EFFECTIVE DECEMBER 11, 2017, TO BE TAKEN FROM CURRENT APPROPRIATION, ANNUAL BUDGET CY 2018 "PS-SALARY SAVINGS" UNDER ITEM NO. 5 VACATED BY MR. LIM FOR THE PERIOD JANUARY 1-16, 2018".

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


OSCAR S. MORENO
City Mayor

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

Date Received: APR 16 2018 Time: 2:30
By: Angel Rulona Comm. No. _____

ACTION TAKEN

By: [Signature] - [Signature]

Date: _____
Approved: [Signature]
Remarks: _____

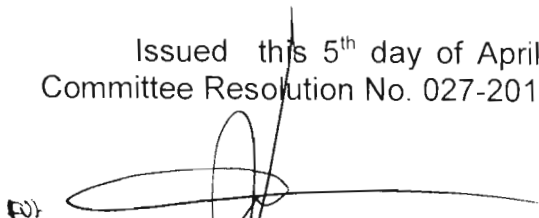


Certificate of Availability of Funds

THIS IS TO CERTIFY that the amount of ₱ 5,554.04 from Current Appropriation, Annual Budget CY 2018, Personal Services: Salary Savings, item No. 5, Administrative Aide III, vacated by Mr. Kevin U. Lim for the period Jan. 1-16,2018 of City Prosecutor's Office, this City, to cover payment for the unpaid salary covering the period December 1 -11, 2017, of Mr. Kevin U. Lim, Administrative Aide III, of same office, who transferred to other government agency effective December 11,2017, is available, to wit;

Particular	Amount
Salary @ 11,387.00/mo. (Dec. 1-11, 2017)	₱ 4,041.07
Life and Retirement Ins.	484.93
Pag-ibig Prem.	80.82
PERA	709.72
Philhealth Contributions	137.50
ECC COntribution	100.00
	₱ 5,554.04

Issued this 5th day of April, 2018, pursuant to Local Finance Committee Resolution No. 027-2018.


Mr. RAMON ANTONIO R. MENDOZA
Local Treasury Operations Officer IV
Acting City Treasurer
City Finance Dept.


Atty. BEDA JOY B. ELOT, CPA
City Accountant
City Accounting Office

Existence of available appropriation:


Atty. PERCY G. SALAZAR
City Budget Officer
Chairman, Local Finance Committee
CAF - 036 - 2018

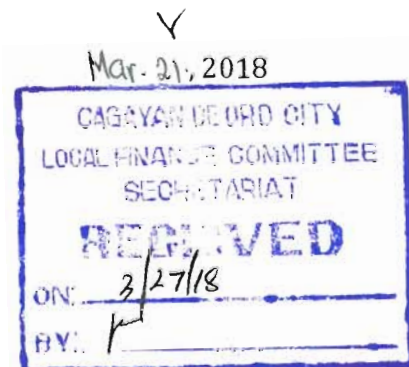


Republic of the Philippines
DEPARTMENT OF JUSTICE
National Prosecution Service
OFFICE OF THE CITY PROSECUTOR
Cagayan de Oro City



Atty. Percy G. Salazar
Chairperson
Local Finance Committee
City Hall, LGU
Cagayan de Oro City

Ma'am:



In view of the transfer of Mr. Kevin U. Lim, Administrative Aide III, (Item No. 5), Plantilla Position of this Office, effective December 11, 2017, may we respectfully request authority that the claim of salary of the said employee covering the period from December 1-11, 2017, as follows:

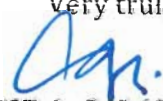
<u>Particulars</u>	<u>Amount</u>
Salary @ 11,387.00/mo (Dec. 1-11, 2017)	P4,041.07
Life and Retirement Ins.	484.93
Pag-ibig Prem.	80.82
PERA	709.72
Philhealth Contribution	137.50
ECC Contributions	100.00
	P5,554.04

or in the total amount of Five Thousand Five Hundred Fifty Four and four centavos (P5,554.04), be charged to office PS Current Account of the said position which remained vacant as of this writing.

Hoping for your kind consideration.

Thank you.

Very truly yours,


CHARISSE A. GALARRITA-BITOON
OIC- CITY PROSECUTOR



SERVICE RECORD
(To be accomplished by the employer)

NAME : LIM KEVIN Ubaub (If married woman give also full maiden name)
(Surname) (First Name) (M.I.)
BIRTHDATE : June 21, 1992 BIRTHPLACE : BURNAY GITAGUM MIS. OR. Date herein should be checked from birth or baptismal certificate or some other reliable documents.

This is to certify that the employee named herein above actually rendered service in the office as shown by the service record below, each line of which is supported by appointment and other papers actually issued by this office and approved by the authorities concerned.

SERVICE Inclusive Dates		RECORD OF APPOINTMENT			OFFICE ENTITY/DIVISION	SEPARATION		
From	To	DESIGNATION	STATUS	SALARY	STATION/PLACE : BRANCH OF ASSIGNMENT	L/V ABS W/O PAY	DATE	CAUSE/ REMARKS
01/1/2016	01/11/2016	Admin. Aide III	Permanent	₱ 124,812.00/a	CPO, City Gov't.	None		Original (G3)
01/1/2016	12/31/2016	Admin. Aide III	Permanent	130,596.00/a	-do-	None		Salary Adjustment (G3/1)
01/1/2017	12/11/2017	Admin. Aide III	Permanent	136,644.00/a	-do-	None		Salary Adjustment 12/12/2017 Transferred (G3/1)

nothing follows

Issued in compliance with Executive Order No. 54 dated August 10, 1954 and in accordance with Circular No. 58 dated August 10, 1954 of the Government Service Insurance System.

CERTIFIED CORRECT :


OLIVER V. EGYPTO
Supervising Admin. Officer
Officer-in-Charge

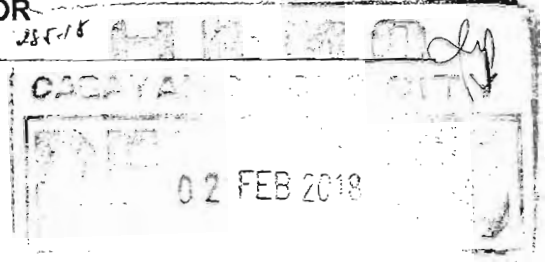


REPUBLIC OF THE PHILIPPINES
City of Cagayan de Oro

cagayan
de oro

OFFICE OF THE CITY MAYOR

CERTIFICATION



THIS IS TO CERTIFY THAT **MR. KEVIN U. LIM**, Administrative Aide III of the Office of the City Prosecutor, has been cleared of all accountabilities from this city government for transfer to the Philippine Drug Enforcement Agency, effective **December 14, 2017**.

THIS CERTIFICATE IS ISSUED upon request of the Office of the City Prosecutor.

ISSUED THIS 31st day of January 2018 at Cagayan de Oro City.


OSCAR S. MORENO
City Mayor

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 City Code pursuing a Public-Private Partnership for the People's Initiative for Local Governments (P4) Approach towards development, providing for the procedure for selecting a private sector proponent, adopting a contract management framework, and providing appropriation and for other purposes.

Proponents: City Vice Mayor Raineir Joaquin V. Uy
City Councilor George S. Goking
City Councilor Ian Mark Q. Nacaya

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: July 5, 2018

> 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



ITEM NO. 1

Comm. No. 2018-1331
From:

Received by:
Date:

Subject Matter:

Proposed Ordinance providing for the City Code pursuing a Public-Private Partnership for the people's initiative for local governments (P4) approach towards development, providing for the procedure for selecting a private sector proponent, adopting a contract management framework, and providing appropriations and for other purposes.

Referred to the **COMMITTEE ON WAYS AND MEANS**, 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: July 4, 2018

Recommending Approval (A/R)

Chairman: **HON. GEORGE S. GOKING**

Vice Chairman: **HON. ZALDY O. O**

^{1ST}
Member: **HON. ROMEO V. CALIZO**

^{2ND}
Member: **HON. REUBEN R. DABA**

^{3RD}
Member: **HON. DOMETILO C. ACENAS JR.**

PROPOSERS:

- > VM HY
- > GOKING
- > NACAYA

DISSENTING

Member

Member



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

DATE: JANUARY 12, 2018

From: CMO

SUBJECT MATTER: COPY OF PROPOSED PUBLIC-PRIVATE PARTNERSHIP FOR
THE PEOPLE INITIATIVE FOR LOCAL GOVERNMENTS (P4) CODE 2017.

ACTION: REFER TO COMMITTEE **PLANNING AND DEVELOPMENT.**

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V.
City Vice



Republic of the Philippines
City of Cagayan de Oro

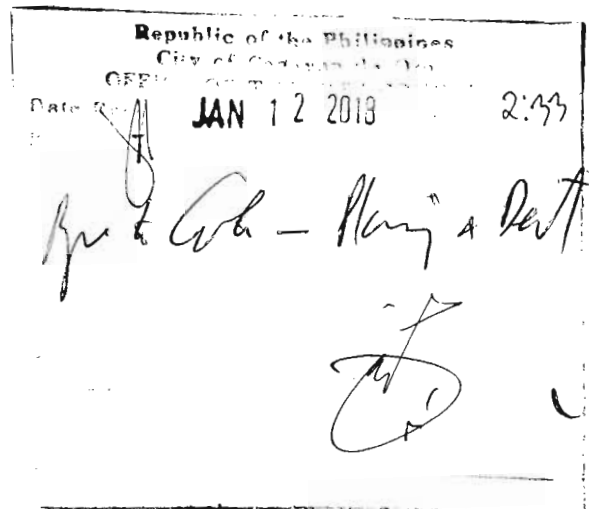
OFFICE OF THE CITY MAYOR

October 19, 2017

THE HONORABLE MEMBERS

Sangguniang Panglungsod
Cagayan de Oro City

Thru: **The Honorable RAINEIR JOAQUIN UY**
Vice Mayor, Cagayan de Oro City



Ladies and Gentlemen:

It is my great honor and privilege to bring to the attention of the esteemed City Council, the draft Cagayan de Oro Public-Private Partnership for the People (P4) Code.

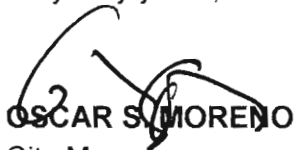
This draft is adopted from Annex 1 of DILG Memorandum Circular No. 2016 -120, which provides the guidelines for private sector participation in the provision of public infrastructure and social services.

Enclosed is a copy of the proposed Cagayan de Oro P4 Code of 2017.

Inclusion of this matter in the agenda of the City Council would be very highly appreciated.

Thank you very much.

Very truly yours,


OSCAR S. MORENO
City Mayor



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



1st Indorsement

May 3, 2018

Respectfully transmitted to **HON. GEORGE S. GOKING, *City Councilor and Chairman, Committee on Ways & Means, City Council, this City***, the within the proposed Ordinance providing for the City Code pursuing a Public-Private Partnership for the people's initiative for local governments (P4) approach towards development, providing for the procedure for selecting a private sector proponent, adopting a contract management framework, and providing appropriations and for other purposes, with the information that this office interposes no objection on the matter.

However, in providing appropriations thereof, such matters should be coursed thru the Local Finance Committee (LFC).


RAMON ANTONIO R. MENDOZA

Acting City Treasurer

Enclosed: as stated



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HON. IAN MARK NACAYA

May 24, 2018

ATTY. PERCY G. SALAZAR

BAC Chairperson and City Budget Officer
Cagayan de Oro City

MS. NINFA ALABANIA

Oro Trade and Investment Promotions Center
Cagayan de Oro City

ENGR. ROLANDO M. PACURIBOT

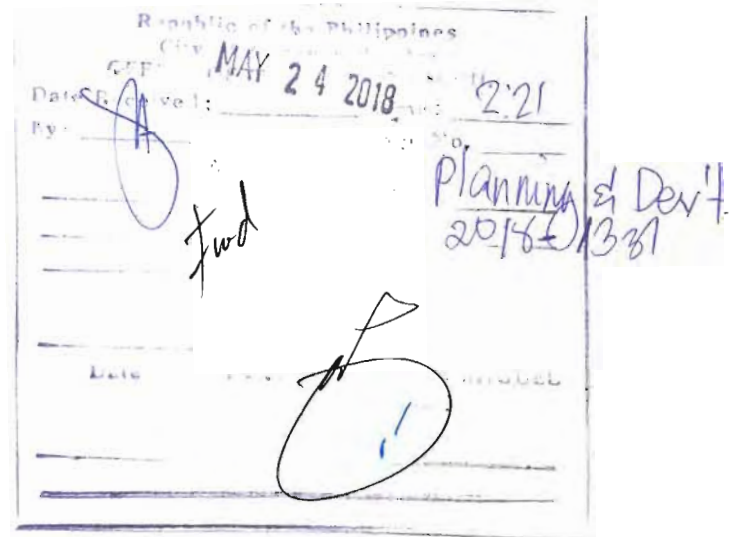
City Engineer
Cagayan de Oro City

HON. IAN MARK NACAYA

City Councilor
Cagayan de Oro City

ATTY. JOSE SABANAL

Member, Legal Team
City Mayor's Office
Cagayan de Oro City



To whom it may concern:

This is in regard to the Proposed Ordinance providing for the City Code pursuing a Public-Private Partnership for the people's initiative for local governments (P4) approach towards development, providing for the procedure for selecting a private sector proponent, adopting a contract management framework, and providing appropriations and for other purposes.

On May 09, 2018, representatives from the Oro Trade & Investment Promotions Center, City Budget Office and the undersigned conducted a meeting regarding the proposed ordinance. During the meeting the following facts were established, THAT:

1. The enactment of a P4 Code by LGUs is endorsed by the Department of Interior and Local Government ("DILG") in its Memorandum Circular No. 2016-120 dated 07 September 2016 otherwise known as the "Guidelines for the Implementation of



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Public-Private Partnership for the People Initiative for Local Governments (LGU P4)". For your ready reference, attached herewith is a copy of the said DILG Memorandum Circular;

2. The P4 Program has been adopted and implemented by a number of LGU's and 10 LGU's have been given special awards namely: Manila City for its Manila Dialysis Center; Valenzuela City for its Valenzuela Town Center; Mandaluyong City for its Public Market; Piddig, Ilocos Norte for the Convergence Initiative through Public – Private Partnership; Cauayan City, Isabela for its Primark Town Center; Batangas City for its Multi-Purpose Transport Terminal and Commercial Complex; Legazpi City, Albay for its Legazpi City Grand Central Terminal; Ozamis City, Misamis Occidental for its Unitop General Merchandise; South Cotabato province for its Friendly Drugs, Health Plus Project; and Butuan City for its Slaughterhouse Rehabilitation. Other LGUs are also implementing the P4 Program (<http://www.dilg.gov.ph/news/DILG-More-LGUs-are-now-into-Public-Private-Partnerships/NC-2017-1279>);
3. The draft LGU P4 Code was developed by Atty. Alberto C. Agra, DILG Consultant and Advisor on LGU P4. According to Atty. Agra in his article entitled "PPP laws, not PPP law"¹ published under the Business Mirror, the said template has already been referred to by at least fifty-one (51) other cities, provinces and municipalities. A perusal on existing LGU P4 ordinances published on the internet would show that the provinces of Pangasinan² and Cebu³ have P4 Ordinances similar to or essentially containing the provisions of the template provided by Atty. Agra; and
4. Also, prior to the favorable endorsement by the City Mayor Hon. Oscar S. Moreno of the draft Cagayan de Oro City P4 Code ("CDO P4 Code") to the City Council, he met Atty. Agra to discuss and be clarified on the significance of a P4 Program for the city and as a result, he was convinced by the latter for its usefulness in carrying out local development projects by engaging the active participation of the private sector. (See attached Letter dated 19 October 2017 addressed to the City Council).

¹ Agra, Alberto C. "PPP laws, not PPP law." *Business Mirror*. W P Engine, 7 Dec. 2015. Wed. 8 May 2018.

² Province of Pangasinan Provincial Resolution No. 158-2012.

³ Province of Cebu Resolution No. 668-2015/Ordinance No. 2015-04.



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With the foregoing, the undersigned has reviewed the draft P4 Code and found that it is substantially lifted from Atty. Alberto C. Agra's template for a LGU P4 Code which is likewise annexed to the aforementioned DILG Memorandum Circular No. 2016-120 dated 7 September 2016.

Upon surveying the circulated draft of the P4 Ordinance for Cagayan de Oro vis-à-vis the P4 code template endorsed by DILG, the following errors and deviations, ranging from merely typographical to essentially crucial, are noted and reflected in the table hereunder.

Line	Correction (based on template)	Draft	Remarks
87	The City exists and operates	The City exists and operated	
98	Under {Section 22 (c)}	Under {Section 22 ©	
139	timely <u>services</u>	timely servicers	
162	<u>provided that</u> the same <u>will not be</u>	if the same	
177	competitiveness	competitive	
179	<u>or defraud</u> government. <u>Where</u> competitive	government where competitive	
182	<u>and</u> exercised	exercise	
185	corporate succession	the corporate	
187	Administration	administration	
188	<u>Private Sector Proponents</u> ("PSPs")	PSPs	Acronym should be spelled out since this is the term's first appearance on the document
198	<u>RA 7718</u> (BOT Law)	9BOT Law)	
212	toll	tools	
238	with regard	with regards	



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248	<u>imposed</u> on ownership. As long as xxx <u>is not in</u> violation	in imposed on ownership, as long as xxx not violation	
285	best <u>able</u>	best ale	
307	a P4 project <u>cost</u>	the P4 project	
309	and/or <u>d)</u> waive <u>charges</u> or fees	and/or waive fees	
317	affordability assessment, <u>value for money assessment</u> , preliminary risk	affordability assessment, preliminary risk	
319	<u>indicative</u>	indicate	
326	made by a <u>PSP to the</u> City	made by a City whose	
329	charge	change	
346	<u>term</u>	them	
361	Negotiated Projects	Negotiated Project	
424	the term of <u>the contract; or compensated by the City using the funds of the latter; or the PSP may</u> collect	The term of collect tolls	
436	than <u>if</u> the government	than it	
458	For <u>corporatization</u>	corporation	
476	terminals, <u>airports</u> , community airports	terminals, community airports	
480	intermodal <u>and multi-modal</u> transit systems	intermodal transit systems	
491	climate change <u>adaptation</u>	climate change adoption	
507	LGU <u>P4 Modalities</u>	LGU PR	
512	<u>Own</u>	Owned	
517	<u>Own</u>	Owned	
544	<u>development</u> council	councils	
555	Direct <u>City</u> Equity	Direct Equity	
571	<u>of</u>	pf	
591	impose	imposed	
594	In a <u>IV or</u> appropriate modality	in a VJ appropriate	



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601	[Delete redundant phrase] - Calamity Fund when the JV projects is calamity or reconstruction related]		
603	<u>monetized</u>	memorized	
609	free carry	free carry6	
621	rights	right	
623	cost <u>avoidance</u>	cost advance	
	because of <u>and</u>	because of the	
641	contributes	contribute	
654	<u>not be</u> covered	recovered	
657	private <u>auditing</u> firm	private firm	
679	<u>Concessions</u> , Lease or <u>Affermage</u>	concessions Lease or affermage	
687	Joint <u>Ventures</u>	joint	
696	January 27, <u>1989</u>	January 27, 2989	
700	[Delete redundant phrase] the cost preparing the feasibility]		
752	<u>PSPs and challengers</u>	PSOs	
769	<u>Subjected to</u> a	subjected a	
788	and <u>that</u> the	and the	
845	original proponent <u>t</u> is	original proponents is	
863	<u>will</u> not undermine	well not	
882	Government and Public Sector Entity (PSE) Warranties, <u>PSP Warranties</u> ,	Government and Public Sector Entity (PSE) Warranties, Change	
895	factors <u>that</u> would	factors would	
899	which if <u>e</u> ffected	which is affected	
901	by the City <u>Mayor</u>	by the City	
963	that <u>if</u> a regular	that is a	
989	[italicize] <i>mutatis mutandis</i>	mutatis mutandis	
1026	City <u>and</u> PSP have a	City PSP	



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1040	Section 26	Section 1	Must adjust enumeration of sections onwards as it will affect internal citations in the ordinance
1061	shall describe	shall described	
1059	Section 27	Section 1	
1072	Section 28	Section 2	
1101	consider	considered	
1107	lay	law	
	Section 29	Section 3	
1120	Section 30	Section 4	
1125	Section 31	Section 5	
1127	PSP's performance	PSPSs, performance	
1128	P4 project	P4 projects	
1133	Section 32	Section 6	
1147	Section 33	Section 7	
1173	or goods	or good	
1185	Section 34	Section 8	
1193	Section 35	Section 9	
1194	P4 project concerned	P4 concerned	
	undertaking a P4 project	undertaking an P4	
1199	Section 36	Section 10	
1204	Section 37	Section 11	
1212	Section 38	Section 2	
1225	Section 39	Section 1	



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1230	Section 40	Section 2	
	[Insert]- "DILG" (before Department of Finance)		
1238	Section 41	Section 3	
1242	Section 42	Section 4	
1247	Section 43	Section 5	
1248	Code's effectivity	Code's effectively	
1253	Section 44	Section 6	
1266	[Insert]- (c) P4 contracts entered into prior to the enactment of this P4 Code may be amended; provided, that the terms of the original P4 contract allow for amendments, or the amendments do not tend to increase the financial exposure, liabilities and risks of the City or any other factors that would cause disadvantage to City and any deviation that will cause prejudice to losing PSPs ; provided further, that the amendments are approved by the City Mayor with prior authorization from the Sangguniang Panlungsod, and the revised terms are approved or confirmed by the Sanggunian through the enactment of an ordinance.		
	(d) Procedures and steps commenced and undertaken for the selection of, and statuses and rights conferred on a PSP prior to the effectivity of this Ordinance shall be operative, confirmed and recognized, and shall		



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	henceforth be continued under this Ordinance.		
1270	Section 45	Section 7	
1277	Section 46	Section 8	
1281	Section 47	Section 3	
1286	hereby modifies	hereby modified	
1290	Section 48	Sction 1	

Lastly, the only glaring missing provision that is found on the DILG draft LGU P4 Code template which is not found in the Draft CDO P4 Code is the following:

Sec. 46. Authority of Component LGUs.

(a) The authority of component LGUs to enact their respective P4 ordinances, and to implement P4 projects is hereby recognized by the City.

(b) The City encourages the component LGUs on their own or in partnership with other LGUs and national government agencies, government-owned and -controlled corporations, government instrumentalities, state universities and colleges and government financial institutions to pursue P4 as a development strategy and implement P4 projects that shall serve the general welfare and the public good.

The purpose of the foregoing is to promote the enactment/implementation of P4 Program at the barangay level. However, the non-inclusion of the said provision in the draft CDO P4 Code does not affect its validity, if one is enacted.

However, considering that your respective offices are directly involved in the possible implementation of the P4 Program, it is respectfully requested for you to either comment on/recommend the Draft CDO P4 Code.



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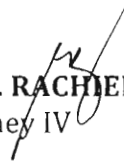
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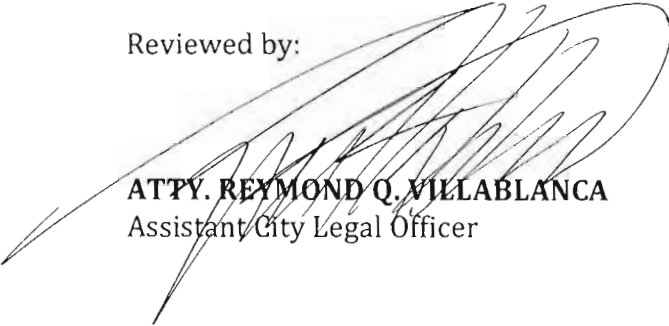
Telephone Number: +63 88 8572260, Email: citylegal_cdo@yahoo.com

Hoping for your prompt response on the matter.

Prepared by:


ATTY. RACHENE C. AGUHOB
Attorney IV

Reviewed by:


ATTY. REYMOND Q. VILLABLANCA
Assistant City Legal Officer

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PROPOSED ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE CITY CODE PURSUING A PUBLIC-PRIVATE PARTNERSHIP FOR THE PEOPLE’S INITIATIVE FOR LOCAL GOVERNMENTS (P4) APPROACH TOWARDS DEVELOPMENT, PROVIDING FOR THE PROCEDURE FOR SELECTING A PRIVATE SECTOR PROPONENT, ADOPTING A CONTRACT MANAGEMENT FRAMEWORK, AND PROVIDING APPROPRIATIONS AND FOR OTHER PURPOSES

WHEREAS, under Section 20, Article II for the 1987 Constitution, the “State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments”;

WHEREAS, the private sector participates in infrastructure, development and social service-related projects of the state and the local government units (LGUs) through what is popularly known as Public-Private Partnerships (PPPs);

WHEREAS, the Department of Interior and Local Government (DILG) Legal Opinion No. 8, S.2014 declared that “there is no specific statute on PPP nor guidelines on joint ventures for local governments” and the a “duly enacted legislation (PPP Code) must be complied with in undertaking (its) PPP projects”;

WHEREAS, according to the Department of Justice (DOJ) Opinion No. 18, S. 2012, “xxx local governments may enact their own Public-Private Partnership (PPP) Code or omnibus ordinance outlining, among others, all applicable modalities, xxx A local government, through enabling ordinance, is free to act to address local concerns, even without an enabling ordinance, provided no statute will be infringed”;

WHEREAS, in Legal Opinion No. 10, s. 2014, the DILG affirmed the above-quoted DOJ Opinion and further said that, “the LGUs’ discretion xxx is consistent with the state policy of local autonomy and is in line with the operative principle of decentralization and the national goal of propelling social and economic growth and development through the active participation of the private sector”;

WHEREAS, in furtherance of and consistent with the local autonomy, fiscal autonomy, the principle of subsidiarity, public good and welfare, general welfare, and full autonomy over propriety powers, the city is free, provided no statute is violated, to adopt its definition of a PPP undertaking and prescribe the requirements, procedures and conditions for City PPPs, and incorporate these in an operative framework; and

WHEREAS, having a framework in ordinance form will ensure and facilitate consistency, integrity, reliability, sustainability, and transparency, and enforceability;

NOW, THEREFORE, on motion of Councilor (name), duly seconded by Councilor(s)(name[s],

BE IT ORDAINED by the 18th City Council (*Sangguniang Panlungsod*) in session assembled that:

CHAPTER 1
BASIC PRINCIPLES AND DEFINITIONS

SECTION 1. Short Title. - This Ordinance shall be known and cited as the “City of Cagayan de Oro P4 Code”.

56 **SECTION 2. Declaration of Policy.** – (a) It is hereby declared as a policy that the City of
57 Cagayan de Oro shall advance the public good and general welfare, and promote the interest of the
58 community and the City within the framework of sustainable and integrated development, and
59 effective constructive engagement and meaningful people’s participation in local governance.

60
61 (b) P4 shall be pursued by the City consistent with and in furtherance of the mission and
62 vision of the City, which state that:

- 63
64 • **Mission:** To best serve all stakeholders through the empowerment of the
65 citizenry; humane, efficient, and transparent participatory governance; the
66 delivery of services that respond to stakeholders needs; compassionate adherence
67 to the rules of law; and the transformation of Cagayan de Oro as the prime city of
68 convergence of the south.
- 69 • **Vision:** The strategic and prime development hub of the south, a city managed
70 through good governance, with an empowered citizenry that thrives in a highly
71 competitive economy, and a sustainable environment that nurtures its diversity
72 and multi-cultural heritage towards a resilient, progressive, and inclusive future.

73
74 **SECTION 3. Operative Principles.** – The accomplishment of the stated policy shall be
75 guided by the following principles:

- 76
77 a) The City, pursuant to section 1,2 and 5, Article X of the 1987 Constitution, is a territorial and
78 political subdivision which enjoys local autonomy and fiscal autonomy, Under Section 3,
79 Article X of the 1987 Constitution, local autonomy means a more responsive and accountable
80 local government structure instituted through a system of decentralization. Fiscal autonomy
81 means that local government have the power to create their own sources of revenue in addition
82 to their equitable share in the national taxes released by the national government, as well as the
83 power to allocate their resources in accordance with their own priorities.
- 84 b) The general welfare and the public good shall always be promoted and that transparency,
85 public accountability and social accountability mechanisms and approaches shall be integrated
86 in P4 from inception to implementation.
- 87 c) The City exists and operates in its governmental and propriety capacities thereby making the
88 City an agent of, and is therefore accountable to, the State and its community. The role of the
89 City both as regulator of a business and implementer of a proprietary undertaking must be
90 clearly delineated.
- 91 d) The City must develop into a self-reliant community, and as such, is in a better position to
92 address and resolve matters that are local in scope. The City is under the supervision of the
93 President and under the qualified control of congress.
- 94 e) Under section 18 of the Republic Act No. 7160 of the local government Code of 1991 (1991
95 LGC), the City may acquire, develop, lease, encumber, alienate, or otherwise dispose of real or
96 personal property held by them in their proprietary capacity and to apply their resources and
97 assets for productive, developmental, or welfare purposes.
- 98 f) Under Section 22(c) of the 1991 LGC, no contract maybe entered into by the City Mayor on
99 behalf of the City without prior authorization by the Sangguniang Panlungsod. The
100 participation of the Sanggunian is indispensable in the adoption and implementation of the P4
101 arrangement.
- 102 g) Under Section 22 (d) of the 1991LGC, the City enjoys full autonomy in the exercise of its
103 propriety function and shall exercise the power expressly granted, those necessary implied
104 therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective
105 governance, those not otherwise prohibited by law and those which are essential to the
106 promotion of the general welfare.

- 107 h) Under Section 25 (b) of the 1991 LGC, the City may collaborate or cooperate with other local
108 governments, national government agencies, government-owned and controlled corporations,
109 government instrumentalities and government corporate entities for the implementation of
110 local project.
- 111 i) Under the charter of the City, Section 16, 17, 19 and 129 of 1991 LGC and other statutes, the
112 City has been given the responsibility and mandate to exercise devolved and delegated power.
- 113 j) The City, under section 106 of 1991 LGC, is mandated to draw up and implement a
114 comprehensive multi-sectoral development plan.
- 115 k) P4 shall be pursued by the City consistent with its infrastructure, development. Investment.
116 Environmental and governance framework embodied in relevant policies, plans, ordinances
117 and codes.
- 118 l) The City, as a partner in a P4 arrangement, may provide, equity, subsidy or guarantee and use
119 local funds, and the usage thereof for a P4 project shall be considered for public use and
120 purpose.
- 121 m) Under Section 34,35 and 36 of the 1991 LGC and in the exercise of its powers, the City may
122 enter into joint ventures and such other cooperative arrangements with people's and non-
123 governmental organizations (PO and NGOs) to engage in the delivery of certain basic services,
124 capability-building and livelihood projects, and to develop local enterprises designed to
125 improve productivity and income, diversity agriculture, spur rural industrialization, promote
126 ecological balance, and enhance the economic and social well-being of the people; provide
127 assistance, financial or otherwise, so such POs and NGOs for economic, socially-oriented,
128 environmental, or cultural projects to be implemented within its territorial jurisdiction.
- 129 n) The City, under Section 3 (1) of the 1991 LGC, is duty-bound to ensure the active
130 participation of the private sector in local governance.
- 131 o) The right of the people to information on matters of public concern is guaranteed under
132 section 7, Article III of the 1987 Constitution. Furthermore, it is the policy of the State to
133 allow full public disclosure of all its transactions involving public interest such as LGUP4
134 under Section 28, Article II of the 1987 Constitution.
- 135 p) The people's right to effective and reasonable participation and public trust provision under
136 Section 16, Article XIII and Section 1, Article XI, respectively, of the 1987 Constitution
137 guarantee and empower civil society organizations (CSOs) to have effective and meaningful
138 participation in the regulation and management of P4 projects.
139

140 **SECTION 4. Rationale for P4.** – P4 shall be promoted to provide more, better,
141 affordable and timely services to the community. In pursuing P4, the City shall be guided by the
142 following reasons and drivers:
143

- 144 (a) P4 shall be undertaken in furtherance of the City development and physical framework plan.
- 145 (b) P4 is an essential part of the overall infrastructure reform policy of the City. By encouraging
146 performance-based incentives whenever possible, introducing competition in and for the
147 market, and by involving users and stakeholders in the decision-making process,
148 infrastructure and regulatory reform shall be achieved.
- 149 (c) P4 should be adopted to address a pressing and urgent or critical public need. This is under
150 the principle of "Additionality," the increased economic benefits to consumer welfare of
151 having needed public services and infrastructure accessible now because of the P4, rather
152 than having to wait until the City could provide the public services much later. P4 would
153 also encourage the accelerated implementation of local projects.
- 154 (d) P4 can be adopted to avoid costs and public borrowing. By contracting with the private
155 sector to undertake a new infrastructure project, scarce city capital budgets can be directed to
156 other priority sectors such as social services, education, and health care.

- 157 (e) P4 allows for technology transfer, and improved efficiency and quality of service. These
158 could be valuable contribution of the private sector in local governance.
- 159 (f) P4 should be feasible and affordable, demonstrating the need for the project, broad level
160 project costs estimation, and indicative commercial viability. The assessment of affordability
161 shall be the cornerstone for all P4 projects, to both the City and the general public.
- 162 (g) P4 Project should be bankable. High participation costs, unreasonable risk transfer of
163 lengthy and complex contract negotiations must be avoided. A cost recovery pricing policy
164 attractive to the private sector must be in place; Provided, that the same will not be
165 disadvantageous to the government and the public interest.
- 166 (h) P4 Projects should provide value-for-money and good economic value as far as practicable,
167 including allocation of risks to the party best able to control, manage, mitigate or insure these
168 risks, and maximization of the benefits of private sector efficiency, expertise, flexibility and
169 innovation.
- 170 (i) P4 Projects must provide economic and social benefits and should be evaluated on this basis
171 rather than on purely financial considerations. The City remains responsible for services
172 provided to the public, without necessarily being responsible for corresponding investment.
- 173 (j) P4 Projects must give consideration for empowerment of Filipino citizens as a strategy for
174 economic growth sustainability and must thus provide for the participation of local investors
175 to the furthest extent practicable given the nature of the project. The City shall also ensure
176 the hiring and employment of local labor in the P4 venture.
- 177 (k) Procurement of P4 Projects must be competitive and must be undertaken through open
178 competitive bidding that is legitimate, fair and honest. In the field of government contract
179 law, competitiveness requires, not only bidding upon a common standard, a common basis,
180 upon the same thing, the same subject matter, the same undertaking, but also that it be
181 legitimate, fair and honest; and not designed to injure or defraud government, where
182 competitive bidding cannot be applied, a competitive process ensuring both transparency and
183 economically efficient outcome must be employed.
- 184 (l) The regulation of the P4 shall be pursuant to the P4 contract and exercised by the
185 appropriate regulatory authority. A duly executed and legal P4 Contract shall be respected
186 and not impaired, and shall be binding on the successor administration pursuant to the
187 provision on corporate succession. Procedures, activities and steps duly undertaken by the
188 City and Sangguniang Panlungsod pursuant to this ordinance shall be continued by the
189 successor administration. Any amendment or revision to this ordinance by the next
190 Administration shall not in any way prejudice vested and contractual rights of the City and
191 the Private Sector Proponents ("PSPs") to the substance agreement signed, certification
192 issued and procedures undertaken.
- 193 (m) To provide efficient public service, the City must ensure, through stronger performance
194 management and guidance, proper implementation of P4 contracts that will result in value
195 for money, on-time delivery of quality services to the public, achievement of government
196 policy goals, all within sustainable and integrated development.

198 **SECTION 5. Definition of terms.** – As used in this Code, the following terms shall
199 mean:

- 200
- 201 a.) Build-Operate-Transfer Law Scheme – Under Republic Act No. 6957 as amended by RA No.
202 7718 (BOT Law), the following are the BOT Law variants:
- 203
- 204 (i) Build-And-Transfer (BT) – A contractual arrangement whereby the Private Sector
205 Proponent (PSP) undertakes the financing and construction of a given infrastructure or
206 development facility, and after its completion, turns it over to the City, which shall pay
207 the PSP, on an agreed schedule, its total investment expended on the project, plus
208 Reasonable Rate of Return thereon.

- 209 (ii) Build-Lease-and-Transfer (BLT)- A contractual arrangement PSP is authorized to
 210 finance and construct and infrastructure or development facility and upon its
 211 completion, turns it over to the City on a lease arrangement for a fixed period, after
 212 which ownership of the facility is automatically transferred to the City.
- 213 (iii) Build-Operate-and-Transfer (BOT) – A contractual arrangement whereby the PSP
 214 undertakes the construction, including financing, of a given infrastructure facility, and
 215 the operation and maintenance thereof. The PSP operates the facility over a fixed term,
 216 during which it is allowed to charge facility users appropriate tolls, fees, rentals and
 217 charges not exceeding those proposed in its bid, or as negotiated and incorporated in the
 218 contract, to enable the PSP to recover its investment, and its operating and maintenance
 219 expenses in the project. The PSP transfers the facility to the City at the end of the fixed
 220 term, which shall not exceed fifty (50) years. This build, operate and transfer contractual
 221 arrangement shall include a supply-and-operate scheme, which is a contractual
 222 arrangement whereby the supplier of equipment and machinery for a given
 223 infrastructure facility, if the interest of the City so requires, operates the facility,
 224 providing, in the process, technology transfer and training to Filipino nationals.
- 225 (iv) Build-Owned-and-Operate (BOO) – A contractual arrangement whereby a PSP is
 226 authorized to finance, construct, own, operate and maintain an infrastructure or
 227 development facility form which the PSP is allowed to recover its total investment,
 228 operating and maintenance costs plus a reasonable return thereon by collecting tolls fees,
 229 rentals or other charges from facility users. Under this project, the proponent who owns
 230 the assets of the facility may assign its operation and maintenance to a facility operator.
 231 The divestiture or disposition of the asset or facility shall be subject to relevant rules of
 232 the Commission on audit (COA).
- 233 (v) Build-Transfer-and-Operate (BTO) – a contractual arrangement whereby the City
 234 contracts out the construction of an infrastructure facility to a PSP such that the
 235 contractor builds the facility on a turnkey basis, assuming cost overruns, delays, and
 236 specified performance risks. Once the facility is commissioned satisfactorily, title is
 237 transferred to the City. The PSP, however, operates the facility on behalf of the City
 238 under an agreement.
- 239 (vi) Contract-Add-and-Operate (CAO) – A contractual arrangement whereby the PSP adds
 240 to existing infrastructure facility which it is renting from the City and operates the
 241 expended project over an agreed franchise period. There may or may not be a transfer
 242 arrangement with regard to the added facility provided by the PSP.
- 243 (vii) Develop-Operate-and Transfer (DOT) – A contractual arrangement whereby favorable
 244 conditions external to a new infrastructure project to be built by a PSP are integrated
 245 into the arrangement by giving that entity the right to develop adjoining property, and
 246 thus, enjoy some of the benefits the investment creates, such as higher property or rent
 247 values.
- 248 (viii) Rehabilitate-Operate-and-Transfer (ROT) – A contractual arrangement whereby an
 249 existing facility is turned over to the PSP to refurbish, operate and maintain for a
 250 franchise period, at the expiry of which the legal title to the facility is turned over to the
 251 City}.
- 252 (ix) Rehabilitate-Owned-and-Operate (ROO) – A contractual arrangement whereby an
 253 existing facility is turned over to the PSP to refurbish and operate, with no time
 254 limitation imposed on ownership. As long as the operator is not in violation of its
 255 franchise, it can continue to operate the facility in perpetuity.
- 256
- 257 b.) **Competitive Challenge or Swiss challenge** – An alternative selection process wherein
 258 third parties or challengers shall be invited to submit comparative proposals to an unsolicited
 259 proposal. Accordingly, the PSP who submitted the unsolicited proposal, or the original
 260 proponent, is accorded the right to match any superior offers given by a comparative PSP.

- 261 c.) **Competitive Negotiations** – Refers to a process where the City negotiated with eligible
 262 and qualified PSPs and awards the project to the PSP which offers the best combination of
 263 quality and price.
- 264 d.) **Competitive Selection or Bidding or Open Competition** – Refers to a method of
 265 selection or procurement initiated and solicited by the City, based on transparent criteria,
 266 which is open to participation by any interested party.
- 267 e.) **Concession** – A contractual arrangement whereby the financing and construction of a new
 268 facility and or/or rehabilitation of an existing facility is undertaken by the PSP after turnover
 269 thereof to it, and includes the operations, maintenance, management and improvement, if
 270 any, of the facility for a fixed term during which the PSP generally provides services directly
 271 to facility users and is allowed to charge and collect the approved tolls, fees, tariffs, rentals or
 272 charges from them. The City may receive a concession or franchise fee during the term of
 273 the contract and/or other consideration for the transfer, operation or use of any facility.
 274 There may be a transfer of ownership of the asset or facility after the concession period has
 275 ended subject to rules of the COA.
- 276 f.) **Corporatization.** – Refers to transformation of a wholly – or majority-owned subsidiary of
 277 or quasi-municipal corporation established by the City into one that has the structure and
 278 attributes of a private corporation, such as a board of directors, officers, and shareholders,
 279 and having its registered with the Securities and Exchange Commission as a stock
 280 corporation. The process involves the establishment of a distinct legal identity for the
 281 company under which the City's role is clearly identified as owner; segregation of the
 282 company under which the City's role is clearly identified as owner; segregation of the
 283 company's assets, finances and operations from other City operations; and development of a
 284 commercial orientation and managerial independence while remaining accountable to the
 285 government or electorate.
- 286 g.) **Cost Sharing** - This shall refer to the City portion of capital expenses associated with the
 287 establishment of an infrastructure development facility such as the provision of access
 288 infrastructure, right-of-way and any partial financing of the project.
- 289 h.) **Credit Enhancement** – This shall refer to direct and indirect support to a development
 290 facility by the PSP and/or City, the provision of which is contingent upon the occurrence of
 291 certain events and/or risks, as stipulated in the P4 contract. Credit enhancements are
 292 allocated to the party that is best able to manage and assume the consequences of the risk
 293 involved. Credit enhancements may include but are not limited to government guarantees
 294 on the performance or the obligation of the City under its contract with the PSP, subject to
 295 existing laws on indirect guarantees. Indirect guarantees shall refer to an agreement whereby
 296 the City assumes full or partial responsibility for or assists in maintaining the financial
 297 standing of the PSP or project company in order that the PSP/project company avoids
 298 defaulting on the project loans, subject to fulfillment of the PSP/Project company of its
 299 undertaking and obligations under the P4 contract.
- 300 i.) **Developmental Project** – City Projects normally financed and operated by the City, but
 301 which will now to be wholly or partly financed, constructed and/or operated by the PSP;
 302 projects that will advance and promote the general welfare and public goods; projects and
 303 activities that will be responsive to the needs of the communities; projects that will raise
 304 revenues for the City; projects in furtherance of devolution, deconcentration and
 305 decentralization; and other infrastructure, social-related and developmental projects as may
 306 be authorized by the City.
- 307 j.) **Direct City Equity** – Refers to the subscription by the City of shares of stock or other
 308 securities convertible to shares of stock of the special purpose vehicle or single purpose
 309 project company, whether such subscription will be paid by money or assets.

- 310 k.) **Direct City Guarantee** – Refers to an agreement whereby the City guarantees to assume
311 responsibility for the repayment of debt direct incurred by the PSP in implementing the
312 project in case of a loan default.
- 313 l.) **Direct City Subsidy** – Refer to an agreement whereby the City shall: a) defray, pay or
314 shoulder a portion of the P4 project cost or the expenses and costs in operating and
315 maintaining the project; b) condone or postpone any payments due from the PSP; c)
316 contribute any property during the term of the contractual arrangement; and/or d) waive
317 charges or fees relative to the business permits or licenses that are to be obtained for the
318 construction of the project, all without receiving payments or value from the PSP or
319 operator for such payment, contribution or support.
- 320 m.) **Divestment or Disposition** – Refers to the manner or scheme of taking away, depriving,
321 withdrawing of title to a property owned by the City and vesting ownership thereof to a PSP.
- 322 n.) **Feasibility or Project Study (FS)** – A study, full or pre-feasibility study or business case
323 prepared by the City in a competitive selection or a PSP when submitting an unsolicited
324 proposal, containing or indicating a needs analysis, affordability assessment, preliminary risk
325 assessment, value for money assessment, stakeholder assessment, human resource
326 assessment, bankability assessment, legal viability assessment, P4 mode selection, market
327 testing if relevant, indicative transaction implementation plan, and draft P4 contract. The
328 study may be supported by the results of the appropriate “willingness-and-ability-to-pay”
329 survey. The Project Study can be a feasibility study, pre-feasibility study or business case.
- 330 o.) **Franchise** – Refers to the right or privilege affected with public interest which is conferred
331 upon a PSP, under such terms and condition as the City may impose, in the interest of
332 public welfare, security and safety.
- 333 p.) **Gratuitous Donation** – A donation made by a PSP to the City whose cause is pure
334 liberality on the part of the former and does not require from the latter any additional action
335 other than utilizing the thing donated for the purpose agreed upon, or impose any
336 obligation, burden, charge or future services, benefits, or concessions, or other form of grant,
337 in order to be valid.
- 338 q.) **Joint Venture (JV)** – A contractual arrangement whereby a PSP or a group of PSPs on one
339 hand, and the City, on the other hand, contribute money/capital, services, assets (including
340 equipment, land, intellectual property or anything of value), or a combination of any or all of
341 the foregoing. The City shall be a minority equity or shareholder while the PSP shall be
342 majority equity or shareholder. Each party shall be entitled to dividends, income and
343 revenues and will bear the corresponding losses and obligation in proportion to its share.
344 Parties to a JV share risks to jointly undertake an investment activity in order to accomplish a
345 specific, limited or special goal or purpose with the end view of facilitating private sector
346 initiative in a particular industry or sector, and eventually transferring ownership of the
347 investment activity to the PSP under competitive market conditions. It involves a
348 community or pooling of interests in the performance of the service, function business or
349 activity, with each party having a right to direct and govern the policy in connection
350 therewith, and with a view of sharing both profits and losses, subject to agreement by parties.
- 351 r.) **Lease or Affermage** – A contractual arrangement providing for operation, maintenance,
352 and management services by the PSP, including working capital and/or improvements to an
353 existing infrastructure or development facility leased by the PSP from the City for a fixed
354 term. Under a lease, the PSP retains revenue collected from the customers and makes a
355 specified lease payment to the City. Under an affermage, the parties share revenue from
356 customers wherein the PSP pays the contracting authority an affermage fee, which varies
357 according to demand and customer tariffs, and retains the remaining revenue. The City may
358 provide a purchase option at the end of the lease period subject to rules of the COA.
- 359 s.) **Limited negotiations** – Refers to a process whereby the City negotiates with the PSP in
360 instances when there is only one eligible qualified PSP in a competitive selection process,

- 361 under Stage 2 of the competitive challenge process, or when there is prior completed
362 competitive process.
- 363 t.) **Management Contract** – A contract arrangement involving the management or provision
364 by the PSP of operation and maintenance or related services to an existing infrastructure or
365 development facility owned or operated by the City. The PSP maybe compensated by the
366 City using the funds of the latter; or the PSP may collect tolls/fees/rental and charges which
367 shall be turned over to the City and shall be compensated in the form of a fixed fee, a share
368 in the revenues and/or performance-based management or service fee during the contract
369 term.
- 370 u.) **Negotiated Projects.** – Refer to instances where the desired project is the result of an
371 unsolicited proposal from a PSP or where the City has failed to identify an eligible PSP for a
372 desired P4 activity when there is only one qualified bidder after subjecting the same to a
373 competitive selection or bidding.
- 374 v.) **New technology** – Refers to having at least one of the following attributes:
375
376 a. A recognized process, design, methodology or engineering concept which has
377 demonstrated its ability to significantly reduce implementation of construction costs,
378 accelerate project execution, improve safety, enhance project performance, extend
379 economic life, reduce costs of facility maintenance and operations, or reduce negative
380 environmental impact or social/economic disturbances or disruptions during either the
381 project implementation/construction phase or the operation phase; or
382 b. A process for which the project member proponent or any member of the proponent
383 joint venture/consortium possesses exclusive right, either-world-wide or regionally; or
384 c. A design, methodology or engineering concept for which the proponent or a member
385 of the proponent consortium or association possesses intellectual Property rights.
386
- 387 w.) **Onerous Donation** – A donation made by a PSP to a City which subjects the latter to
388 obligations, burdens, charges or future services, benefits, or concessions, or other form of
389 grant, equal or greater in value than that of the thing donated by the donor-PSP.
- 390 x.) **Private Sector Proponent (PSP)** – Refers to the private sector entity which shall have
391 contractual responsibility for the project and which shall have an adequate track record in the
392 concerned industry, as well as technical capability and financial base consisting of equity and
393 firm commitments from reputable financial institutions, to provide, upon award, sufficient
394 credit lines to cover the total estimated costs of the project to implement the said project.
- 395 y.) **Public-Private Partnership for the People initiative for Local Government (P4)** – At the
396 policy level, an P4 is a developmental, innovative, change and partnership strategy aimed at
397 promoting the general welfare, inclusive growth and better quality of life of Filipinos.
398
- 399 At a project level, an P4 is legally enforceable contract where each party assumes
400 specified functions, bears certain risks, provides contribution or renders some obligation, and
401 earn benefits and revenues from the P4 arrangement. Specifically, it is a form of legally
402 enforceable contract between the City and a PSP, and in certain cases, with requiring new
403 investments from the PSP and transferring key risks to the PSP in which requiring new
404 investments from the PSP and transferring key risks to the PSP in which payments are made
405 in exchange for performance, for the purpose of delivering a service provided or intended to
406 be provided by the City. P4 shall also include dispositions of an asset, project owned, or
407 entity created by the City to a PSP; procurement of a service; donations to the City;
408 incorporation of a subsidiary with PSP equity; assumption by a PSP of a proprietary function
409 of the City; grant of a concession or franchise to a PSP by the City; or usage by the PSP of
410 public property owned or possessed by the City.
411
- 412 z.) **P4 Contract** – Refers to the agreement between the City and a PSP that govern an P4 project

- 413 aa.) Reasonable Rate of Return (RRPR) – Refers to the rate of return that a PSP shall be entitled
414 to, as determined by the P4 Regulatory Authority taking into account, among others, the
415 prevailing cost of a capital (equity and borrowings) in the domestic and international
416 markets, risks being assumed by the PSP and the level of City undertakings and
417 contributions extended for the project.
- 418 bb.) Rehabilitate-Lease-and-Transfer (RLT) – A contractual arrangement whereby an existing
419 facility is turned over to the PSP to refurbish and operate, and upon its completion, turns its
420 over to the City on a lease arrangement for a fixed period, after which ownership of the
421 facility is automatically transferred to the City.
- 422 cc.) Rehabilitate-Transfer (RT) – A contractual arrangement whereby an existing facility is
423 turned over to the PSP to refurbish and operate, and after its completion, turns it over to
424 City, which shall pay the PSP, on agreed schedule, its total investment expended on the
425 project, plus a reasonable rate of return thereon.
- 426 dd.) Rehabilitate- Transfer-and-Operate (RTO) – A contractual arrangement whereby an existing
427 facility is turned over to the PSP to refurbish and operate, Once the facility is commissioned
428 satisfactorily, titled is transferred to the City. The PSP, however, operates the facility in
429 behalf of the City under an agreement.
- 430 ee.) Service Contact – A contractual arrangement whereby the PSP shall provide a particular
431 service to the City involving the City's proprietary authority or to entities or corporation
432 created by the City. The PSP shall be entitled to be paid a fee per unit of work done during
433 the term of the contract; or compensated by the City using the funds of the latter; or the PSP
434 may collect tolls/fees/rentals and charges which shall be turned over to the City and shall be
435 compensated in the form of share in the revenues.
- 436 ff.) Subsidiary with PSP Equity – A corporation or quasi-municipal corporation incorporated by
437 a City and registered as a stock corporation under the corporation code where majority of the
438 shares are held by a City and where a PSP is or PSPs are minority shareholder(s) which
439 acquire their shares through an initial public offering or other competitive means.
- 440 gg.) Unsolicited Proposal – Refers to project proposals submitted by a PSP to the City to
441 undertake Development Projects without a formal solicitation issued by the City whereby
442 the negotiated terms shall be subjected to comparative proposals.
- 443 hh.) Value for Money (VfM) – Refers to the concept that over the whole-life of a project finance-
444 P4 project, government's total expenditures (i.e., its payments to the PSP), adjusted for the
445 risks that have been transferred to the PSP, will be less, on a Net Present Value (NPV) basis,
446 than if the government will perform the services itself, VfM considers monetary and non-
447 monetary factors such as: (i) risk transfer; (ii) reduced whole life costs; (iii) speed of
448 implementation; and (iv) quality and reliability of service.
- 449 ii.) Viability Gap Funding (VGF) – Refers to an explicit subsidy that is performance-driven (i.e.,
450 based on private party achieving measurable outputs) and targeted to socio-economically
451 disadvantaged users or groups of users; or any financial support in the form of grants or
452 assistance, any time or deferred, to infrastructure projects undertaken through P4 with a
453 view to make them commercially viable.

454
455 **SECTION 6. Rules of Interpretation** – This Code and the provisions hereof shall be
456 liberally interpreted to accomplish the policy and the objectives set forth in Section 2,3 and 4
457 hereof.
458

459 **SECTION 7. Authorities.** – (a) This Code is being adopted pursuant to the City's
460 constitutional and statutory authorities enumerated under section 3 hereof; and when not
461 inconsistent with the relevant laws aforementioned, shall govern the adoption and implementation
462 of the P4 Modalities.

- 463 (b) In pursuing BOT Law variants, the City shall comply with BOT Law and its implementing
464 rules and regulations.
- 465 (c) In entering into Management and service Contract where city funds are used, the City/shall
466 comply with Republic Act 9184 or the Government Reform Act (GPRA) and its
467 implementing Rules and Regulations.
- 468 (d) For Dispositions, COA Circular No. 89-296 (January 27, 1989) shall govern.
- 469 (e) For Corporatization, the incorporation of the corporation must be done in accordance with
470 the Corporation Code of the Philippines.
- 471 (f) For Local Concessions, Leases and Affermage, Rehabilitate-and-Transfer, Rehabilitate-
472 Lease-and-Transfer, and Rehabilitate-Transfer-and-Operate, Management and Service
473 Contract where City funds are not used to procure the services of the PSP, and donations,
474 the City's policies or ordinances will be the governing instrument.
- 475 (g) For Joint Ventures, Section 35 of the 1991 LGC and Article 62 of the Implementing Rules
476 and Regulations of the 1991 LGC shall be the governing law, and law on Partnerships of the
477 Civil Code of the Philippines shall apply suppletorily.
- 478 (h) For Leases and Affermage, and Donations, the Law on Leases of the Civil Code of the
479 Philippines may be referred to.

481 CHAPTER 2 482 P4 PROJECTS AND P4 MODALITIES 483

- 484 **SECTION 8. P4 Projects.** – (a) The City, through the appropriate and the viable P4
485 mode, may undertake Development Projects, including but not limited to, singly or with other
486 related components, energy and power, renewable energy, waste-to-energy, roads, bridges,
487 causeways, waterways, highways, ports wharfs, terminals, airports, canals, dams, desilting,
488 dredging, mining and exploration hydropower projects, water supply and distribution, sewerage,
489 irrigation, drainage, water conservation such as impoundment areas and rainwater harvesting,
490 telecommunications, railroad and railways, short-haul transit services such as monorail, guided
491 bus, bus services and trams, intermodal and multi-modal transit systems, transport system, traffic
492 control and management, parking facilities, reclamation projects, platform settlements, industrial
493 estates or townships, central business and industrial park development, hotels and resorts,
494 socialized housing, non-conventional low-cost housing, settlement/resettlement and relocation
495 facilities, residential subdivisions, parks and open space development/redevelopment, pocket parks,
496 public art, libraries, heritage conservation, government buildings sustainable/green public
497 buildings, sports facilities, wellness establishments, eco-tourism, wellness tourism and agri/agro-
498 tourism, public markets, commercial buildings, slaughterhouses, storage buildings, warehouses,
499 cold storage, solid waste management, sanitary landfills, meeting and convention centers,
500 information technology networks and database infrastructure, education-related, classrooms,
501 health facilities, hospitals, social services-related, prisons, agricultural-related, post-harvest
502 facilities, environmental management and protection, climate change adaptation, disaster risk
503 reduction, among other development projects.
- 504
- 505 (b) The determination of the appropriateness and viability of the P4 mode shall be specified,
506 explained and justified in the feasibility or project study weighing all the relevant value
507 drivers and reasons for pursuing an P4 Project.
- 508
- 509 (c) Parties to P4 arrangement shall undertake an activity in order to accomplish either an
510 integrated or multi-use arrangement or specific goal or purpose with the end view of serving
511 the public good or generating revenues.
- 512
- 513 (d) No P4 Projects shall bear the name of any past or incumbent local official.
- 514

515 **SECTION 9. List of P4 Priority Projects.** - The City shall identify priority
516 development projects that may be undertaken under any of the P4 Modalities defined under
517 Section 10 hereof.

518
519 **SECTION 10. P4 Modalities.** - In undertaking a specific P4 Project, the City may adopt
520 and pursue any of the following LGU P4 Modalities defined hereof.

- 521
522 a) Build-and-Transfer (BT);
523 b) Build-Lease-and-Transfer (BLT);
524 c) Build-Operate-and-Transfer (BOT);
525 d) Build-Own-and Operate (BOO);
526 e) Build-Transfer-and-Operate (BTO);
527 f) Contract-Add-and-Operate (CAO);
528 g) Develop-Operate-and-Transfer (DOT);
529 h) Rehabilitate-Operate-and-Transfer (ROT);
530 i) Rehabilitate-Own-and-Operate (ROO);
531 j) Rehabilitate-Lease-and-Transfer (RTL);
532 k) Rehabilitate-and-Transfer (RT);
533 l) Rehabilitate-Transfer-and-Operate (RTO);
534 m) Concession Agreement;
535 n) Joint Venture (VJ);
536 o) Lease or Affermage;
537 p) Management Contract using City Funds;
538 q) Management Contract without City Funds;
539 r) Service Contract using City Funds;
540 s) Service Contract without using City Funds;
541 t) Divestment or Disposition;
542 u) Corporatization;
543 v) Incorporation of a Subsidiary with PSP equity;
544 w) Onerous Donations;
545 x) Gratuitous Donations;
546 y) Any other modality akin to any of the above or features thereof which falls under the
547 alternative definition of an P4 under Section 5(u) hereof.

548
549 **SECTION 11. General Requirements.** – These are the general requirements for the
550 City in entering into P4:

- 551
552 (a) Undertaking an P4 a Development Project must be premised on any or all of the reasons and
553 drivers mentioned in Section 4 hereof.
- 554 (b) The list pf projects to be implemented by the City under of the BOT Law variants shall be
555 submitted for confirmation to the City Development Council for projects costing above
556 Twenty up to Fifty Million Pesos; above Fifty Million Pesos up to Two Million Pesos to the
557 regional development council; and those above Two Hundred Million to the investment
558 coordination committee of the National Economic and Development Authority (NEDA)
- 559 (c) Projects included in the List of Priority Projects shall not be eligible for unsolicited proposals
560 under any of the BOT Law variants, unless involving a new concept or technology;
561 provided, that for any of the other P4 Modalities, unsolicited proposals may be accepted even
562 if the projects is included in the List of Priority Projects or whether the same features a new
563 concept or technology or not.
- 564 (d) The prohibition for extending Direct City Guarantee, Direct City Subsidy and Direct City
565 Equity only applies to unsolicited proposals for BOT Law variants under the BOT Law.
- 566 (e) For BOT Law variants that will be subjected to bidding, Concession Arrangements, Leases
567 or Affermage, Management and Service Contracts, and Joint Ventures, the City may provide

- 568 Direct City Guarantee, Direct City Subsidy, Direct City Equity or Viability Gap Funding,
569 provided that city can use a portion of its general fund, its development fund comprising its
570 annual share in the Internal Revenue Allotment, and/or its equitable share in the proceeds of
571 the utilization and development of national wealth found within its territory for the purpose;
572 provided further, that any amount used for subsidy or equity for an P4 project shall be
573 deemed for development purposes and for the direct benefits of the inhabitants (pursuant to
574 Sections (287 and 294 of the 1991 LGC, respectively).
- 575 (f) For all P4 Modalities, the City may provide Credit Enhancements and Cost-sharing
576 schemes.
- 577 (g) Official Development Assistance (ODA) as defined in R.A. 8182, otherwise known as the
578 ODA Act of 1996, as amended by R.A. 8555, may be availed for an (4) Projects where there
579 is difficulty in sourcing funds; provided, that ODA financing shall not exceed 50% of the
580 project costs, with the balance to be provided by the PSP.
- 581 (h) Any subsidy to the constituent that will be extended by the City must be targeted,
582 transparent and efficiently administered.
- 583 (i) Each P4 Modality adopted for a specific P4 project must specifically provide and adopt a
584 tariff-mechanism such as but not limited to cash-needs, price cap, revenue cap, rate of
585 return, hybrid of the foregoing, or any other appropriate scheme.
- 586 (j) For negotiated contracts for BOT Law variants for the public utility projects which are
587 monopolies, the rate of return on rate case shall be determined by existing laws, which in no
588 case shall exceed twelve per centum (12%).
- 589 (k) In case of a project requiring a franchise or license to operate, the winning PSP shall
590 automatically be granted by the City franchise or license or permit to operate and maintain
591 the facility, including the collection of tolls, fees, rentals, and other charges in accordance
592 with the schedules stipulated in the approved P4 contract. In case a JV Company is formed,
593 the franchise, concession or license shall be automatically granted to the JV Company. Upon
594 the signing of the JV Agreement by the Mayor pursuant to the authority given by the
595 Sangguniang Panlungsod, the franchise, concession or license is deemed awarded to the
596 winning PSP, in case of a contractual JV, or the JV company. The original franchise period as
597 stipulated in the contract agreement may be extended, as may be authorized by the City
598 provided that the total franchise period shall not exceed fifty (50) years.
- 599 (l) The City shall have the option or allow the formation of a special purpose vehicle or single
600 purpose project company to implement the P4 project as may be appropriate under the
601 chosen P4 Modality.
- 602 (m) In participating in LGU P4, the city may, subject to Section 16, 17,18,19 and 20 of the 1991
603 LGC, exercise police power, perform devolved powers, power to apply and generate
604 resources, expropriate and reclassify and enact or integrate zoning ordinances.
- 605 (n) The City shall prescribe and impose Procurement Ethics to be followed by the City and all
606 bidders based on the principles of honesty, integrity, probity, diligence, fairness, trust,
607 respect and consistency for all PSPs and bidders.
- 608 (o) In a JV or appropriate modality, the co-ventures or parties to a JV shall contribute money,
609 capital, services, personnel, assets including equipment, land, intellectual property or
610 anything of value, or a combination of any or all of the foregoing to the JV arrangement. The
611 contribution of the City shall be subject to third party independent valuation. Further:
- 612 i) The City may allocate a portion of its Internal Revenue Allotment, real property tax,
613 development of its national wealth, Special Education Fund when the JV projects is
614 education related, Calamity Fund when the JV projects is calamity- or
615 reconstruction-related and special funds, if appropriate, as its contribution or share
616 in the JV activity. These may be the actual or current funds, or future or monetized
617 value of these funds of the City.

- 618 ii) The City may contract a loan, avail of Official Development Assistance, secure
619 grants, issued bonds, debentures, securities, collaterals, and notes the proceeds of
620 which can earmarked for the JV activity.
- 621 iii) On the part of the City, in addition to the foregoing contributions, it may extend
622 goodwill, free carry, grant a franchise, concession, usufruct, right-of-way, equity,
623 subsidy or guarantee, provide cost sharing and credit enhancement mechanisms,
624 exercise police power, give tax incentives or tax holidays, perform devolved powers,
625 expropriate and reclassify and enact or integrate zoning ordinances.
- 626 iv) The City shall be minority equity or shareholder while the PSP shall be the majority
627 equity or shareholder, except in the case where fifty percent (50%) of the
628 outstanding capital stock or contribution is owned or made by the City. A reasonable
629 percentage of the equity to be provided by the PSP should come from its own
630 resources and not borrowed.
- 631 v) Notwithstanding having only, a minority share or equity, the written consent of the
632 City may be obtained, based on the JVA, prior to any divestment of any asset or
633 facility dissolution, transfer or sale of share of equity on the part of the PSP,
634 purchases or transaction beyond prescribed thresholds, or other activities which may
635 affect the rights and stake in the Project of the City.
- 636 vi) Any cost avoidance or substantial savings that will be made by the City because of
637 and directly attribute to the JV activity may be factored in the computation of the
638 respective shares of the City and the PSP.
- 639 vii) For the utilization and development of natural resources located within its
640 jurisdiction, the City shall be entitled to an equitable share which may come in the
641 form of a portion of the benefits, revenues and profits thereof.
- 642 viii) The share of each JV party shall be set as fixed or determinable percentages or values
643 either based on an overall or across-the-board assignment of contributions, revenues,
644 profits, losses, risks and functions; or on specific assignment of contributions and
645 functions to each JV party, provided that the agreed percentage share is maintained
646 and that joint governance is ensured where the City shall have representation in the
647 governing structure based on its proportionate share at the minimum.
- 648 ix) Subject to the terms of the competitive selection process and agreement of the
649 parties, the City may be entitled to a share greater than its contribution or equity.
- 650 x) Each party shall be entitled to dividends, profits, income and revenues and will bear
651 the corresponding risks, losses and obligations in proportion to its share, either based
652 on gross or net revenues or income, unless the parties agree that the City will have a
653 greater share in the dividends, profits, income and revenues and/or bear lower risk
654 and percentage loss than what it contributes to the JV arrangement.
- 655 xi) For as long as the City is involved in the JV undertaking, the PSP shall not
656 sell/transfer its interest in the JV Company without the express written consent of
657 the City.
- 658 xii) The Share or equity of the City in the JV arrangement may be advanced, in full or in
659 part, by the PSP where the PSP shall be paid from the future revenues due to the
660 City either by set-off or actual payment.
- 661 xiii) The JV activity may, subject to the terms of the competitive selection process,
662 include the divestment, disposition or transfer of ownership of the JV activity,
663 equity, asset or project to the PSP or JV partner. The divestment or disposition may
664 take place at the end of the JV period or before the term ends.
665

- 666 (p) Procurement made by the City using public funds shall be subject to the GRPA and its
667 Revised Implementing Rules and Regulations. Procurement made by the PSP using private
668 funds shall not be covered by said statute.
- 669 (q) The revenues funds, expenditures and contributions of the City shall be subject to the audit
670 examination by the COA. Revenues, Funds, expenditures and contributions of the PSP shall
671 be subject to audit by a private auditing firm.
- 672 (r) Any subsidiary, guarantee, equity or contingent liability assumed or given by the City must
673 reflected, disclosed and recognized in the annual appropriations of the City.
674

675 **SECTION 12. Government-to-Government Joint P4 Undertakings.** – The City by
676 mutual agreement in a government-to-government arrangement with other local governments,
677 national government agencies government-owned and controlled corporations, government
678 instrumentalities and government corporate entities, may implement P4 Projects located within
679 the City’s territory or those projects that will benefit the City and its community even if the project
680 site is outside the City’s territory; provided, that the collaborating or partner government entity
681 jointly undertakes with the City the selection of the PSP using the appropriate P4 Modality.
682

683 **CHAPTER 3**
684 **P4 PROCEDURES AND P4 CONTRACT**
685

686 **SECTION 13. P4 Procedures** – The following procedures shall apply:
687

- 688 a) For BOT law variants. The City must comply with the procedure set forth in the BOT law
689 and its implementing Rules and Regulations.
- 690 b) For Management and Service Contract where City funds will be used, the City shall comply
691 with Republic Act No. 9184 or the Government Procurement Reform Act and its
692 Implementing Rules and Regulations.
- 693 c) For Concessions, Lease or Affermage, and Management and Service Contracts where public
694 Funds are not used to procure the services of the PSP, competitive selection, limited
695 negotiations, competitive negotiations or competitive challenge as defined herein may be
696 utilized to select the PSP.
- 697 d) For onerous donations, competitive negotiations or competitive challenge as defined herein
698 may be utilized to select the PSP. For gratuitous donations, the competitive processes
699 mention herein need not be followed. However, the deed of donation must be made known
700 to the public.
- 701 e) For Joint Ventures, Rehabilitate-Transfer, Rehabilitate-Lease-Transfer and Rehabilitate-
702 Transfer-and-Operate, competitive selection, limited negotiations or competitive challenge
703 as defined herein may be utilized to select the PSP/JV partner.
- 704 f) For Divestment or Disposition of a property, COA Circular No. 89-296 (January 27, 1989)
705 shall be applicable.
- 706 g) For the incorporation of a subsidiary with equity from the PSP, the Corporation Code shall
707 be followed.
- 708 h) For the Divestiture of a subsidiary or corporation incorporated by the City under
709 Corporatization, the sale may be pursued via a public offering or through a public auction or
710 other relevant schemes under COA Circular No. 89-296 (January 27, 1989).
- 711 i) If the City opts to select a PSP using either Competitive Selection or Competitive
712 Challenge, the City in the Competitive Selective and Competitive Negotiations, and the
713 PSP in the competitive challenge approach must prepare and submit a Feasibility or Project
714 Study. The cost of preparing the feasibility study, or Project Study may be reimbursed by the
715 winning PSP to the City under the Competitive Selection mode.

- 716 j) All recommendations of the P4 Selection Committee shall be submitted to the City Mayor
717 for consideration and approval.
- 718 k) All P4 contracts must be signed by the City Mayor with prior authorization by the
719 Sanggunian Panlungsod through a resolution. The terms and provisions of the P4 contract
720 must be approved or confirmed by the Sanggunian Panlungsod through an ordinance.
- 721 l) During the consideration of the draft P4 Contract by the Sanggunian Panlungsod a public
722 consultation/hearing shall be conducted explaining the P4 Project, P4 Contract,
723 accountability mechanisms built into the P4 arrangement, the benefits and costs of the P4
724 Project, among relevant matters.
- 725 m) After the signing of the P4 Contract by the City Mayor, the P4-SC shall issue the Notice of
726 Award to the PSP. After the required condition precedents are complied with the winning
727 PSP, the City Mayor, upon the recommendation of the P4-Sc, shall issue the Notice to
728 Proceed.
- 729 n) While the P4 Contract is already valid, perfected and enforceable, it may be submitted for
730 judicial, executive or administrative confirmation from the courts or appropriate government
731 institutions.
732

733 **SECTION 14. P4 Selection Committee.** – (a) There is hereby created a P4 Selection
734 Committee (P4-SC) for purposes of selecting a PSP for a specific P4 Project. The P4-SC, to be
735 constituted and covered by the City Mayor, shall be composed of the following:
736

- 737 (i) Chairperson – At least a third ranking officer of the City;
738 (ii) Secretary – City Legal Officer;
739 (iii) The City Treasurer;
740 (iv) The City Planning and Development Officer
741 (v) One (1) representative from and selected by the Sanggunian Panlungsod designated in
742 an appropriate resolution; and
743 (vi) Two (2) representatives from and chosen by accredited CSOs, POs, and NGOs who
744 are members of the City Development Council/Regional Economic and Development
745 Board.
746

747 A quorum of the P4-SC shall be composed of a simple majority of all voting members.
748 The chairperson shall vote only in case of tie.
749

750 The P4-SC with the approval of the City Mayor may invite provisional non-voting
751 members from the national government agencies, regulatory agencies, NEDA, DILG, and the
752 private sector to observe in the proceedings of the P4-SC; and form a support staff composed of
753 employees and staff of the City.
754

- 755 (b) The P4-SC shall be responsible for all aspects of the pre-selection and selection process,
756 including, among others, the preparation of the Feasibility or Project Study and
757 Selection/tender documents; determination of the minimum designs, performance
758 standards/specifications, economic parameters, and reasonable rate of return or tariff-setting
759 mechanism appropriate to the P4 Modality; drafting or evaluation of the P4 contract;
760 publication of the invitation to apply for eligibility and submission of proposals or
761 comparative proposals; defining the eligibility requirements, appropriate form and amount of
762 proposal securities, and schedules of the selection and challenge processes; pre-qualification
763 of prospective PSPs, bidders or challengers; conduct of pre-selection conferences and
764 issuance of supplemental notices; interpretation of the rules regarding the selection process;
765 conduct of the selection or challenge process; evaluation of the legal, financial and technical
766 aspects of the proposals; resolution of disputes between PSPs and challengers; defining the
767 appeals mechanisms; and recommendation for the acceptance of the proposal and/or for the
768 award of the contract.

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SECTION 15. Competitive Selection. – (a) The Competitive selection procedure shall consist of the following steps; advertisement, issuance of instructions and tender documents, conduct of pre-bid conferences eligibility screening of prospective bidders, receipt and opening of bids, posting of proposal securities, evaluation of bids, post-qualification, and award of contract.

(b) The City Mayor shall approve the tender documents and the draft P4 Contract before they are issued to the prospective PSPs/bidders.

SECTION 16. Limited Negotiations. – Where the City;

- (a) fails to identity an eligible PSP for a desired P4 activity when there is only one qualified bidder after subjecting the same to a competitive selection or competitive selection or bidding; or
- (b) considers a project or activity either through competitive selection or competitive challenge where an indispensable or integral component thereof has already been Subjected to a competitive process by the appropriate administrative agency, government instrumentally or government-owned-and-controlled corporation which gives the PSP offerer a vested and exclusive right over that component without which, the P4 Project cannot be implemented as envisioned,

Limited Negotiations may take place. The negotiations will cover all the technical and financial aspects of the P4 Project or activity; provided, that the minimum designs, performance standards/specifications and economic parameters stated in the Feasibility or Project study and terms of Reference are complied with. The City Mayor shall approve the terms of the Limited Negotiations prior to the award of the contract to the PSP. Under the 2nd instance, the City shall publish a notice to the public prior to the start of the negotiations, and if pursued under Competitive Challenge, the 3rd Stage defined below may be dispensed with.

SECTION 17. Competitive Negotiations. – For concession arrangements, leases or affermage, management and service contracts where public funds are not used to procure the services of the PSP, and onerous donations and the City invites two or more qualified PSPs, to enter into negotiations for an P4 project, unless there is only one qualified offeror with a unique specialization, informing all the qualified PSPs that there is more than one offeror and simultaneous negotiations are being conducted and that the P4 contract shall be awarded to the PSP which offers the best combination of quality and price based on the feasibility or project study prepared by the City. Prior to the start of the negotiations with the identified PSPs, the City hall publish the announcement.

SECTION 18. Competitive Challenge. – The Competitive Challenge process shall be divided into three stages. D876zcescribed as;

Stage one/Unsolicited Proposal – The Steps are:

- (i) A PSP submits an unsolicited proposal accomplished by a Feasibility or Project Study and draft P4 contract to the City for a Project P4 Project.
- (ii) The P4-SC shall make a determination of the completeness of the unsolicited proposal, the eligibility of the PSP, the necessity of the proposed project, the consistency of the terms of the draft P4 contract with this Ordinance, and the appropriateness of the proposed P4 modality.
- (iii) Upon completion of the initial evaluation, the City Mayor, upon recommendation of the P4-SC shall either issue a certificate of acceptance or non-acceptance of the proposal for purposes of detailed negotiations. Upon the issuance of the certificate of acceptance, the PSP is ipso facto conferred original proponent status and no

823 other proposal for the same project may be subjected to the competitive challenge
824 process.

825 (iv) If there is more than one unsolicited proposal submitted for the same P4 Project,
826 the City Mayor, upon recommendation of the P4-SC, may reject all proposals and
827 pursue competitive selection, or accept the unsolicited proposal that is complete
828 and provides the greater advantage and benefits to the community and revenues to
829 the City.

830
831 Stage Two/ Detailed Negotiations – The Steps are:

- 832
- 833 (i) The parties shall negotiate and agree to the terms and conditions of the P4 Project
834 concerning its technical and financial aspects.
- 835 (ii) Once negotiations are successful, the Parties shall issue a joint certification stating
836 that an agreement has been reached and specifying the eligibility of the PSP and
837 the technical and financial aspects of the P4 Project as agreed upon.
- 838 (iii) The issuance of the certification commences the activities for the solicitation for
839 comparative proposals.
- 840 (iv) However, should negotiations not result to an agreement acceptable to both
841 parties, the City shall have the option to reject the proposal by informing the PSP
842 in writing stating the grounds for rejection and thereafter may accept a new
843 proposal from other PSPs decided to pursue the proposed activity through other
844 P4 Modalities or subject the P4 to a Competitive Selection.

845
846 Stage Three/Competitive or Swiss Challenge Proper – The steps are:

- 847
- 848 (i) The P4-SC shall prepare the tender documents. The eligibility criteria used in
849 determining the eligibility of the PSP shall be the same as those stated in the
850 tender documents. Proprietary information shall, however, be respected and
851 protected, and treated with confidentiality. As such, it shall not form part of the
852 tender and related documents.
- 853 (ii) The City Mayor shall approve all tender documents including the draft contract
854 before the publication of the invitation for competitive proposals.
- 855 (iii) The P4-SC shall publish the invitation for comparative proposals.
- 856 (iv) The PSP or Original Proponent shall post the proposal security at the date of the
857 first day of the publication of the invitation for comparative proposals in the
858 amount and form stated in the tender documents.
- 859 (v) In the evaluation of proposals, the best offer shall be determined to include the
860 original proposal of the PSP. If the City determines that an offer made by a
861 comparative PSP or challenger other than the negotiated terms with original
862 proponent is superior or more advantageous to the City than the original proposal,
863 the PSP who submitted the original proposal shall be given the right to match such
864 superior or more advantageous offer. Should no matching offer be received within
865 the stated period, the P4 Project shall be awarded to the comparative PSP
866 submitting the most advantageous proposal. If a matching offer is received with the
867 prescribed period, the P4 Project shall be awarded to the original proponent. If no
868 comparative proposal is received by the City, the P4 Project shall be immediately
869 awarded to the original and proponent.
- 870 (vi) In the event that the Original Proponent is not able to match the superior offer of
871 the challenger, the winning challenger shall reimburse, within 30 days from
872 issuance of the notice of award, the original proponent the cost of preparing the
873 project study, provided, that this reimbursement arrangement and the cost of

preparing of the project study are expressly stated in the terms of reference for the competitive challenge, and that the P4-SC has determined that the cost is reasonable.

SECTION 19. Schedules and Timelines. – The City Mayor through an executive order, upon the recommendation of the P4-SC, shall have the authority to adopt and prescribe the appropriate schedules and timelines for each PSP selection process: provided, that the periods are reasonable and will not undermine free competition, transparency and accountability.

SECTION 20. P4 Contract. –

- a) The P4 shall be signed by the City Mayor on behalf of the City (with the prior authorization or ratification by the Sanggunian Panlungsod) approving all terms of the P4 Contract, and the duly authorized representative of the PSP.
- b) The direct and ultimate beneficiary of any P4 Contract shall be the constituents of the City. Representatives of accredited CSOs, NGOs, and POs may sign the P4 Contract as monitoring entity or witness.
- c) The principal P4 Contract shall describe the P4 Project, the rights, function, obligations and responsibilities of and risks assumed by each contracting party, dispute mechanisms and all other provisions enumerated under Section 5 (v) hereof. Whenever appropriate, the P4 Contract shall contain the Preambulatory Clauses or Whereas Clauses, Party Clause, Rules of Interpretation, Nature of the P4 Term of the Project, Contract Objective, Performance Bonds, Key Performance Indicators, Risk Allocation, Rights, Payment to PSE or PSP, Tariff Scheme, Subsidy or Support Mechanism, Insurance Requirements Delay Provisions, Force Majeure, Governmental Action, Government and Public Sector Entity (PSE) Warranties, PSP Warranties, Change in the Law, Regulatory Regime, Variations, Termination, Indemnification, Intellectual Property, Claims, Financial security, Dispute Resolution, Step-in-Rights, Changes in the composition of the PSP/Service Provider, Partnership Management, compliance with all Laws, Personnel, Conditions Precedent, among others.
- d) The other ancillary contracts may include insurance contracts; loan agreement; bonds; guarantee arrangements; equity arrangement; operations and maintenance contract; and engineering, procurement and construction (EPC) contracts.
- e) The City Mayor shall not proceed with the award and signing of the contract if there are material deviations from the parameters and terms and conditions set forth in the proposal/tender documents that tend to increase the financial exposure, liabilities and risks of the City or any other factors that would cause disadvantage to government and any deviation that will cause prejudice to losing PSPs;
- f) Neither party shall unilaterally rescind or amend an P4 Contract. Any amendment to the P4 Contract, which is effected will not violate the policy on competition and fairness and does not materially affect the substance of the P4 Contract, after award and signing contract shall undergo approval by the City Mayor, with prior authorization by the Sanggunian Panlungsod. Non-compliance with the corresponding approval process stated shall render the amendment null and void. Any form of amendment may be allowed after the P4 contract has been executed, provided that, the right to amend is accorded to all bidders and challengers and specified in the tender documents, and such right is stipulated in the P4 contract. Any amendment must be approved by the Sanggunian Panlungsod through an ordinance by two thirds (2/3) vote of the members present, there being a quorum.

- g) All laws and ordinances are read deemed to form part of the P4 Contract, Regulation and Contract Management.
- h) The gist of the P4 Contract shall be annotated at the back of the title of the property over which the P4 projects is located.
- i) An P4 Contract, upon the favorable action of the Sanggunian Panlungsod through an ordinance by two third (2/3) vote of the members presents, there being a quorum, may be the subject of a plebiscite funded by local funds pursuant to a referendum under Section 126 of the 1991 LGC.

CHAPTER 4 REGULATION AND CONTRACT MANAGEMENT

SECTION 21. P4 Regulatory Authority's Mandate. – The P4 Regulatory Authority (P4-RA) created under this Code shall be asked with performing contract management functions, such as partnership management (i.e., corporate governance, communication and information sharing, and dispute resolution), performance or service delivery management (i.e., risk management and performance management), and contract administration (i.e. variation management, contract maintenance and financial administration), for all P4 arrangements entered into by the City, Aside from these, the P4-RA shall be reasonable for setting and monitoring the tariff, and administering the subsidy pursuant to the P4 contract.

SECTION 22. Composition of the P4 Regulatory Authority. – (a) The membership of the P4-RA shall be composed of the following:

- (i) Chairperson – The City Mayor or the City Administrator if so designated by the City;
 - (ii) Vice-chairperson – Vice Mayor or a member of the Sanggunian Panlungsod to be chosen by the Sanggunian as evidenced by an appropriate resolution];
 - (iii) Two (2) representatives of the Sanggunian Panlungsod belonging to two (2) distinct registered political parties to which the City Mayor does not belong, and to be chosen on the basis of proportional representation of all parties represented in the Sanggunian Panlungsod;
 - (iv) City Legal Officer;
 - (v) City Treasurer;
 - (vi) City Planning and Development Officer; and
 - (vii) Two (2) representatives from the chosen by the accredited CSOs POs and NGOs who are members of the City Development Council. These representatives shall not be same representatives in the P4-SC.
- b) For project covered by government-to-government joint P4 undertakings, the collaborating or partner government entity shall have one (1) representative in the P4-RA provided that such representative shall only sit in meetings of the P4-RA or portions thereof, and have a vote only on matters directly affecting the P4 project covered by such joint P4 undertaking. For this purpose, government-to-government joint P4 undertakings means such mutual agreement entered into by the City with other local government agencies, government-owned and – controlled corporations, government instrumentalities and government corporate entities, for the implementation of P4 projects that will benefit the City and its community even if the project site is outside the City's territory.
 - c) The P4-RA may appoint a contract manager for the P4 project depending on the P4 contract value, complexity and associated risks, the contract manager shall have the necessary

management skills and technical knowledge of the goods, services or works to be provided under the P4 contract. The P4 shall determine the manner and source of payment for the contract manager's compensation, provided that if a regular employee of the City is appointed as contract manager, he/she not receive additional compensation for such appointment. The contract manager shall have a vote on matters directly affecting the P4 project that he/she managing.

- d) A quorum of the P4-RA shall be composed of a simple majority of all voting members. The Chairperson shall vote only in case of a tie.
- e) The P4-RA with the approval of the City Mayor may invite third party experts to attend its meetings to act as advisors and observers. Such third party experts may represent national government agencies the NEDA, the P4 Center, the DILG, private sector, CSOs, POs, and NGOs.
- f) The P4-RA may form a support staff composed of employees and personnel of the City. The P4-RA may also engage consultants hired pursuant to law.

SECTION 23. Contract Management Manual. – (a) The City Legal officer, City Treasurer and City Planning Development Officer and one of the CSO representatives of the P4-RA acting as the P4-RA Manual Committee (P4-RA-MC), shall jointly prepare a contract management manual for each executive P4 contract, which shall serve as a guide to the City and its personnel in ensuring a consistent, high quality contract monitoring process that is specific for such P4 contract.

- b) The contract management manual (a) shall be submitted to the P4-RA approval within twenty-one (21) days from the execution of P4 contract, provided that, for outstanding P4 contracts concluded prior to the effectivity of this Code, the contract management manual shall be submitted to the P4-RA within one hundred and twenty days (120) from the effectivity of this Code of the provisions of this Code shall apply *mutatis mutandis*.
- c) The P4-RA may accept, reject, or order the revision of the contract management manual at any time during the life of the P4 project, provided that any revision subsequent to the first acceptance of the contract management manual at the inception of the P4 project shall require written notice to the PSP and opportunity to be heard.
- d) If the contract management manual has not been approved by the P4-RA within seven (7) days from its submission as provided in paragraph (b), the same shall be deemed issued and approved by the P4-RA for all purposes.
- e) The P4-RA shall evaluate each contract management manual quarterly, which shall be amended as may be necessary. Any amendment to the contract management manual shall be effective upon the approval of the P4-RA.
- f) The P4-RA, all throughout the life of the P4 Contract, shall present, make available and explain, before and after any material action is taken, all relevant information regarding the implementation of the P4 Contract, the submissions of the PSP and actions taken by the P4-RA, to the City Development Council.

SECTION 24. Contents of the Contract Management Manual. – Each contract management manual should include the following information:

- (a) A description of the P4 project and its history;
- (b) A summary of the key terms of the P4 contract;

- 1035 (c) Roles and responsibilities of each member of the P4-RA and other City personnel and
1036 contractors, as applicable, who are involved in the P4 project;
- 1037 (d) Roles and responsibilities of key personnel of the PSP;
- 1038 (e) Details of the post award conference;
- 1039 (f) Partnership management procedures;
- 1040 (g) Performance or service delivery management;
- 1041 (h) Contract administration; and
- 1042 (i) Project closeout procedures.

1043
1044 **SECTION 25. Post-Award Conference. –**
1045

- 1046 (a) Immediately after the P4 contract is awarded, the P4-RA Chairperson shall call a post-award
1047 conference to ensure that the City and PSP have a clear and mutual understanding of parties.
1048 Notice of the post-award conference shall be sent by the P4-RA Chairperson at least five (5)
1049 working days before the scheduled date thereof.
- 1050
- 1051 b) The post-award conference shall be attended by the members of the P4-RA, such employees
1052 contractors of the City involved in the management of the P4 contract, and key personnel of
1053 the PSP.
- 1054
- 1055 c) The P4-RA Chairperson shall preside at the post-award conference, and shall appoint a
1056 secretary of the conference from the city personnel present.
- 1057
- 1058 d) The minutes of the conference shall be sent participant within five (5) days of the adjournment
1059 of the conference.

1060
1061 **SECTION 26. Personnel and Training Requirements. –**
1062

- 1063 (a) The contract management manual shall identify the City personnel involved in contract
1064 management, the specific roles and responsibilities of each, and the skills and technical
1065 knowledge required to perform their functions.
- 1066
- 1067 (b) Independent contractor may engage in the absence of the qualified City personnel, provided
1068 that, except in the case of contract managers engaged in accordance with section 8(c),
1069 contractors may only be engaged for a period not exceeding three (3) years from the effective
1070 date of the P4 contract. Such contractor shall:
- 1071
- 1072 i. Have at least two (2) understudies; and
- 1073 ii. provide a training program for City personnel in his field of specialization, with such
1074 training being done regularly during regular office hours.
- 1075
- 1076 (c) During the contract life, the City personnel shall undergo such continuous training on
1077 contract monitoring to ensure that the City is equipped to monitor reliably the PSP's
1078 performance over the entire life of the P4 contract.

1079
1080 **SECTION 27. Partnership Management. –** Each contract management manual shall
1081 identify processes to ensure accountability and manage the relationship between the City and the
1082 PSP, and shall describe:

- 1083
- 1084 a) Each party's governance structure, including the overall system of institutional structures,
1085 operating rules, compliance mechanism and accountability procedures;

- b) Guidelines on communication and information sharing between the City and PSP, including reporting requirements, frequency and purpose of regular meetings, record-keeping of all exchanges, and the acceptable modes of correspondence between them; and
- c) The process for resolving disputes between the parties, identifying, among others, the different levels of dispute resolution, offices and officials involved, timetable for resolving such disputes, and possible actions to compel a party to adequately comply with contractual terms.

SECTION 28. Performance or Service Delivery. – The contrary management manual shall identify measures to ensure that the services or good provided by the PSP are in accordance with the standards and prices agreed in the P4 contract. Such measure shall include:

- (a) An identification of risks under the P4 contract, the timetable for resolving such risks when they arise, contingency plans that ensure immediate resumption of services in the event of an interruption of service delivery by the PSP, and penalties for failing or refusing to resolve them, provided that a separate risk mitigation plan shall be developed and periodically reviewed and updated throughout the life of the contracts with the significant risks;
- (b) Clear and demonstrable key performance indicators that demonstrate evidence of poor, satisfactory or non-performance by the PSP, taking into consideration the cost and value obtained, performance and customer satisfaction, delivery improvement, delivery capability, benefits realized and relationship strength and responsiveness;
- (c) A performance management plan and performance monitoring system that will be used by the City to monitor affordability, service delivery, value for money, quality, and performance improvement, which shall in all cases include;
- (i) A timetable and start and end date for each performance component, including milestones with accompanying timeframes, dependencies, required or desired outcomes, and acceptable performance levels;
- (ii) Requirements and standards to be used to monitor PSP performance;
- (iii) procedures and guidelines for measuring customer satisfaction and mechanisms to solicit end user feedback;
- (iv) submission of regular, accurate and timely reports by the PSP, City personnel or the contract manager, as applicable, to the P4-RA detailing performance monitoring efforts and the types of information that should be included in such reports;
- (v) City access to PSP records to allow City personnel to verify the information that the PSP reports to them and to ensure that the funds are expended properly;
- (vi) Random inspection of PSP records and on-sire monitoring visits; and
- (vii) Regular meetings with the PSP to review progress, discuss problems and consider necessary changes; and
- (d) A performance review and corrective actions system that apply to non-compliance or breach of contract, and penalties for non-performance and bonuses for good performance.

SECTION 29. Contract Administration. – The contract management manual shall lay down a contract administration system, which shall include:

- (a) System and procedures for variation management, the roles and responsibilities of City personnel, and reportorial requirements for each event of proposed or successful contract variation;
- (b) A system for contract maintenance, identifying key contract deliverables and schedules, as well as trigger events; and

- (c) System and procedure for financial administration, including an estimate of the resources that the City will devote thereto, systems and procedures to make and receive financial payments, and rules for keeping records of financial transactions in accordance with the requirements of the contract.

SECTION 30. Closeout Procedures. – Formal, written closeout procedures shall be included in contract management plan to ensure that all goods and services have been delivered satisfactory, all properties are disposed accordingly, all City properties are returned, and all amounts due under the P4 contract have been paid.

SECTION 31. Post-Contract Review. – A post-contract review shall be conducted at the end of a contract period, which shall include a post-contract analysis, evaluation and reporting of the P4 projects, that PSP's performance, and the City's contract management system. The post-contract review shall likewise include a financial audit of the entire P4 project and determination of lessons learned. City policies and procedures shall be updated where required. Notwithstanding the requirement herein, if the P4 contract is subject to renewal or extension, the post-contract review shall be conducted within a reasonable time before the deadline for such renewal or extension.

SECTION 32. Document Control. – The P4-RA shall act as the administrator of documents and correspondence relating to the P4 project and P4 contract. The contract management manual shall:

- (a) Identify the documents and correspondence that must be retained by the P4-RA;
- (b) Require that all such documents be kept in both electronic and paper format during contract life or such longer period as may be required under applicable law; and
- (c) Lay down the protocol for document storage, logging, accountability, disclosure and access by the parties and the public.

CHAPTER 5 ACCOUNTABILITY, INFORMATION, EDUCATION AND MONITORING

SECTION 33. Code of Conduct. – before commencing their functions, each member of the P4-SC and P4-RA and the contract manager shall sign a Code of Conduct, which shall guide each member in the performance of their duties as such.

Such Code of Conduct shall require each member to, among others;

- (a) Act at all times in accordance with relevant legislation and regulations;
- (b) Act at all times with fidelity, honesty, integrity and in the best interests of the City and its constituents;
- (c) Recognize the public's right to access to information in accordance with law;
- (d) Not misuse his or her position and privileges of a member of the P4-SC and P4-RA whether or not such will prejudice the interest of the public, the PSP, or any third person;
- (e) To take the utmost care in ensuring reasonable protection of the records of each P4 project, and to not disclose any confidential and proprietary information to persons without a need to know such information, or in violation of any no-disclosure requirements under law or contract;
- (f) Carry out his or her duties with the skill and care expected from a person of knowledge and experience, and to exercise prudent judgement;

- 1189 (g) Forthwith report to the appropriate authorities any act of negligence, fraud, corruption,
1190 misuse of government funds, failure or refusal to perform duties, or any other act which
1191 may constitute a crime or offense, or which is prejudicial to the public interest, in the
1192 selection of the PSP and implementation of an P4 contract;
- 1193 (h) Forthwith declare my personal or business interest that he or she or any of his or her
1194 relatives within the fourth degree of affinity or consanguinity, may have in any business of
1195 a PSP, in which case, the official or representative shall no longer be a member of the P4-
1196 SC and P4-RA;
- 1197 (i) Forthwith declare any conflict of interest, insofar as the P4 concerned, that he or she may
1198 have or will have in which case, the official or representative shall no longer be a member
1199 of the P4-SC and P4-RA;
- 1200 (j) Not vote or act in a particular way on any matter in consideration of any offer, promise,
1201 gift or present, from a member of the public, government, a political party, social group or
1202 CSO, PO, NGO, or any stakeholder or potential stakeholder;
- 1203 (k) Not receive any gift or anything else of value which is or may be viewed as aimed at
1204 influencing or directing his or her vote or actions; and
- 1205 (l) To disclose immediately to the P4-SC or LGU PR-RA as the case maybe, any attempted
1206 inducement that may be construed as aimed at influencing or directing his or her acts as a
1207 member of the P4 SC and P4-RA.
1208

1209 **SECTION 34. Disciplinary action.** - violation of this code and the code of conduct
1210 insofar as the City elective officials are concerned shall constitute a ground for disciplinary action
1211 or amount to loss of confidence under the 1991 LGC and relevant laws, and with regards local
1212 appointive officials, such violation shall render them administratively liable. Officials may also be
1213 rendered criminally liable under applicable laws and ordinance, Representatives of the PSP shall be
1214 held liable for damages, offenses and crimes depending on the nature of their participation and
1215 involvement in the unlawful act or omission.
1216

1217 **SECTION 35. Liability.** - The City and its officials in undertaking an P4 project,
1218 selecting a PSP and implementing a P4 projects, shall not be exempt from liability for death or
1219 injury to persons or damage to property. Failure to respect a duly -executed P4 contract by
1220 successor officials shall render them liable without prejudice to the application of Alternative
1221 Dispute Resolution mechanisms under Section 42 hereof.
1222

1223 **SECTION 36. Social Accountability.** - The City shall ensure, promote and eliminate
1224 all obstacles to social accountability and allow and enhance constructive engagement between
1225 citizens' groups, academe, consumers, rate-payers, general public, City, national government
1226 agencies, regulatory agencies, and PSP.
1227

1228 **SECTION 37. Transparency and Right to Information.** - The LGU PR contract,
1229 feasibility or project studies, bidding documents, term of reference, result of the PSP selection
1230 process, Code of conduct, contract management manual, minutes of the post-award conference,
1231 P4-RA and P4-RA-MC, and other relevant documents and instruments shall be posted in two
1232 conspicuous places of the City and uploaded in a dedicated website of the P4-RA which can be
1233 freely accessed by the public. The City shall also implement a strategic communication plan
1234 address to all stakeholders.
1235

1236 **SECTION 38. Capability-Building Program.** -
1237

- 1238 a) The City shall design and implement a continuing education and capability-building program
1239 on P4 for its officials, and the members of the LGU P4-RA.

- b) The city shall also undertake a comprehensive and sustained education and governance campaign aimed to informing all stakeholders and CSOs, POs and NGOs about P4 ventures of the City and allowing them to participate in the overall P4 program of the City. The program shall include strategic and annual evaluation and planning sessions, workshop, seminars, focus-group discussions on P4, market opportunities, projects, management of contracts and regulation of the P4 and other P4-related topics.
- c) The City may tap consultants to assist them in implementing P4 and in building capability for P4.

SECTION 39. Monitoring and Governance Audit Program. – The City, in order to ensure transparency and accountability, shall encourage CSOs, POs, NGOs and civic aggrupations to establish an P4 monitoring, evaluation and governance audit body functionally and fiscally independent from the City and other government institutions.

SECTION 40. Technical and financial assistance. – DILG, Department of Finance, Department of Budget and Management, NEDA AND PPP Center may extend technical and financial assistance to the City and such assistance may be embodied in a memorandum of understanding or agreement.

CHAPTER 6 FINAL PROVISIONS

SECTION 41. Appropriations. – To carry out the provisions of this code, the amount of (amount) Pesos (P[figures]) shall be appropriated. Thereafter, such as may be necessary for the continuous implementation of this Code shall be included in the annual budget of the City.

SECTION 42. Alternative Dispute Resolution. – All P4 contracts of the City shall include a provision on the use of Alternative Dispute resolution (ADR) mechanisms in resolving disputes arising from the P4 contract. All controversies in connection with P4 undertaking and projects of the City shall likewise be addressed using ADR.

SECTION 43. Implementing Rules. – While this code and the provisions hereof are already operative upon the Code's effectivity, the City may issue the appropriate and relevant rules and regulation for the proper implementation of the Code or its provisions, including the issuance of relevant mechanisms to insure competition, manuals, guidelines, sample contracts and bid documents, P4 indexes and comparators, and performance scorecards.

SECTION 44. Confirmation of Executed P4 Contracts and Procedures Commenced. –

- a) P4 contracts entered into prior to the enactment of this P4 Code in strict compliance with the provisions hereof are hereby confirmed.
- b) P4 contracts entered into prior to the enactment of this P4 Code without strictly complying with the applicable procedures set forth herein for the selection of the PSP shall be considered as negotiated agreements under Stage Two of Section 17 which must be subjected to competitive challenge; provided that, after publication and no expression of interest is submitted by an interested qualified party at the designated time, the subject P4 contract shall be deemed perfected, and vested and contractual rights shall continue to subsist and operate.
- c) P4 contracts entered into prior to the enactment of this P4 Code may be amended; provided, that the terms of the original P4 contract allow for amendments, or the amendments do not tend to increase the financial exposure, liabilities and risks of the City or any other factors that would cause disadvantage to the City and any deviation that will cause prejudice to losing

PSPs; provided further, that the amendments are approved by the City Mayor with prior authorization from the Sangguniang Panlungsod through the enactment of an ordinance.

- d) Procedures and steps commenced and undertaken for the selection of, and statuses and rights conferred on a PSP prior to the effectivity of this Ordinance shall be operative, confirmed and recognized, and shall henceforth be continued under this ordinance.

SECTION 45. Application of other PPP/P4 Laws and Regulations. – Whenever relevant and appropriate as determined by the City and in the absence of a specific provision to the contrary, upon recommendation of the P4-SC and P4-RA as the case may be, the BOT Law, the GPRA, Executive Order No. 301 (26 July 1987), COA Circular NO. 89-296 (January 27, 1989), and their applicable rules and regulations, and the JV Guidelines adopted by the NEDA, either the 2008 or 2013 versions, shall apply in a suppletory manner.

SECTION 46. Authority of the Component LGUs

(a) The authority of component LGUs to enact their respective P4 ordinances, and to implement P4 projects is hereby recognized by the City.

(b) The City encourages the component LGUs on their own or in partnership with other LGUs and national government agencies, government-owned and controlled corporations, government instrumentalities, state universities and colleges and government financial institutions to pursue P4 as a development strategy and implement P4 projects that shall serve the general welfare and the public good.

SECTION 47. Severability. – If, for any reason, any section or provision of this Code or any part thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

SECTION 48. Repealing Clause. –

- a) All ordinances and resolutions or parts thereof inconsistent with the provisions of this Code are hereby repealed accordingly.
- b) This Ordinance takes precedence and thus hereby modifies the relevant procedures and approval processes in other ordinances of the City relating to the implementation of P4 projects or the modalities provided herein.

SECTION 49. Effectivity. – This Code shall take effect after fifteen (15) days after its posting in two conspicuous places within the City.

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 authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Agreement (MOA) with the Department of Agriculture – Regional Field Office 10, represented by Regional Executive Director Carlene C. Collado, covering the grant to the City of One (1) Unit Mobile Shredder, under the terms and conditions stated therein.

*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: July 5, 2018

> 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 VICE MAYOR



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

DATE: JUN 19 2018
FROM: CMO/AGRICULTURE

SUBJECT MATTER: MEMORANDUM OF AGREEMENT (MOA) TO BE EXECUTED BY AND BETWEEN THE CLGU CAGAYAN DE ORO AND THE DEPARTMENT OF AGRICULTURE-REGIONAL FIELD OFFICE 10 FOR THE GRANT OF ONE (1) UNIT MOBILE SHREDDER OF THIS CITY; AND FURTHER REQUESTING THE CITY COUNCIL TO PASS AN ORDINANCE AUTHORIZING THE CITY MAYOR OSCAR S. MORENO TO ENTER INTO AND SIGN THE SAME.

ACTION: REFER TO COMMITTEE ON **AGRICULTURE & FISHERIES.**


HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



Communication Number: 2018-1540

Date: 03/26/2018
Receiver: JESSAMINE

From: CMO

Subject: MEMORANDUM OF AGREEMENT (MOA) TO BE EXECUTED BY AND BETWEEN THE CLGU CAGAYAN DE ORO AND THE DEPARTMENT OF AGRICULTURE-REGIONAL FIELD OFFICE 10 FOR THE GRANT OF ONE (1) UNIT MOBILE SHREDDER OF THIS CITY; AND FURTHER REQUESTING THE CITY COUNCIL TO PASS AN ORDINANCE AUTHORIZING THE CITY MAYOR OSCAR S. MORENO TO ENTER INTO AND SIGN THE SAME.

Respectfully referred to **COMMITTEE ON AGRICULTURE & FISHERIES**
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: 3/21/18

OK - recommending approval

HON. ANNIE Y. DABA
Chairperson

HON. ENRICO D. SALCEDO
Member

HON. SUZETTE MAGTAJAS-DABA
Member

HON. JAY R. PASCUAL
Vice Chairperson

HON. LORDAN G. SUAN
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 of Cagayan de Oro
OFFICE OF THE CITY MAYOR

Republic of the Philippines
City of Cagayan de Oro
OFFICE OF THE CITY MAYOR
Date Received: 3/29/18 Time: 2:45
Compt. No. _____
ACTION: _____
Date _____
By: _____
Checked by: _____
Date _____
By: _____

March 19, 2018

**THE HONORABLE PRSEIDING OFFICER, and
THE HONORABLE MEMBERS OF THE SANGGUNIANG PANLUNGSOD
Cagayan de Oro City**

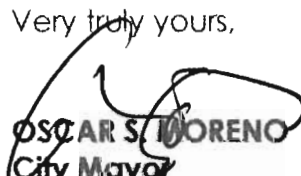
Sir/Ma'am:

Respectfully endorsing herein attached Memorandum of Agreement (MOA) to be executed by and between the CLGU Cagayan de Oro and the Department of Agriculture – Regional Field Office 10 for the grant of one (1) unit Mobile Shredder of this city duly reviewed and recommended by the City Legal Office.

We would like to request the City Council for a resolution authorizing the undersigned to sign the MOA.

Thank you.

Very truly yours,


OSCAR S. MORENO
City Mayor



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

**cagayan
de Oro**
city of golden friendship

1st Floor, Executive Building
City Hall Compound, Capistrano-Hayes Street
Cagayan de Oro City, Philippines
www.cagayandeoro.gov.ph
Telephone Number: +63 88 8572260, Email: citylegal_cdo@yahoo.com

15 March 2018

MR. HECTOR R. SAN JUAN, DVM
City Agriculturist
City Agriculture Office
Cagayan de Oro City

Dear Mr. San Juan,

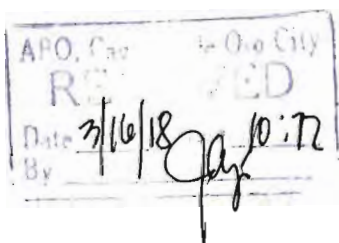
This refers to your letter dated 12 March 2018 requesting for this Office review on the attached Memorandum of Agreement (MOA) entered by and between the Department of Agriculture, Regional Field Office 10 and the Local Government Unit of Cagayan de Oro City for the grant of one (1) unit Mobile Shredder.

In this connection, kindly be informed that this Office finds the afore-mentioned Memorandum of Agreement to be in legal order. Thus, this Office poses no objection to its execution and hereby recommends that the MOA be submitted to the City Council for approval and the issuance of necessary ordinance authorizing the City Mayor to sign the same.

Thank you very much.

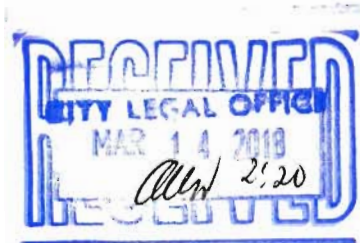
Very truly yours,

ATTY. REYMOND Q. VILLABLANCA
Asst. City Legal Officer





Republic of the Philippines
City of Cagayan de Oro
CITY AGRICULTURE OFFICE



March 12, 2018

ATTY. RAYMOND Q. VILLABLANCA
OIC – City Legal Office
Cagayan de Oro City

Sir:

Endorsing herein attached draft Memorandum of Agreement entered into by and executed by and between the Department of Agriculture – Regional Field Office 10 and the Local Government Unit of Cagayan de Oro City for the grant of one (1) unit Mobile Shredder.

For your review and possible endorsement.

Thank you.

Very truly yours,


HECTOR R. SAN JUAN, DVM
City Agriculturist

MEMORANDUM OF AGREEMENT

1 Unit Mobile Shredder

HECTOR R. SAN JUAN
City Agriculturist

KNOW ALL MEN BY THESE PRESENTS:

The Memorandum of Agreement executed and entered into by and between:

The DEPARTMENT OF AGRICULTURE, REGIONAL FIELD OFFICE 10, Cagayan de Oro City, represented herein by the OIC-Regional Director, CARLENE C. COLLADO, CPA, herein referred to as "DA RFO 10";

-and-

The LOCAL GOVERNMENT UNIT OF CAGAYAN DE ORO CITY with office address at Cagayan de Oro City represented herein by the City Mayor, OSCAR S. MORENO herein referred to as the "LGU";

OSCAR S. MORENO
City Mayor

-WITNESSETH-

WHEREAS, the DA RFO 10 pursuant to its mandated function of promoting agricultural development through a bottom-up self-reliant farming systems approach that will emphasize equity, productivity, and sustainability in the use of agricultural resources shall provide integrated services to ensure the increase in the farm productivity as well as farmers income;

WHEREAS, DA RFO 10 shall implement priority programs, projects and activities to promote organic agriculture such as provision of 1 Unit Mobile Shredder hereinto referred to as "PROJECT";

CARLENE C. COLLADO, CPA
OIC-Regional Director

WHEREAS, DA RFO 10 implementation is undertaken in partnership with the Provincial/City/Municipal/Barangay Local Government Units with various project components addressing the convergence area and strategic production zones;

WHEREAS, the LGU is among the agriculture sector of the industry and is most in need to receive the 1 Unit Mobile Shredder, the PROJECT subject of this agreement;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereto mutually agree to undertake the project, in accordance with the following terms and conditions;

Section 1. The DA RFO 10 shall:

- 1. Transfer to LGU the PROJECT with an actual cost of Php 190,000.00 per unit;
- 2. Procure the program in accordance to RA 9184;
- 3. Turn-over the PROJECT to the LGU as grant scheme;
- 4. Regularly monitor the activities of the LGU, including the operation and maintenance of the PROJECT;
- 5. Reserve the right to intervene, institute corrective measures, and repossess the PROJECT when not fully utilized or properly used, and in case of non-compliance of the parties with the stipulations of this Agreement.

ENGR. ROXANA H. HOIAS, CESO IV
Assistant Regional Director

Section 2. The LGU shall:

1. Submit to **DA RFO 10** necessary documents which includes:
 - a. List of recipients of the said **PROJECT** for record and monitoring purposes right after the distribution;
 - b. The utilization, operation, and activity report related to the **PROJECT** to **DA RFO 10** every end of harvest season;
2. Secure all legal documentations e.g. permit to operate from DENR, etc. and shall have full accountability to any problem or issue arising to it;
3. Acknowledge the receipt of the **PROJECT** and shall have the responsibilities to:
 - a. Act as caretaker of the **PROJECT** and turn-over to FA's, IA's, CIA's and cooperatives engaged in organic agriculture as grant scheme.
 - b. Orient the recipient in the operating and maintenance cost;
4. Utilize the **PROJECT** in accordance to its intended use and shall not in any way sell or mortgage the same;
5. Be responsible and accountable for the security of the **PROJECT** while in their custody and must ensure optimum utilization;
6. Be responsible in coming up with the guidelines and policy of operation, operating scheme, cost and strategies that is appropriate in the service area;
7. Require the recipient to provide a shed to properly secure and maintain the **PROJECT** during operation and non-operation;
8. Voluntary surrender the **PROJECT** to **DA RFO 10** when:
 - a. Not properly maintained and utilized for one (1) year;
 - b. Not settling any problem/s arising in the use of equipment for a period of one (1) year;
 - c. There is a written complaint, coming from the residents nearby and government unit/s and any sanction arise from continued usage; and
 - d. Not complying with the Memorandum of Agreement; and
9. Strictly abide and follow the provisions, terms and conditions of the agreement as stipulated in this MOA.

This agreement shall take effect on the date of the signing hereof of the parties concerned and shall terminate upon the satisfactory fulfillment of the terms and conditions embodied herein. Any modification or amendment shall be mutually agreed in writing by the parties concerned.

IN WITNESS HEREOF, the parties hereby affixed their signatures this day of _____, 201_ in _____, Philippines.

**DEPARTMENT OF AGRICULTURE
REGIONAL FIELD OFFICE 10**

**LOCAL GOVERNMENT UNIT OF GUSA,
CAGAYAN DE ORO CITY**

CARLENE C. COLLADO, CPA
OIC-Regional Director

OSCAR S. MORENO
City Mayor

Signed in the presence of:

ENGR. ROXANA H. HOJAS, CESO IV
Assistant Regional Director

HECTOR R. SAN JUAN
City Agriculturist

ACKNOWLEDGMENT

HECTOR R. SAN JUAN
City Agriculturist

REPUBLIC OF THE PHILIPPINES) S. S.

BEFORE ME, a notary public, personally appeared the following;

NAME	Valid ID	ISSUED AT	ISSUED ON
<u>CARLENE C. COLLADO, CPA</u> OIC-Regional Director			
<u>OSCAR S. MORENO</u> City Mayor			

Known to me to be the same persons who executed the foregoing documents and acknowledged that the same is their voluntary act and deed as the agencies they represent.

OSCAR S. MORENO
City Mayor

This instrument, consisting of 3 pages, including the page on which the Acknowledgement is written, has been signed on left hand margin of each and every page thereof by parties/witnesses, and sealed with my notarial seal.

WITNESS MY HAND AND SEAL, this ____ day of _____, 201_.

NOTARY PUBLIC

CARLENE C. COLLADO, CPA
OIC-Regional Director

Doc. No. _____
Page No. _____
Book No. _____
Series of 201_

ENGR. ROXANA H. HOJAS, CESO IV
Assistant Regional Director

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 Resolution returning to the Barangay Council of Barangay Tuburan, this City, its Ordinance No. 001, Series of 2018, covering its Annual Budget for Calendar Year 2018, 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.

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: July 5, 2018

for induram

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 VICE MAYOR



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

DATE: JUN 19 2018

FROM: CBO

SUBJECT MATTER: ANNUAL BUDGET FOR CY 2018 OF BARANGAY TUBURAN,
THIS CITY

ACTION: REFER TO COMMITTEE ON **BARANGAY AFFAIRS.**

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



Communication Number: 2018-1698

Date: 06/18/2018
Receiver: JESSAMINE

From: CBO
Subject: ANNUAL BUDGET FOR CY 2018 OF BARANGAY TUBURAN, THIS CITY

Respectfully referred to **COMMITTEE ON BARANGAY AFFAIRS**
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: 7/2/18

CR - recommending approval

HON. YAN LAM LIM
Chairperson

HON. TEODULFO E. LAO, JR.
Vice Chairperson

HON. ENRICO D. SALCEDO
Member

HON. JAY R. PASCUAL
Member

HON. MARIA LOURDES S. GAANE
Member

HON. NADYA EMANO-ELINE
Member

EX-OFFICIO MEMBERS

HON. HAN 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 of Cagayan de Oro
Date Received: JUN 18 2018
By: [Signature]
343
Refer to Reg. Affairs
[Signature]
[Signature]

Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE CITY BUDGET OFFICER

JUN 18 2018

The Honorable Members
City Council
Cagayan de Oro City

Gentlemen/Ladies:

Respectfully forwarding the herein Annual Budget CY 2018 of Barangay Tuburan with an Estimated Income of P 2,677,595.00 as against Expenditures of same amount.

Attached is the duly accomplished Technical Review Analysis Sheet, for your consideration.

Thank you.

Very truly yours,

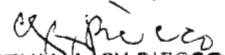
ATTY. PERCY G. SALAZAR
City Budget Officer

[Signature]
CYNTHIA A. SY PIECCO
ASST. CITY BUDGET OFFICER

TECHNICAL REVIEW ANALYSIS SHEET
LGU: **Barangay Tuburan**
CY 2018 Annual Budget General Fund

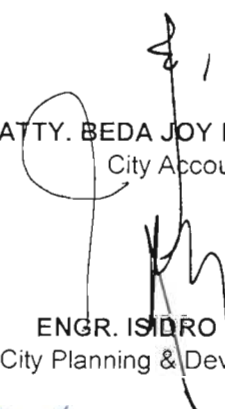
The budget has substantially complied with all the budgetary requirements and general limitations as embodied under the Local Government Code and Local Budget Memorandum No. 75 dated July 01, 2017. Recommending favorable action thereon.

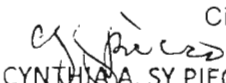
ATTY. PERCY G. SALAZAR
City Budget Officer


CYNTHIA A. SY PIECCO
ASST. CITY BUDGET OFFICER

LOCAL FINANCE COMMITTEE:


RAMON ANTONIO R. MENDOZA
Acting City Treasurer


ATTY. BEDA JOY B. ELOT, CPA
City Accountant

ATTY. PERCY G. SALAZAR
City Budget Officer

CYNTHIA A. SY PIECCO
ASST. CITY BUDGET OFFICER


ENGR. ISIDRO G. BORJA
City Planning & Dev't. Coordinator


TEODORO A. SABUGA, JR.
Acting City Administrator

TECHNICAL REVIEW ANALYSIS SHEET
LGU: Barangay Tuburan
CY 2018 Annual Budget General Fund

Approp. Items By Object of Expenditures	A m o u n t	City Budget Office Specific Findings	CBO Recommendation
1. Net available resources for Appropriation Less: Total Appropriations Unappropriated Balance	P 2,677,595.00 2,677,595.00 P -	Total appropriations did not exceed total income.	For Approval.
2. Appropriations for Personal Services a. Total Annual Regular Income actually realized from local sources during the next preceding (CY 2016) P 2,366,511.73 b. 55% thereof (Legal limitation for PS) 1,301,581.00 c. Amount appropriated for PS 1,274,107.00 d. Waived PS(Cash Gift/V&S Leave Benefit) 60,000.00 e. Net P.S. subject to limitation 1,214,107.00 h. Still Allowable or (Deficiency) 87,474.00	P 1,274,107.00	Total Personal Services did not exceed the 55% limitation. Rates in accordance with LBC No. 113 dated January 05, 2017 (Uniform and proportionate application)	For Approval.
3. 20% Development Fund a. Amount of IRA 1,804,595.00 b. 20% thereof 360,919.00 c. Amount Appropriated 360,919.00	360,919.00	Appropriation for 20% Development Fund is also provided in accordance with Sec. 287 LGC as implemented by DBM-DILG Joint Memorandum Circular No. 2011-1Series of 2012 dated April 13, 2011.	For Approval.
4. Reserved For: A. Sangguniang Kabataan (Sec. 329 LGC) a. Total Income (Gen. Fund) 2,556,595.00 b. 10% thereof 255,660.00 c. Amount Appropriated 255,660.00 B. LDRRMF-Calamity Fund (Sec. 324 (d)) a. Total est. revenue fr. regular sources 2,556,595.00 b. 5% thereof 127,830.00 c. Amount Appropriated 127,830.00	255,660.00 127,830.00	Appropriations for the Sangguniang Kabataan activities pursuant to the 426(b) of RA 7160. Appropriation provided in compliance with Sec. 324 (d) of LGC as amended by Sec. 21 of RA No. 10121.	For Approval. For Approval.
5. Basic Services: Health & Nutrition Services, Administration and Legislative Services, etc.		Provision for basic services are also provided pursuant to Sec. 17(b) of RA 7160 (LGC) and Sec. 2.3.1 of LBM No.66 dated July 02-2012.	For Approval.
6. Other Appropriations: Maint. & Other Oprtg. Expenditures Capital Outlay: Equipment Infrastructure Projects Others Non-Office/Special Project	551,079.00 - 108,000.00	7. That in all cases, disbursements of appropriations shall be subject to availability of funds and all accounting and auditing rules & regulations. 8. Compliance to all existing laws, administrative rules and regulations shall be the responsibility of the Barangay.	

General Findings/Observations:



REVIEWED

MINUTES OF RESOLUTION NO. 7160

DATE: 03/06/2018

OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE SESSION OF BARANGAY TUBURAN HELD AT TUBURAN
BARANGAY HALL ON MARCH 6, 2018.

Present:

CORONACION YAÑEZ	-	Barangay Chairman
ROY YAÑEZ	-	Barangay Kagawad
CHARLITO O. YAÑEZ	-	Barangay Kagawad
REY Y. ROSALES	-	Barangay Kagawad
GARRY D. LINAAC	-	Barangay Kagawad
ARLYN P. VILLAVERDE	-	Barangay Kagawad
MILENDA TINANGCURAN	-	Barangay Kagawad
HARRY D. MANUEL	-	Barangay Kagawad
MARICEL V. PENOHAN	-	IPMR
EDLYN MAGALLANES	-	Barangay Secretary
LILIGENE D. LUCABAN	-	Barangay Treasurer

Absent: NONE

RESOLUTION NO. 005

Series of 2018

Presented for consideration is the Annual Budget of Barangay TUBURAN for the period
of January 1, 2018 to December 31, 2018 in the sum of **P2,677,595.00**

Now therefore, on motion made by **Kagawad CHARLITO O. YAÑEZ** and duly seconded by
ALL KAGAWAD PRESENT.

Resolved, as it is hereby resolved to enact the following Appropriation Ordinance, to wit;

APPROPRIATION ORDINANCE NO. 001

Series of 2018

APPROPRIATING FUNDS FOR THE PERIOD FROM JANUARY 1, 2018 TO DECEMBER 31, 2018.

Be it enacted by the Sangguniang Barangay of TUBURAN that the Barangay Annual Budget
covering the period of January 1, 2018 to December 31, 2018 with a total estimated income of
P 2,677,595.00 as against the total appropriation in the amount of **P 2,677,595.00** is hereby approved,
summarized as follows:

AVAILABLE RESOURCES:

1. Income

Real Property Tax - Due Component	52,000.00
Real Property Tax - Equal Sharing	700,000.00
Business Tax & Licenses	
Other Taxes - Community Tax	
Misc.-Internal Revenue Allotment (IRA)	1,804,595.00
Gov't. Services Fees & Other Charges	
Gov't. Business Operations	
Grants- City Financial Aid	108,000.00
City Aid for BDF	3,000.00
City Aid for Barangay Police	10,000.00
Others (Specify)	
2. Total Income	2,677,595.00

Employability Skills Training	10,000.00
Leadership Training/Youth Camp Program	10,000.00
Other Maint. & Oprtng. Exp.-Health Program	10,000.00
Other Maint. & Oprtng. Exp.-Disaster Preparedness & Climate Change Adaptation	15,000.00
Other Maint. & Oprtng. Exp.-Anti-Illegal Drug Activities Prog.	10,000.00
Other Maint. & Oprtng. Exp.-GAD Program	10,000.00
Other Maint. & Oprtng. Exp.-Linggo Ng Kabataan	50,000.00
Total	P 255,660.00

20% Development Fund 360,919.00

Breakdown:

Reforestation & Urban Greening	P 90,000.00	
Flood Control-De-Clogging of Canals	16,488.00	
Rehabilitation of Water System	40,000.00	
Concrete Paving of Tuburan Elem. School & Nat'l High Sch.	160,000.00	
Inst. & Maint. of Street Lighting System	10,000.00	
Completion of Material Recovery Facilities	44,431.00	
Total	P 360,919.00	P 744,409.00

B. Capital Outlay

Completion of Material Recovery Facilities (Add'l)	P 108,000.00
Total	P 108,000.00

TOTAL BUDGETARY APPROPRIATIONS **P 2,677,595.00**

This Appropriation Ordinance shall take effect on **January 1, 2018**.

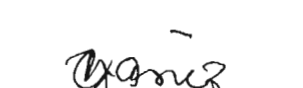
RESOLVED FURTHER, to submit copies of this resolution with the approved budget as embodied in the Appropriation Ordinance to the Sangguniang Panlungsod for review.

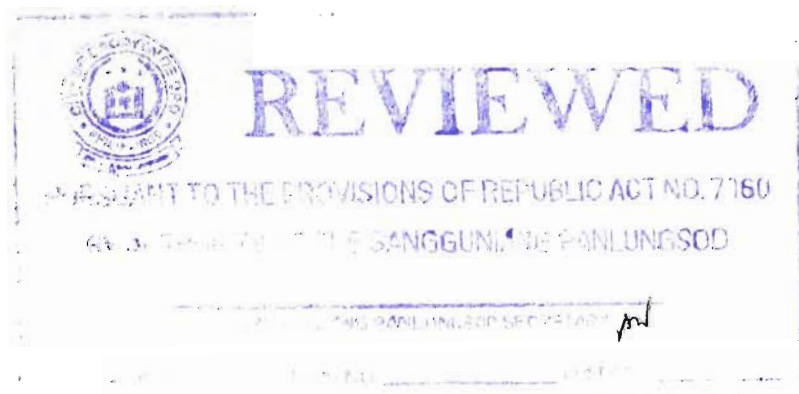
APPROVED **March 6, 2018**.

I hereby certify that the foregoing Resolution no. 11 embodying Appropriation Ord. No. 001 both of series 2018, which approved the Barangay Annual Budget for the period of January 1, 2018 to December 31, 2018 of Barangay TUBURAN, City of Cagayan de Oro, was duly enacted by the Sangguniang Barangay in its regular session held at Session Hall on March 6, 2018.

Attested:


MARPE J. GAUPAN
Barangay Secretary


CORONACION O. YAÑEZ
Barangay Chairman



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 Resolution portion of accretion area, Barangay Macabalan, this city, as calamity area due to the fire that occurred thereat on January 7, 2018 per Final Disaster Report submitted by the City Social Welfare & Development Department and the Fire Incident Certification issued by the Office of the District Fire Marshal

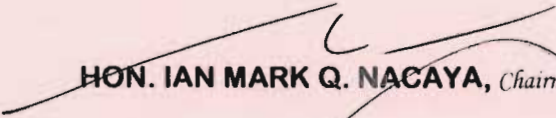
Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

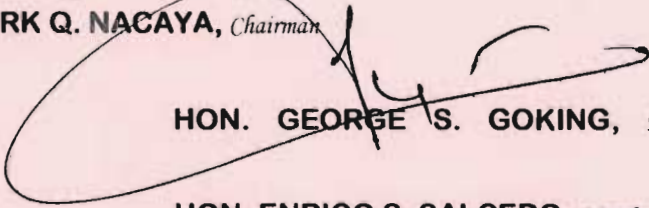
ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: _____


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 VICE MAYOR



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

DATE:

FEB 22 2018

From

BARANGAY MACABALAN, CDO

SUBJECT MATTER: RESO. No. 02-2018. REQUESTING THE SANGGUNIANG PANLUNGSOD TO DECLARE PORTION OF ACCRETION AREA OF BARANGAY MACABALAN-THIS CITY AS AFFECTED CALAMITY AREA DUE TO THE BIG FIRE THAT OCCURRED THEREAT DATED 07 JANUARY 2018; THEN AND THERE, APPROPRIATING FINANCIAL ASSISTANCE CHARGEABLE AGAINST CALAMITY FUND AS EMBODIED IN THE BARANGAY ANNUAL BUDGET.

ACTION: REFER TO COMMITTEE ON **BARANGAY AFFAIRS.**

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOA



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: 2018-1435

Date: 02/21/2018

Receiver: JESSAMINE

From: BARANGAY MACABALAN, CDO
Subject: RESO. No. 02-2018, REQUESTING THE SANGGUNIAN PANLUNGSOD TO DECLARE PORTION OF ACCRETION AREA OF BARANGAY MACABALAN-THIS CITY AS AFFECTED CLAMITY AREA DUE TO THE BIG FIRE THAT OCCURRED THEREAT SATED 07 JANUARY 2018; THEN AND THERE, APPROPRIATING FINANCIAL ASSISTANCE CHARGEABLE AGAINST CALAMITY FUND AS EMBODIED IN THE BARANGAY ANNUAL BUDGET.

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

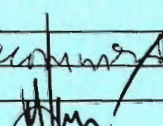
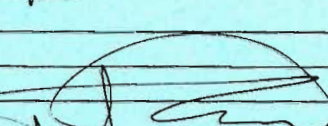
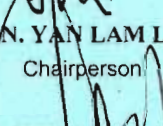
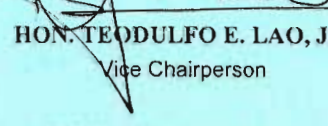
FOR THE CITY VICE MAYOR &
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: 4-10-18

Unanimously approved

 HON. YAN LAM LIM Chairperson	 HON. TEODULFO E. LAO, JR. Vice Chairperson
 HON. ENRICO D. SALCEDO Member	 HON. JAY R. PASCUAL Member
HON. MARIA LOURDES S. GAANE Member	HON. NADYA EMANO-ELIPE 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

Generated from Legislative Management Information System: 04/05/2018 11:22 am



Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE SANGGUNIANG BARANGAY
BARANGAY MACABALAN
Tel No. 881-2209

Republic of the Philippines

City of Cagayan de Oro

OFFICE OF THE SANGGUNIANG BARANGAY

FEB 13 2018

Excerpts from the Minutes of the Regular Session of the Sangguniang Barangay of Macabalan held on January 8, 2018, at the Barangay Session Hall.

RESOLUTION NO. 02-2018

REQUESTING THE SANGGUNIANG PANLUNGSOD TO DECLARE PORTION OF ACCRETION AREA OF BARANGAY MACABALAN – THIS CITY AS AFFECTED CALAMITY AREA DUE TO THE BIG FIRE THAT OCCURRED THEREAT DATED 07 JANUARY 2018; THEN AND THERE, APPROPRIATING FINANCIAL ASSISTANCE CHARGEABLE AGAINST CALAMITY FUND AS EMBODIED IN THE BARANGAY ANNUAL BUDGET.

WHEREAS, incident report of aforesaid disaster showed that 58 families were affected whose houses razed down either totally or partially damaged, as well as their personal effects/properties burned;

Now, Wherefore,, as jointly moved and jointly seconded by the members of the body present, it was

RESOLVED AS IT IS RESOLVED, to request, as the Sangguniang Barangay requests the Sangguniang Panlungsod to declare portion of Accretion Area of Barangay Macabalan – this City as affected calamity area due to the big fire that occurred thereat dated 07 January 2018 , then and there, appropriating financial assistance chargeable against calamity fund as embodied in the Barangay Annual Budget.

RESOLVED FURTHER, that copies of this resolution furnish the Office of Honorable City Mayor Oscar S. Moreno, CSWD and BFP Offices for their information and appropriate action.

Carried Unanimously

Done this 8th day of January, 2018 in Macabalan, Cagayan de Oro City

I CERTIFY TO THE CORRECTNESS OF THE FOREGOING RESOLUTION

MELENCIO R. CABARABAN
Barangay Secretary

Attested by:

Approved by

NORBEL S. SAA
Presiding Officer

NORBEL S. SAA
Punong Barangay

CITY OF CAGAYAN DE ORO

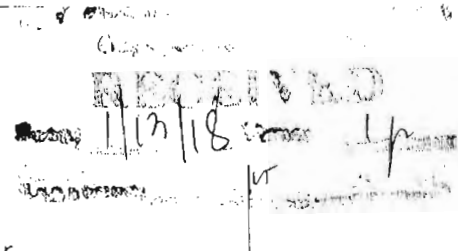
City Hall, Ground Floor, New Building
Tel. No. 858-6325



**CITY SOCIAL WELFARE AND DEVELOPMENT
DEPARTMENT**

DATE: January 13, 2018

FINAL DISASTER REPORT



Type of Disaster	: Man-Made Disaster
Date/Time of Disaster	: January 7, 2018/ 12:15 p.m.
Place of Occurrence	: Brgy. Macabalan, Accretion CDO
Cause of Disaster	: Fire
Estimated Damage	: Php 1,880,500.00
House Totally Damaged	: 45
No. of Families Affected	: 54
No. of Persons Affected	: 237
House Partially Damaged	: 2
No. of Families Affected	: 2
No. of Persons Affected	: 11
Total No. of Totally and Partially Damaged House	: 47
Total No. of Families Affected	: 54
Total No. of Persons Affected	: 248
Total No. of Families Served	: 54
Total No. of Persons Served	: 248
No. of Persons Injured	: none
Missing	: none
No. of Casualty	: none
Services Extended	: Food and materials assistance
Evaluation/Recommendation	: Recommended for financial assistance with a total amount of Php. 649,000.00

Prepared by:

EUGENE MAGTO

by Authority of

Disaster Response Focal Person

Noted by:

TEODORO A. SABUGA-A, JR.
Acting CSWD Officer

TEODORO A. SABUGA-A, JR.

Concurrent CSWD In charge

ALAB. PAÑA
CSWD Officer

"THE HEART AND THE CONSCIENCE OF THE CITY OF GOLDEN FRIENDSHIP"



Republic of the Philippines
Department of Interior and Local Government
BUREAU OF FIRE PROTECTION
Regional Office 10
CAGAYAN DE ORO FIRE DISTRICT
Capt. Vicente Roa St. Cagayan de Oro City
Tel No: 72 – 5827 // 72 – 7580



Control No: 2018-01-012

OFFICE OF THE DISTRICT FIRE MARSHAL

FIRE INCIDENT CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that as per record on file in this office, the following names listed hereunder were fire victims of a fire incident that transpired at Block D, Accreation Area, Macabalan, Cagayan de Oro City on or about 1427H 07 January 2018, to wit;

HOUSE OWNER - TOTAL DAMAGE

NO.	Name of Family Head	No. of Family Members	Extent of Damage
1	Bag-ao, Richard/Gina	5	Totally
2	Bagares, Enerio/Divina Roa	4	Totally
3	Bautista, Dexter	4	Totally
4	Bermudes, Antonio/Rosalie	6	Totally
5	Bermudes, Adelaide	9	Totally
6	Buray, Gielord/Analiza Torres	4	Totally
7	Buray, Wilma/Pablito Sr	5	Totally
8	Cajegas, Richard/Jonah	7	Totally
9	Carmelotes, Manita/Willy Torrejos	5	Totally
10	Castulo, Florencio/Perla	4	Totally
11	Cuevas, Josefina	3	Totally
12	Dulien, Lito/Mary Jane Torres	7	Totally
13	Gayloa, Tito Jr/Jesshelle	7	Totally
14	Guiquilang, Jusue/Jennifer Ariciado	3	Totally
15	Hong Kong, Charlo/Christine Mae Manzano	3	Totally
16	Hong Kong, Gilbert/Alyn Sumalinog	3	Totally
17	Hong Kong, Viola/Melanie	3	Totally
18	Lejanio, Pilario/Thelma	7	Totally
19	Loykie amistosio/Ana Marie	3	Totally
20	Medroza, Arnulfo/Adela	3	Totally
21	Montero, Julius/Merlita	6	Totally
22	Ponce,rondel/Maryjane Yañez	5	Totally
23	Ponce, Wilfredo/Teodula Ponce	5	Totally
24	Rosal, Jose/Lalic jamis	3	Totally
25	Rosal, Limly/Rosalyn Rosal	3	Totally
26	Sabellina, Charlito Bon/Janet	4	Totally
27	Sacayan, Evelyn/Ronilo	6	Totally
28	Salva, Rolito/Crisanta	4	Totally
29	Samson, Joyce/Emedio Delima	3	Totally
30	Solano, Ursula	7	Totally
31	Sotto, Jesie/Maribel	5	Totally
32	Sumobay, Ramir/Rosita	5	Totally

1/23/18
JOSEAR JOHNET
CSWD

33	Tabanilla, Rebecca/Leonardo Bugahod	4	Totally
34	Tomampoc, Sucimo/Lilia Tomampoc	5	Totally
35	Torcende, Norberto/Leticia	6	Totally
36	Torres, Capistiano/Shirley Otoza	4	Totally
37	Torres, Rosalina	3	Totally
38	Uba, Lichery/Willy Boy Dela Puerta	8	Totally
39	Yamson, Zaldy/Laure	7	Totally
40	Yañez, Henry/Leticia	4	Totally
41	Yañez, Julie/Berly Alaba	3	Totally
42	Yañez, Junito/Joan Bete	4	Totally
43	Zuñiga, Harvey/Fredelyn	3	Totally

HOUSE OWNER – TOTAL DAMAGE (INDIVIDUAL)

NO.	Name	No. of Individual	Extent of Damage
1	Hong Kong, Chresly	1	Totally

HOUSE OWNER NON-DWELLER -TOTAL DAMAGE

NO.	Name	No. of Family Members	Extent of Damage
1	Ponce, Armando/Emerita	2	Totally

HOUSE OWNER DWELLER – PARTIAL DAMAGE

1	Domingo, Jovie/Manolo	6	Partially
2	Uyan, Pet Dan Paul/Rosemarie Banac	5	Partially

SHARER FAMILY – TOTAL DAMAGE

1	Buray, Pablito Jr/Rachel Baldo	5	Totally
2	Hibaya, Argie/Donshiela Namocat	2	Totally
3	Mabalacard Jarmila/Jeff Buray	3	Totally
4	Sumobay Rowena/Johnly Villamor	3	Totally
5	Tomampoc, Cecelia/Aljen Yu	2	Totally
6	Torcende, Norlito/Cheryl Villar	3	Totally

RENTER FAMILY – TOTAL DAMAGE

1	Ambos, Julito/Laurie Carwa	2	Totally
2	Buray, Peter/Dian Abergas	4	Totally
3	Magno, Romely/Wilmart Buray	3	Totally
4	Pallesgo, Romeo/Dalia Namoc	5	Totally

This certification is being issued upon the request of the above-named persons for CSWD assistance.

Issued this 19th day of January 2018 at the Office of the District Fire Marshal, Capt. Vicente Roa Street, Cagayan De Oro City

NOT VALID FOR ANY INSURANCE CLAIMS


Dennis B Dalis
 SFO1 BFP
 OIC, IIS, COFD


RICHARD V ARBUTANTE
 FSUPT BFP
 District Fire Marshal

FILE

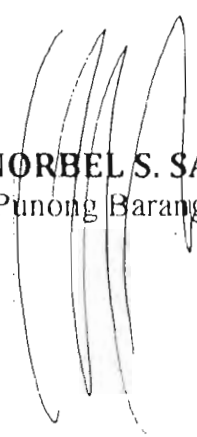


Republic of the Philippines
City of Cagayan de Oro
OFFICE OF THE PUNONG BARANGAY
BARANGAY MACABALAN
Tel No. 881-2209

INDORSEMENT

Respectfully forwarded to the **CITY SOCIAL WELFARE AND DEVELOPMENT (CSWD) OFFICE**, ably represented by **City Social Officer Teddy Sabuga-a Jr.**, the List of Fire Victims and Extent of the Damage of their houses burned during the big fire which hit portion of Accretion Area - this Barangay at 2:00 P.M. dated 07 December 2018.

Done this 12th day of January 2018 in Macabalan, Cagayan de Oro City.


NORBEL S. SAA
Punong Barangay

Encls: 2-page List

/mrc

cc: Office of the City Mayor
Sangguniang Barangay
File

REPUBLIC OF THE PHILIPPINES
CITY SOCIAL WELFARE & DEVELOPMENT DEPARTMENT
CAGAYAN DE ORO CITY

ACCRETION, MACABALAN
CAGAYAN DE ORO CITY
2:10 PM DECEMBER 07, 2018

TOTALLY DAMAGED (HOUSE OWNER)

NAME OF VITCTIMS	NO. OF INDIVIDUALS	Male	Female	TOTALLY DAMAGED AMOUNT
1. Amistoso, Lolykie	3	1	2	60,000.00
2. Gequilan, Josue	3	2	1	70,000.00
3. Bag-ao, Richard	5	4	1	25,000.00
4. Bermudes, Adelaida	8	5	3	25,000.00
5. Bernadas, Antonio	6	4	2	90,000.00
6. Buray, Gielord	4	2	2	65,000.00
7. Buray, Wilma	5	4	1	50,000.00
8. Bautista, Dexter	4	1	3	10,000.00
9. Bagares, Enerio	4	1	3	10,000.00
10. Cajegas, Richard	7	4	3	24,000.00
11. Carmelotes, Manita	5	3	2	40,000.00
12. Castulo, Florencio	4	2	2	60,000.00
13. Cuevas, Josefina	3	1	2	10,000.00
14. Dullien Lito	8	4	4	20,000.00
15. Domingo, Jovie	6	4	2	10,000.00
16. Gayloa, Tito	7	5	2	30,000.00
17. Hong-hong, chresly				10,000.00
18. Hong-hong, Viola	3	1	2	10,000.00
19. Hong-hong, Charlo	3	1	2	10,000.00
20. Hong-hong, Gilbert	3	2	1	10,000.00
21. Lijanio, Pelario	11	8	3	10,000.00
22. Montero, Julius	6	5	1	30,000.00
23. Medroso, Arnulfo	3	2	1	100,000.00
24. Ponce, Rondel	5	3	2	25,000.00
25. Ponce, Wifredo	5	4	1	50,000.00
27. Rosal, Jose	3	2	1	40,000.00
28. Rosal, Limly	3	2	1	50,000.00
29. Sabellina, Charlito Bon	4	3	1	20,000.00
30. Samson, Joyce	3	1	2	15,000.00
31. Solano, Ursula	7	6	1	75,000.00
32. Sotto, Jessie	5	1	4	25,000.00
33. Sacayan, Evelyn	7	4	3	25,000.00
34. Sumobay, Rosita	2	1	1	45,000.00
35. Sumobay, Ramir	5	2	3	30,000.00
36. Salva, Rolito	4	2	2	10,000.00
37. Torres, Rosalina	3	2	1	50,000.00
38. Torres, Capistrano	5	2	3	20,000.00

39. Torcende, Norberto	6	2	4	50,000.00
40. Tomampoc, Sucimo	5	3	2	45,000.00
41. Tabanilla, Rebecca	4	2	2	100,000.00
42. Uba, Lichery	8	7	1	20,000.00
43. Yañes, Junito	4	2	2	50,000.00
44. Yañes, Henry	4	2	2	10,000.00
45. Yamson, Zaldy	7	3	4	100,000.00
46. Yañes, Julie	3	2	1	20,000.00
47. Zuniga, Harvey	3	2	1	90,000.00

Sacayan Evelyn

Totally {Non-dweller}

1. Torres , Rosalina	3	2	1	50,000.00
2. Ponce, Armando	2	1	1	10,000.00
3. Namocot, Junriel	1	1		25,000.00

PARTIALLY DAMAGED (HOUSE OWNER)

NAME OF VICTIMS	NO. OF INDIVIDUALS	Male	Female	TOTALLY DAMAGED AMOUNT
1. Uyan, Pet Don Paul	5	3	2	10,000.00

PARTIALLY (SHARER)

NAME OF VICTIMS	NO. OF INDIVIDUALS	Male	Female	TOTALLY DAMAGED AMOUNT
1. Buray, Wilmarc	3	1	2	15,000.00
2. Buray, Pablito Jr.	5	2	3	10,000.00
3. Hibaya, Argie	2	1	1	10,000.00
4. Mabalacad, Jarmilla	3	2	1	10,000.00
5. Sumobay, Rowena	3	1	2	15,000.00
6. Tomampoc, Cecelia	2	1	1	10,000.00
7. Torcende, Norlito	3	2	1	50,000.00

PARTIALLY (RENTER)

1. Ambos, Julito	2	1	1	5,000.00
2. Buray, Peter	4	2	2	10,000.00
3. Pallesgo, Romeo	5	3	2	25,000.00

Certified true and correct.

Capt. Norbel S. Saa
Brgy. Captain- Macabalan
Cagayan de Oro City

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

(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

SUBJECT MATTER: Proposed Resolution requesting the Honorable City Mayor Oscar S. Moreno to reconstitute the Women's Development Council in Cagayan de Oro City, pursuant to City Ordinance No. 6764-99

Proponent – City Councilor Edna M. Dahino

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

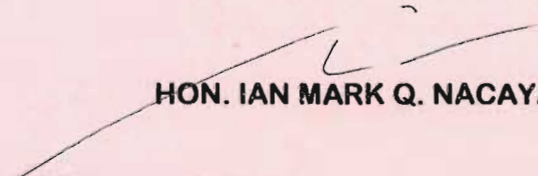
FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

ARTURO S. DE SAN MIGUEL
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: July 5, 2018

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

On motion jointly made and jointly seconded by the members present, it was

RESOLVED, as the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro hereby resolves, to adopt, without second reading, the following:

ORDINANCE NO. 6764-99

AN ORDINANCE CREATING THE WOMEN'S DEVELOPMENT COUNCIL IN CAGAYAN DE ORO CITY, PROVIDING FOR ITS FUNCTIONS AND COMPOSITION AND FOR OTHER PURPOSES

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

SECTION 1. – Title – This Ordinance shall be known as the Women's Development Council Ordinance of Cagayan de Oro City.

SECTION 2. – Declaration of Policy – The City of Cagayan de Oro recognizes the role of women in nation building and shall ensure fundamental equality before the law of women and men. It shall provide women the rights and opportunities equal to that of men.

SECTION 3. – Creation and Coverage – There shall be created the Women's Development Council of Cagayan de Oro City (WDCCC), hereinafter referred to as the Council, which shall cover or encompass all barangays within the political and administrative jurisdiction of Cagayan de Oro City.

SECTION 4. – Composition – The Council shall be composed of the following:

- (a) The chairperson of the Committee on Women in Development from each Barangay Council of the City;
- (b) One (1) woman representative from each sector, including but not limited to law enforcement agency, labor, urban poor, health, professionals, business and entrepreneurs, academe, fisherfolks and media;
- (c) One (1) representative from the City Social Services and Development;
- (d) One (1) representative from the City Budget Office;
- (e) The Chairperson of the Committee on Women and Family Relations of the Sangguniang Panlungsod; and
- (f) Six (6) representatives from women non-government organizations and people's organizations.

The sectoral representatives shall be properly endorsed by women and sectoral organizations duly accredited by the Securities and Exchange Commission, Cooperative Development Authority, Department of Labor and Employment, or the City Council.

SECTION 5. – Term of Office – Each member of the Women's Development Council shall have a term of three (3) years.

SECTION 6. – Meetings – The Council members shall meet at least once for every six (6) months in an appropriate venue. Special meetings may be called upon the approval of at least twenty-five percent (25%) of the Council members.

SECTION 7. – Executive Board and Officers – The Council members shall elect at large fifteen (15) members of the Executive Board, six (6) from the barangay Committee on

women in development, four (4) from non-government organizations/people's organizations, two (2) from the sectors, two (2) from government line agencies organizations and the Sangguniang Panlungsod Chair of the Committee on Women and Family Relations.

The Board shall elect from among themselves the following officers: Chairperson, Vice Chairperson, Secretary, Assistant Secretary, Treasurer and an Information Officer/Liaison Officer. The Executive Board and Officers shall have a term of two (2) years.

SECTION 8. – Meetings of the Executive Board and Officers – Members of the Executive Board shall meet once every three (3) months while the Officers shall meet once a month. Special meetings may be called from time to time by the Chairperson or upon report of the majority of its members.

The City Mayor shall convene the Women's Development Council of Cagayan de Oro City not later than one (1) month after the passage of this Ordinance.

SECTION 9. – Functions and Powers – The Women's Development Council of Cagayan de Oro City shall have the following functions and powers:

- a. To review existing legislation, policies and programs on women of Cagayan de Oro City.
- b. To formulate gender-based policies, programs and strategies towards securing and advancing women's rights and welfare in Cagayan de Oro City.
- c. To plan, develop, implement, monitor, and evaluate a comprehensive local development plan for women.
- d. To facilitate integration of women into the political, social, economic, and cultural aspects of society.
- e. To pursue continuing education, training and advocacy programs towards attaining women's economic, social, and political empowerment.
- f. Encourage and promote the formation of women's structures within the barangay councils and in various non-government organizations and people's organizations within Cagayan de Oro City.
- g. Strengthen networking and linkages among government and non-government organizations, and promote active participation in governing and policy-making bodies.
- h. Undertake any other projects and programs needed to promote and institute gender-based concerns.

SECTION 10. – Functions and Powers of the Executive Board – The Executive Board shall have the following functions and powers:

- a. Formulate and prepare its programs including its budgeting requirements;
- b. Form or create appropriate structures and committees to make it functional;
- c. Coordinate the release of funds for women programs and projects;
- d. Make specific policies and rules; and
- e. Implement and execute its functions and programs.

SECTION 11. – Funding – Funds to carry out the WDCCC's programs and projects shall be taken from the 5% Gender and Development Fund as provided for under the General Appropriations Act and the Department of Budget and Management Circulars in accordance with Republic Act No. 7192, from the appropriations of the City Government, and from donations and contributions from concerned individuals, agencies and organizations.

SECTION 12. – *Secretariat* – For the purpose of assisting in the implementation of programs of the Women’s Development Council, personnel from the City Council shall act as the Secretariat of the WDCCC.

SECTION 13. – *Separability Clause* – If any part or portion of this Ordinance is held or declared unconstitutional, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 14. – *Effectivity* – This Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED.

Authors: - Councilor Maryanne C. Enteria
 - Councilor Michelle J. Tagarda
 - Councilor Juan Y. Sia

DONE in the City of Cagayan de Oro, this 8th day of February, 1999.

JOHN L. ELIZAGA
CITY-VICE MAYOR
PRESIDING OFFICER

ATTESTED:

FOR THE CITY SECRETARY:

TERESITA R. BANCORO
ASSISTANT CITY COUNCIL SECRETARY

APPROVED:

VICENTE Y. EMANO
CITY MAYOR

ATTESTED:

NORBERTO A. COSADIO
SECRETARY TO THE MAYOR

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 Resolution affirming the interest of the Local Government Unit; and authorizing the Honorable City Mayor Oscar S. Moreno to apply, negotiate, avail grant financing from the Integrated Natural Resources and Environmental Management Project (INREMP) of the Department of Environment and Natural Resources (DENR) thru the Municipal Development Fund Office (MDFO), and undertake other acts necessary to the effective implementation of the construction of spillway at Sitio Laguila, Barangay Balulang, Cagayan de Oro 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. July 5, 2018

>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 VICE MAYOR

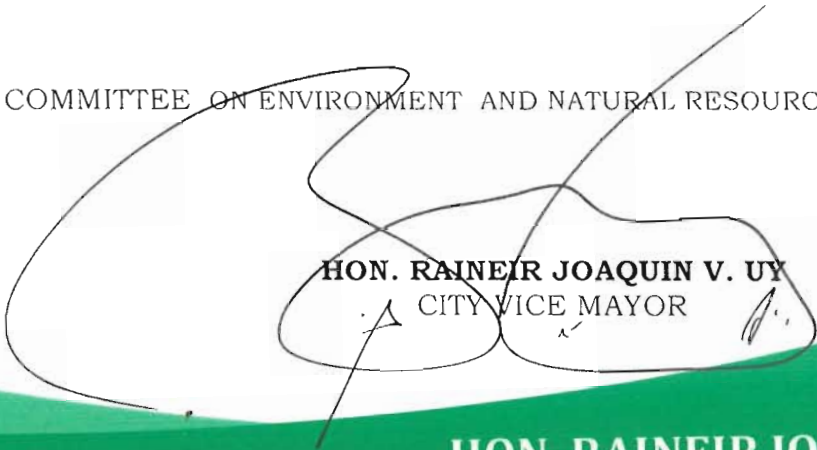


2F Legislative Building
City Hall Compound,
Burgos St., Brgy. 2,
Cagayan de Oro City

DATE: MAY 10, 2017
FROM: CLENRO

SUBJECT MATTER: FINAL DRAFT FOR THE RESOLUTION AFFIRMING THE INTEREST OF THE LOCAL GOVERNMENT UNIT TO AVAIL, NEGOTIATE, AVAIL GRANT FINANCING FROM THE INTEGRATED NATURAL RESOURCES AND ENVIRONMENT MANAGEMENT PROJECT (INREMP) OF DENR WITH REGARD TO THE PROPOSED DEVELOPMENT OF BARANGAY BALUBAL TO SITIO LAGILAY ACCESS ROAD.

ACTION: REFER TO COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES.


HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



REPUBLIC OF THE PHILIPPINES
CITY LOCAL ENVIRONMENT and NATURAL RESOURCES OFFICE
Cagayan de Oro City



1st Endorsement

May 5, 2017

Respectfully endorsed to **Mr. ARTURO S. DE SAN MIGUEL**, City Council Secretary, herein attached Final Draft for the Resolution Affirming the Interest of the Local Government Unit to avail, negotiate, avail grant financing from the Integrated Natural Resources and Environmental Management Project (INREMP) of DENR with regard to the Proposed Development of Barangay Balubal to Sitio Lagilay Access Road. Attached herewith are the documents: Executive Order No. 146-16 and Letter of Intent signed by the City Mayor, needed for the said resolution.

For your appropriate action.

Handwritten: Public Works Environment

Date	ARTURO S. DE SAN MIGUEL
	City Secretary
Remarks	<i>Handwritten: N</i>

Handwritten signature
EDWIN I. DAEL, MPA
OIC-CLENRO



Communication Number: 2017-731

Date: 05/11/2017

Receiver: JESSAMINE

From: CLENRO

Subject: FINAL DRAFT FOR THE RESOLUTION AFFIRMING THE INTEREST OF THE LOCAL GOVERNMENT UNIT TO AVAIL, NEGOTIATE, AVAIL GRANT FINANCING FROM THE INTEGRATED NATURAL RESOURCES AND ENVIRONMENT MANAGEMENT PROJECT (INREMP) OF DENR WITH REGARD TO THE PROPOSED DEVELOPMENT OF BARANGAY BALUBAL TO SITIO LAGILAY ACCESS ROAD.

Respectfully referred to COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
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: May 30, 2017

Recommending for Approval: Committee on
Public Works

HON. ZALDY O. OCON
Chairperson

HON. EDNA M. DAHINO
Vice Chairperson

HON. GEORGE S. GOKING
Member

HON. REUBEN R. DABA
Member

HON. ROMEO V. CALIZO
Member

HON. JAY R. PASCUAL
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 of Cagayan de Oro

THE SANGGUNIANG PANLUNGSOD OF CAGAYAN DE ORO CITY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CGAYAN DE ORO CITY HELD AT THE CITY SESSION HALL ON DATE.

PRESENT:

HON. RAINEIR JOAQUIN V. UY
HON.
HON.
HON.
HON.
HON.
HON.
HON.
HON. ABC PRES.

PRESIDING OFFICER
MEMBER
MEMBER
MEMBER
MEMBER
MEMBER
MEMBER
MEMBER
MEMBER

ABSENT:

XXXX

XXXX

City Council Resolution Number 00-000

RESOLUTION AFFIRMING THE INTEREST OF THE LOCAL GOVERNMENT UNIT; AND AUTHORIZING MAYOR OSCAR S. MORENO TO APPLY, NEGOTIATE, AVAIL GRANT FINANCING FROM THE INTEGRATED NATURAL RESOURCES AND ENVIRONMENTAL MANAGEMENT PROJECT (INREMP) OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) THRU THE MUNICIPAL DEVELOPMENT FUND OFFICE (MDFO), AND UNDERTAKE OTHER ACTS NECESSARY TO THE EFFECTIVE IMPLEMENTATION OF THE *Construction of Spillway @ Sitio Laguila, Barangay Balubal, Cagayan de Oro City.*

WHEREAS, the proposed *Construction of Spillway @ Sitio Laguila, Barangay Balubal, Cagayan de Oro City*, with an estimated cost of *Php 3,700,000.00* is one of the priority projects of the City;

WHEREAS, the objectives of the project are: 1. *To give an easy access/provide passage to farmers/community situated in the area and moving vehicles in crossing the Agusan river and vice-versa*, 2. *To improve the delivery of basic social and health services* 3. *To increase economic activities in the area, among others;*

WHEREAS, the *City of Cagayan de Oro* proposed for financing under Component 2 of the INREMP has been deemed as (a) priority project/s identified in the adopted WMI Plan of the *City of Cagayan de Oro*.

NOW, THEREFORE, on motion of Hon. _____ duly seconded by Hon. _____ & Hon. _____, the *Sangguniang Bayan* of Cagayan de Oro City hereby:

RESOLVED, AS IT IS HEREBY RESOLVED, to affirm the interest of the *City of Cagayan de Oro* to participate in Component 2 of the INREMP to finance its proposed **Construction of Spillway @ Sitio Laguila**y, *Barangay Balubal, Cagayan de Oro City*

RESOLVED FURTHER, to authorize and empower the incumbent local chief executive, Honorable Mayor OSCAR S. MORENO, or his successor, for and on behalf of the *City of Cagayan de Oro City*, to undertake the following:

- a. To apply, negotiate, avail grant financing, enter into a Memorandum of Agreement (MOA) with the Regional Director, DENR Regional office No.10, and execute an Accession Undertaking (AU), for the implementation/financing/funding of the *Construction of Spillway @ Sitio Laguila*y, *Barangay Balubal, Cagayan de Oro City*, under Component 2 of the INREMP;
- b. To participate in Component 2 of the INREMP, undertake the implementation of the proposed projects once approved, and comply with the agreed provisions as may be set in the Memorandum of Agreement entered and executed by and between the LGU and the DENR Regional Office No.10;
- c. To undertake other acts necessary to the effective implementation of the proposed *Construction of Spillway @ Sitio Laguila*y, *Barangay Balubal, Cagayan de Oro City*;

RESOLVED FURTHERMORE, to authorize the incumbent local chief executive, Hon. OSCAR S. MORENO, or his successor, for and on behalf of the *City of Cagayan de Oro*, to affirm and undertake the following commitments required under INREMP:

- a. To appropriate funds equivalent total project cost for the proposed project;
- b. To provide maintenance trust fund for the project/s immediately after completion;
- c. To authorize the Municipal Development Fund Office - Department of Finance to deduct from the LGU's Internal Revenue Allotment (IRA) the equivalent of the amount due in case of unliquidated financial obligations with INREMP without prejudice to filing of appropriate charges;
- d. To create and provide for the operationalization of a local project management unit, and designate a local project coordination officer necessary for the execution of the project;
- e. To provide office space and facilities and all other support services as may be needed in the operationalization of the project;
- f. To conduct public consultation/s and/or secure resolution/s of support to ensure the acceptability of the project; and
- g. To authorize the LCE to enter into contract with the winning bidders for civil works, consultancy, procurement of goods/equipment and other agreements required to be done.

RESOLVED FINALLY, to furnish the DENR Regional Office No.____ with a copy of this Resolution.

ADOPTED this ----- day of ----- in -----, -----, Philippines.

XXXX

XXXX

XXXX

I HEREBY CERTIFY to the correctness of the foregoing excerpt.

Attested:

Certified Correct:

Hon. RAINEIR JOAQUIN V. UY
Vice Mayor
SP Presiding Officer

ARTURO S. DE SAN MIGUEL
City council Secretary

Approved:

Hon. OSCAR S. MORENO
City Mayor



Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE CITY MAYOR

Executive Order No. 146-16

CREATION OF THE SUB-PROJECT MANAGEMENT UNIT (SPMU) FOR THE
CITY OF CAGAYAN DE ORO

WHEREAS, the Department of Environment and Natural Resources (DENR) is implementing Component 2 (Smallholder Institutional Investments and Rural Infrastructure Subprojects) of the Integrated Natural Resources and Environmental Management (INREMP), a grant financing facility thru the Municipal Development Fund Office of the Department of Finance (DOF-MDFO) for participating Local Government Units (LGUs), which aims to address/support watershed management issues and concerns;

WHEREAS, per letter of intent (LOI) dated *March 22, 2016* and SB Resolution No.00-000, series of ----, the City of Cagayan de Oro signified its interest to avail of financial assistance from the INREMP for the implementation of the *Proposed Development of Barangay Balubal (Purok-1) to Sitio Lagilay Access Road*:

Component 1: Construction of Spillway Crossing Agusasan River,

Component 2: Concreting of Road from barangay Balubal (Purok-1 towards Spillway

Component 3: Concreting of Spillway @ Sitio Laguilay.

All from Barangay Balubal, Cagayan de Oro City as the proposed Project/s;

WHEREAS, to effectively implement the proposed subproject under the INREMP and meet the obligations of the Municipality as set forth herein, there is a need to create a Local Subproject Management Unit (SPMU) that shall integrate, coordinate, facilitate, monitor and supervise the outputs/activities of the local departments involved in the Subproject including the contractors/suppliers (as appropriate) and other agencies;

WHEREAS, the Municipality through the SPMU shall undertake the following obligations as set in the Rural Infrastructure Subproject Development and Implementation Guidelines of the INREMP, to wit:

1. With the assistance from the INREMP Technical Team, prepare the Subproject Proposal/Feasibility Study (SPP/FS) of the subproject;
2. Prepare Detailed Engineering Design (DED) of the subproject (drawing plans, specifications and subproject cost estimates) supervise constructions thereof;
3. Procure contractors for civil works/supplies for equipment (as appropriate) in accordance with ADB Procurement Guidelines and/or RA 9184;
4. Prepare, implement and comply with the required social, technical, and environmental safeguards such as, but not limited to, resettlement plan,

- acquisition of right of ways, environmental compliance certificate/certificate of non-coverage to ensure the readiness of the subproject relative to these;
5. Incorporate social dimensions to the subproject/s designs and implementation by conducting public consultation, information education, and advocacy to the local development council and the communities;
 6. Design and implement strategies and mechanisms to ensure sustainability of the subproject to include cost recovery programs, among others;
 7. Adopt monitoring and evaluation system to generate baseline data, and to monitor and evaluate the benefits and impact of the subproject/s;
 8. Implement other systems to be developed for the subproject through Sangguniang Resolutions and /or Executive Orders/Circulars;

NOW THEREFORE, by virtue of the powers vested in me by law do hereby order the creation of the *Name of LGU* Subproject Management Unit (SPMU) to be composed of the following personnel:

Composition	Department/Office/Position
Chairperson: Engr. Rolando M. Pacuribot	City Engineer's Office/City Engineer
Members:	
1. Engr. Isidro G. Borja	City Planning & Devt. Office/City Dev't. Coordinator
2. Mr. Edwin I. Dael	City Local Environment & Nat'l Resources off. Officer In-Charge
3. Atty. Beda Joy B. Elot	City Accountant
4. Atty. Percy G. Salazar	City Budget Officer
5. Dr. Glenn C. Banez, MPA Ph.D	City Treasurer/Officer-In-Charge
6. Mr. Teodoro A. Sabuga-a Jr.	City Social Welfare Department
7. Mr. Pablo M. Bactong	President-Balubal Integrated Social Forestry Farmers Association (BISFFA)
8. Ms. Vivian M. Malangin	Punong Barangay- Balubal, Cagayan de Oro City

Permanent Representative/s:

1. City Engineer's Office
 - a. Engr. Reuben Lagura
 - b. Mr. Edward Flores
2. City Planning & Devt. Office/City Dev't. Coordinator
 - a. Engr. Lamberto Cababaras
 - b. Engr. Rolan Aclan
 - c. Engr. Joel V. Momongan
 - d. Mr. Rodrigo W. Ladao
3. City Local Environment & Nat'l Resources Office
 - a. Ms. Elizabeth C. Sumabong
 - b. Mr. Peter C. Bahian
 - c. Mr. Leif D. Velez
4. City Accounting Office
 - a. Ms. Roxanne Mea A. Ravidas
 - b. Ms. Rheaphil F. Suralta

5. City Budget Office
 - a. Mr. Edwin S. Tongco
 - b. Mr. Isagani P. Yaba
6. City Social Welfare Department
 - a. Mr. Julius D. Pamesa
7. City Treasurer's Office
 - a. Ms. Jasmine T. Maagad
 - b. Ms. Pixie M. Vallar

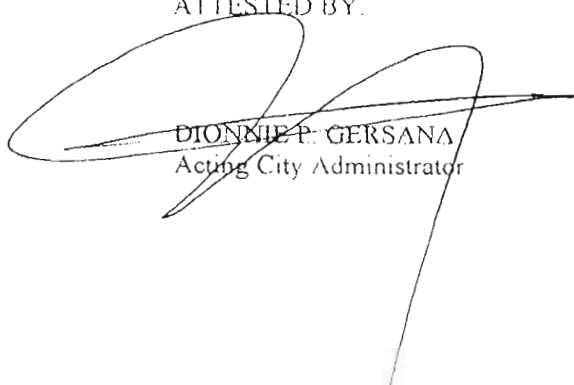
FURTHER ORDERED, the following management measures and requirements shall be strictly observed:

1. The SPMU shall convene/meet regularly, or as need arises, to discuss the requirements and status of Project Components; minutes of meetings shall be submitted to the undersigned & others concerned.
2. The SPMU shall submit to the undersigned, and furnish to Sanggunian Bayan, and other concerned agencies copies of Monitoring Report as prescribed.
3. The SPMU shall submit all letters and other documents (as deemed necessary) to the undersigned.

DONE THIS 21st NOVEMBER, at the City of Cagayan de Oro, Philippines.


OSCAR S. MORENO
City Mayor

ATTESTED BY:


DIONNE P. GERSANA
Acting City Administrator



Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE CITY MAYOR

LETTER OF INTENT

January 3, 2016

Ms. RUTH M TAWAN-TAWAN, CESO IV
Regional Executive Director
DENR – 10
Cagayan de Oro City

Dear Director Tawantawan,

In Behalf of the City of Cagayan de Oro, we would like to express our intent to apply for financial assistance under the *Integrated Natural Resources and Environmental Management Project (INREMP)*, which we intent to use for the *Proposed Development of Barangay Balubal (Purok 1) - Sitio Lagilay Access Road*:

- Component 1: Construction of Spillway Crossing Agusan River,
- Component 2: Concreting of Road with Drainage from Barangay Balubal (Purok-1) towards Spillway
- Component 3: Concreting of Foot Rails @ Sitio Lagilay,

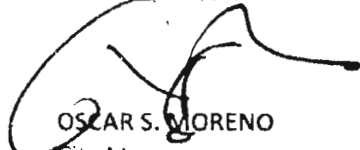
The said Project is among the rural infrastructure facilities identified in our Watershed Management and Investment (WMI) Plan envisioned to address watershed management issues and problems.

We understand that we are required to complete the pre-qualification requirements with the Regional Project Coordinating Office (RCPO) of the Department of Environment and Natural Resources (DENR), in order to qualify for available funds under the INREMP. In the Meantime, should you require further discussion on our proposed sub-project, please contact us through:

1. Email address: cpdo.cdeo@gmail.com
2. Contact person: Engr. Isidro G. Borja (857-3906)

Thank you for your kind consideration

Very Truly Yours,


OSCAR S. MORENO
City Mayor

Republic of the Philippines
City Of CAGAYAN DE ORO
Department of Engineering & Public Works
OFFICE OF THE CITY ENGINEER

PLANNING DESIGNING & PROGRAMMING DIVISION
Individual Program of Work/Budget Cost

12-Aug-16

Region 10
District/City CAGAYAN DE ORO CITY
Project Title CONSTRUCTION OF SPILLWAY AT SITIO KIBAGA

Roadbed Width 8.00M.
Pavement Width 8.00M.
Pavement Thickness 0.150M.

Location Barangay Balubal, Cagayan De Oro City
Appropriation Php3,700,000.00
Source of Fund For Funding
Station Limits Refer To Plan and POW for Station-Locations
Total Length 0.04442 KM.

Pavement Shouldering(Both side)
Type of Superstructure,
No. of Spans
Classification
No. of Calendar Days 150.00

Description of Work to be done	% of Total	Equipment Needed	No. of Units
1. Clearing/Excavation works for spillway construction.	7.83%	Backhoe	1
2. Stone Masonry Slope Protection works and Pipe Culvert Installations	57.39%	1-Bagger Conc. Mixer	1
3. Base course application.	3.93%	Bar Cutter	1
4. Conc. Reinf., Concrete structures & Billboard installations.	26.46%	Road Grader	1
5. Eng'g Facilities, Const. Safety & Health/Mobilization	4.40%	Road Roller	1
	100.00%	Mini Vehicle	1

ESTIMATED COST OF PROPOSED WORK

ITEM No.	DESCRIPTION	UNIT	QUANTITY	DIRECT COST TOTAL	UNIT COST	TOTAL ITEM COST
103	STRUCTURE EXCAVATION	cu.m.	461.22	160,628.00	446.14	205,764.47
201	AGGREGATE BASE COURSE	Cu.m.	106.61	114,120.18	1,371.27	146,187.95
404	REINFORCING STEEL	Kgs.	1,558.60	135,768.83	111.59	173,919.87
405	STRUCTURAL CONCRETE (CLASS "A")	cu.m.	118.270	624,566.00	6,764.77	800,069.05
500	PIPE CULVERT&STORM DRAIN; 1000MØ	lin.m.	56.00	569,582.00	13,029.19	729,634.54
505	STONE MASONRY SLOPE PROTECTION	cu.m.	467.032	1,095,934.00	3,005.99	1,403,891.45
SPL-1	SITE CLEARING	Sq.m.	850.34	66,491.58	100.17	85,175.71
SPL-2	PROJECT BILL BOARDS	Units	4.00	7,502.15	2,402.56	9,610.26
SPL-3	ENGINEERING FACILITIES	I.s.	1.00	55,491.85	64,093.09	64,093.09
SPL-4	CONSTRUCTION SAFETY & HEALTH	I.s.	1.00	55,491.85	64,093.09	64,093.09
SPL-5	MOBILIZATION	I.s.	1.00	16,711.57	17,547.14	17,547.14
				2,902,288.02		3,699,986.63

BREAKDOWN OF ESTIMATED EXPENDITURES

		Amount	% Wt.		Amount
1 Labor (m-days)	1,712.25	486,379.00	13.15%	Direct Cost	2,902,288.02
2 Materials		2,024,953.86	54.73%	O.C.M.	332,951.13
3 Eqp't. Rentals, Spare Parts & Maint.		390,955.16	10.57%	Contractor's Profit	288,557.65
4 Fuel, Oil & Lubricants		-	-	Mob/Demobilization	-
5 O.C.M.		332,951.13	9.00%	Cont. Local Tax	-
6 Contractor's Profit		288,557.65	7.80%	Construction Cost (net of vat)	3,523,796.79
7 Mob/Demobilization		-	-	V.A.T. (B.I.R. Tax)	176,189.84
8 V.A.T. (B.I.R. Tax)		176,189.84	4.76%	Total Construction Cost	3,699,986.63
9 Eng'g Supervision		-	-	Pre-Eng'g/Eng'g Supv'n	-
10 Quality Control		-	-	TOTAL ESTIMATED COST	3,699,986.63
TOTAL ESTIMATED COST		3,699,986.63	100.00%	Say	P Php3,700,000.00
Say	P	3,700,000.00		Mode of Implementation :	By Contract

Prepared :

VICENIA B. VIVARES
Engineer II

Checked :

MA. SOCORRO R. GALORPORT
Engineer III

Submitted:

EMILIA B. REVILLA
Engineer IV-CIC FDDP

Recommending Approval :

ROLANDO M. PACURIBOT
CEED Manager
Acting City Engineer

Approved:

OSCAR S. MORENO
City Mayor

CONSTRUCTION OF SPILLWAY AT SITIO KIBAGA
Barangay Balubal, Cagayan De Oro City



ORDINANCE NO. 13337-2017

AN ORDINANCE APPROPRIATING THE SUM OF ₱3,433,300.00 FROM THE ITEM: "SPECIAL PROGRAM/PROJECTS-UPGRADING/CONCRETING OF FARM TO MARKET ROAD (LGU EQUITY)" IN THE 2017 ANNUAL BUDGET OF THE CITY AGRICULTURAL PRODUCTIVITY OFFICE, THIS CITY, TO BE MADE AVAILABLE AS THE CITY'S 20% COUNTERPART FOR THE PROJECT: *PROPOSED DEVELOPMENT OF BARANGAY BALUBAL (PUROK 1) TO SITIO LAGILAY ACCESS ROAD* UNDER THE DENR-INTEGRATED NATURAL RESOURCES & ENVIRONMENT MANAGEMENT PROJECT (INREMP), FOR THE IMPLEMENTATION OF THE HEREIN SPECIFIED PROJECTS

BE IT ORDAINED by the 18th City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

SECTION 1. The sum of ₱3,433,300.00 is hereby appropriated from the item: "Special Program/Projects-Upgrading/Concreting of Farm to Market Road (LGU Equity)" in the 2017 Annual Budget of the City Agricultural Productivity Office, this City, to be made available as the City's 20% Counterpart for the Project: *Proposed Development of Barangay Balubal (Purok 1) to Sitio Lagilay Access Road* under the DENR-integrated Natural Resources & Environment Management Project (INREMP), for the implementation of the following projects:

- Component 1: Construction of Spillway Crossing Agusan River;
- Component 2: Concreting of Road with Drainage from Purok 1 towards Spillway, and
- Component 3: Concreting of Foot Trails at Sitio Lagilay

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

UNANIMOUSLY APPROVED.

<u>Present:</u>	<u>1st District:</u>	- Councilor Lordan G. Suan - Councilor Romeo V. Calizo - Councilor Reuben R. Daba	- Councilor Jay R. Pascual - Councilor George S. Goking
	<u>2nd District:</u>	- Councilor Nadya B. Emano-Elipse - Councilor Maria Lourdes S. Gaane - Councilor Teodulfo B. Lao, Jr. - Councilor Domestillo C. Accenas, Jr.	- Councilor Leon D. Gan, Jr. - Councilor Ian Mark Q. Nacaya - Councilor Suzette G. Magtajas-Daba - Councilor Enrico D. Salcedo
<u>Absent:</u>		- Councilor Zaldy O. Ocon (Indisposed)	- Councilor Annie Y. Daba (Indisposed)
<u>On Leave:</u>		- Councilor Yan Lam S. Lim	
<u>Out of Session Hall:</u>		- Councilor Edna M. Dahino	

ENACTED this 20th day of November 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

Attested as duly enacted:

RAINER JOAQUIN V. UY
CITY VICE-MAYOR
PRESIDING OFFICER

Attested:

BELINDA M. EGYPTO - NAGUITA
SUPERVISING ADMINISTRATIVE OFFICER
OFFICER-IN-CHARGE
CITY ADMINISTRATOR'S OFFICE

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Approved:

OSCAR S. MORENO
CITY MAYOR

