



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
20th City Council

PR20CC-446

27th Regular Session

RESOLUTION NO. SP- **7188**, S-2017

A RESOLUTION RATIFYING THE MEMORANDUM OF AGREEMENT (MOA) ENTERED INTO BY AND BETWEEN THE QUEZON CITY GOVERNMENT (FIRST PARTY), REPRESENTED BY THE CITY MAYOR, HONORABLE HERBERT M. BAUTISTA, AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS-NCR (SECOND PARTY), REPRESENTED BY OIC-REGIONAL DIRECTOR, TIBURCIO C. CANLAS, FOR THE TRANSFER OF FUND FROM THE SECOND PARTY TO THE FIRST PARTY AMOUNTING TO THIRTY SEVEN MILLION EIGHT HUNDRED TWENTY NINE THOUSAND EIGHT HUNDRED EIGHTY PESOS (PHP37,829,880.00), EARMARKED FOR THE FINANCIAL ASSISTANCE OF THE ONE THOUSAND THREE HUNDRED FIFTY THREE (1,353) INFORMAL SETTLER FAMILIES (ISFS) TO BE AFFECTED BY THE ROAD CONSTRUCTION/IMPROVEMENT OF VISAYAS AVENUE EXTENSION, SPECIFICALLY (TANDANG SORA AVENUE - REPUBLIC AVENUE) STA. 0+925 TO STA. 2+540.812.

Introduced by Councilors RAQUEL S. MALAÑGEN,
FRANZ S. PUMAREN and GODOFREDO T. LIBAN II.
Co-Introduced by Councilors Anthony Peter D. Crisologo,
Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V.
Ferrer, Jr., Oliviere T. Belmonte, Alexis R. Herrera,
Precious Hipolito Castelo, Voltaire Godofredo L. Liban III,
Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C.
Valmocina, Roderick M. Paulate, Allan Benedict S.
Reyes, Gian Carlo G. Sotto, Kate Abigail G. Coseteng,
Eufemio C. Lagumbay, Irene R. Belmonte, Ivy Xenia L.
Lagman, Marra C. Suntay, Karl Edgar C. Castelo,
Allan Butch T. Francisco, Marivic Co-Pilar, Melencio
"Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella
Maria G. Sotto, Donato C. Matias, Eric Z. Medina and
Ricardo B. Corpuz.

WHEREAS, the Second Party is tasked to undertake the implementation of the Construction/Improvement of Visayas Avenue Extension, specifically (Tandang Sora Avenue to Republic Avenue) Sta. 0+925 to Sta. 2+540.812; ✓

✓ ✓ ✓

WHEREAS, to implement said road construction project, it will require the clearing/removal of ISFs' structures along the Visayas Avenue Extension Road Right-of-Way (RROW), particularly on the road segment described above;




WHEREAS, in line with this task and pursuant to the provision of Section 28 of Republic Act No. 7279, otherwise known as the Urban Development and Housing Act (UDHA), in lieu of relocation, financial assistance of Php27,960.00 per family (equivalent to the current minimum wage for sixty days) shall be provided to the affected ISFs;

WHEREAS, for the purpose of providing the financial assistance fund necessary to implement the clearing/removal of ISFs' structures on the above described RROW, the Second Party has allocated the amount of Thirty Seven Million Eight Hundred Twenty Nine Thousand Eight Hundred Eighty Pesos (Php37,829,880.00), under SR2014-03-001099 FY 2014 General Appropriation Act RA10633;

WHEREAS, like in many project-partnerships with the Second Party before, the First Party has agreed to undertake the clearing/removal of the 1,353 structures that will be affected by the aforementioned road improvement project;

WHEREAS, to realize the implementation of the project, which would start with the clearing of the project site, the Parties herein entered into a Memorandum Agreement (MOA) on January 14, 2015 for the transfer of the Financial Assistance Fund of Php37,829,880.00 from the Second Party to the First Party, a copy of said MOA, which was notarized by Atty. Agustin B. Cabredo, a Notary Public, and entered in his record as Doc. No. 101, Page-21, Book No. XI, Series of 2015, is hereto attached as Annex "A" and made as an integral part hereof;


WHEREAS, there is a need for the Quezon City Council to ratify the MOA entered into by and between the herein First Party and Second Party, so as to confirm the authority of the FIRST PARTY in the Agreement, as required under Section 3.1, Article III of the MOA, specifically on "Responsibility and Warranties". ✓

/s/   

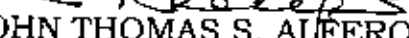
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED, to ratify, as it does hereby ratify the Memorandum of Agreement (MOA) entered into by and between the Quezon City Government (FIRST PARTY), represented by the City Mayor, Honorable Herbert M. Bautista, and the Department of Public Works and Highways-NCR (SECOND PARTY), represented by OIC-Regional Director, Tiburcio C. Canlas, for the transfer of fund from the SECOND PARTY to the FIRST PARTY amounting to Thirty Seven Million Eight Hundred Twenty Nine Thousand Eight Hundred Eighty Pesos (Php37,829,880.00), earmarked for the financial assistance of the One Thousand Three Hundred Fifty Three (1,353) informal settler families (ISFs) to be affected by the road construction/improvement of Visayas Avenue Extension, specifically (Tandang Sora Avenue - Republic Avenue) Sta. 0+925 to Sta. 2+540.812.

ADOPTED: March 27, 2017.

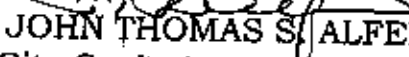

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer


ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

CERTIFICATION

This is to certify that this Resolution was APPROVED by the City Council on Second Reading on March 27, 2017 and was CONFIRMED on May 29, 2017.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III



MEMORANDUM OF AGREEMENT

[Signature]
EDWIN M. LUZON
 OIC - Construction Division
 DPWH-NCR

[Signature]
MIRVA D. RECTO
 Chief Accountant IV

KNOW ALL MEN BY THESE PRESENTS :

This **MEMORANDUM OF AGREEMENT**, made and entered into this 14th day of January 2015, at the City of Manila, by and between:

The **QUEZON CITY**, a government agency organized and established under Philippines Laws, represented herein by its Mayor, **HERBERT M. BAUTISTA**, and hereinafter referred to as the **FIRST PARTY**.

- and -

The **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS – NATIONAL CAPITAL REGION**, a government agency organized and established under Executive Order No. 124 in 1978, represented herein by its OIC - Regional Director, **YIBURCIO L. CANLAS**, hereinafter referred to as the **SECOND PARTY**.

WITNESSETH THAT :

WHEREAS, the **SECOND PARTY** is tasked to undertake the implementation of the **Construction/Improvement of Visayas Avenue Extension (Tandang Sora Avenue – Republic Avenue) Sta. 0+925 – Sta. 2+540.812**.

WHEREAS, the clearing of all informal settlers structures affected along the Road Right-of-Way for the **Construction/Improvement of Visayas Avenue Extension (Tandang Sora Avenue – Republic Avenue) Sta. 0+925 – Sta. 2+540.812** is necessary in order that construction works thereat may be started;

WHEREAS, the **FIRST PARTY** agrees to undertake the clearing and removal of the informal structures that will be affected by the **Construction/Improvement of Visayas Avenue Extension (Tandang Sora Avenue – Republic Avenue) Sta. 0+925 – Sta. 2+540.812**;

WHEREAS, the **SECOND PARTY** agrees to release to the **FIRST PARTY** the amount of **THIRTY SEVEN MILLION EIGHT HUNDRED TWENTY NINE THOUSAND EIGHT HUNDRED EIGHTY PESOS ONLY (P37,829,880.00)** as payment of financial assistance for the affected 1,353 Informal families pursuant to R.A. 7279 (1,353 ISFs x P466.00** x 60 days = P37,829,880.00). The said amount is funded under SR2014-03-001099 FY 2014 General Appropriations Act RA 10633;

WHEREAS, the parties hereby agree to execute this MOA subject to the terms and conditions hereinafter set forth;

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual covenants contained therein, the parties hereby agree as follows:

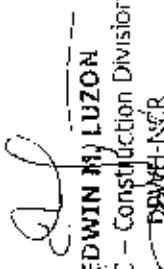
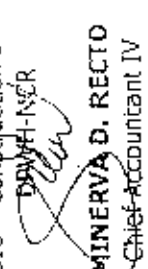
[Signature]
JOSELITO E. CABUNGCAL
 City Engineer

Represented By:
[Signature]
YIBURCIO L. CANLAS
 OIC Regional Director
 SECOND PARTY

[Signature]
HERBERT M. BAUTISTA
 City Mayor
 FIRST PARTY

** Prevailing Minimum Wage as of 1/14/15.

WITNESS
By:


EDWIN M. LUZON
OIC - Construction Division
DPWH-NCR

MINERVA D. RECTO
Chief Accountant IV

ARTICLE I - RESPONSIBILITIES OF THE FIRST PARTY

The FIRST PARTY shall :

Section 1.1. Acknowledge receipt of the amount of THIRTY SEVEN MILLION EIGHT HUNDRED TWENTY NINE THOUSAND EIGHT HUNDRED EIGHTY PESOS ONLY (P37,829,880.00) from the SECOND PARTY for the clearing and removal of informal structures at Zytec-Rlosa Compound, Sarmiento Compound, Roque I Compound and Pingkian Compound, all located at Brgy. Pasong Tamo, Quezon City, which covers the payment of financial assistance to 1,353 families affected.

Section 1.2. Undertake the clearing and removal of affected Informal structures within 90 calendar days from the date the fund is received by the First Party.

Section 1.3. Submit Liquidation Report to the SECOND PARTY upon completion of the clearing and removal of affected Informal structures in conformity with the pertinent auditing laws, rules and regulations, and other existing laws applicable.

WITNESS
By:


JOSELITO B. CABUNGCAL
City Engineer

ARTICLE II - RESPONSIBILITIES OF THE SECOND PARTY

The SECOND PARTY shall :

Section 2.1. Release to the FIRST PARTY the amount THIRTY SEVEN MILLION EIGHT HUNDRED TWENTY NINE THOUSAND EIGHT HUNDRED EIGHTY PESOS ONLY (P37,829,880.00) for the clearing of informal structures which covers the payment of financial assistance to the 1,353 families affected, pursuant to R.A. 7279.

Section 2.2. Assist the FIRST PARTY in securing necessary clearance from other concerned government agencies, e.g. PCUP.

REPUBLIC OF THE PHILIPPINES
Department of Public Works and
Highways - NCR
Represented by:


TIBURCIO L. CANLAS
OIC - Regional Director
SECOND PARTY

ARTICLE III - RESPONSIBILITIES AND WARRANTIES

Section 3.1. The parties represent that they have the requisite power, authority and capacity to enter into this agreement and perform their obligations and undertakings according to the terms and conditions set forth.

Section 3.2. The parties also agree to sign, execute and deliver such other agreements and documents in furtherance, or in the implementation of this agreement.

Section 3.3. This Agreement shall be binding upon the parties hereto and their respective successors in the interest and assigns.

QUEZON CITY

By: 
HERBERT M. BAUTISTA
City Mayor
FIRST PARTY



CERTIFIED TRUE COPY



ARTICLE IV - EFFECTIVITY

WITNESS

By:


EDWIN M. LUZON
OIC - Construction Division
DPWH-NCR

MINERVA D. RECTO
Chief Accountant IV

This Agreement shall take effect immediately upon signing by both parties.

IN WITNESS WHEREOF, the parties hereto have set their respective signature, this ____ day of _____, _____ at Quezon City.

QUEZON CITY


**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

By:

By:


JOSELITO B. CABUNGCAL
City Engineer


HERBERT M. BAUTISTA
City Mayor


TIBERCIO L. CANLAS
OIC - Regional Director
DPWH-NCR

WITNESS

By:


SIGNED IN THE PRESENCE OF :

REPRESENTATIVE OF THE PHILIPPINES
Department of Public Works and
Highways - NCR

Represented By:

TIBERCIO L. CANLAS
OIC - Regional Director
SECOND PARTY


JOSELITO B. CABUNGCAL
City Engineer


EDWIN M. LUZON
OIC - Construction Division
DPWH-NCR

MINERVA D. RECTO
Chief Accountant IV
DPWH-NCR

RECOMMENDING APPROVAL:


ROMEO S. MONO, CESO I
Undersecretary


APPROVED:

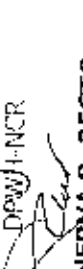

ROGELIO L. SINGSON
Secretary

Department of Public Works and Highways
Office of the Secretary


REG5XE01889

WITNESS
By:


EDWIN M. LUZON
OIC - Construction Division
DPWH-NCR


MINERVA D. RECTO
Chief Accountant IV

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF Quezon City)S.S.
X-----X

Before me, a Notary Public in and for the above jurisdiction, personally appeared :

| Community Tax Certificate | Date/Place Issued |
|---------------------------|-------------------|
| _____ | _____ |
| _____ | _____ |


1. HERBERT M. BAUTISTA
2. TIBURCIO L. CANLAS





the following persons who executed the foregoing Memorandum of Agreement consisting of three (3) pages including this page with Acknowledgement, and who acknowledge to me that the same is their free will and voluntary act and deed, and those of the Institutions represented therein.


WITNESS MY HAND AND SEAL this _____ day of _____, 200_____.

WITNESS
By:


JOSECIUTO B. CABUNGCAL
City Engineer

REPUBLIC OF THE PHILIPPINES
Department of Public Works and Highways - NCR
Represented by:

TIBURCIO L. CANLAS
OIC - Regional Director
SECOND PARTY

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Book No. 
Series of 201 


ATTY. AGUSTIN B. CABREDO
Notary Public for Manila
NOTARIAL PUBLIC
Until December 31, 2016
Rm. 409, First United Bldg. Co.,
Escollta, Manila
Roll No. 26047
PTR No. 3734071 / 1-5-15 / Manila
IBP L.Hellina Member 05097
MCLE No. V-0003138 / 07-26-14