



Republic of the Philippines
PROVINCE OF LEYTE

City of Baybay

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OFFICE OF THE SANGGUNIANG PANLUNGSOD

Excerpt from the

Minutes of the 28th Regular Session of the Sangguniang Panlungsod, this city, held on August 6, 2018.

RESOLUTION NO. 250, s. 2018

A RESOLUTION AUTHORIZING THE HONORABLE CITY MAYOR, CARMEN L. CARI TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH THE PALHI FARMERS & FISHERFOLKS ASSOCIATION WITH ADDRESS AT BARANGAY PALHI, BAYBAY CITY, LEYTE, REPRESENTED BY ITS PRESIDENT MR. NUMERIANO M. DELA CRUZ FOR THE TURN-OVER OF THE DIVERSION DAM CONSTRUCTED AT BARANGAY PALHI, THIS CITY.


On motion of Honorable SP Member, Alan D. Fernandez duly seconded by Honorable SP Member Filemon F. Avila and Honorable SP Member Vicente Victor G. Veloso, be it;

RESOLVED, as it hereby does RESOLVE, to authorize the Honorable City Mayor, Carmen L. Cari to enter into a Memorandum of Agreement (MOA) with the Palhi Farmers & Fisherfolks Association with address at Barangay Palhi, Baybay City, Leyte, represented by its president Mr. Numeriano M. Dela Cruz for the turn-over of the Diversion Dam constructed at Barangay Palhi, this city.

RESOLVED FURTHER, to let certified copies of this resolution be furnished to Mr. Numeriano M. Dela Cruz, Office of the City Mayor, Honorable Carmen L. Cari and other entities/offices/agencies concerned for their information and appropriate action.

CARRIED UNANIMOUSLY.

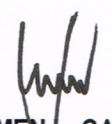
I HEREBY CERTIFY to the correctness of the foregoing resolution that was duly adopted during the regular session of the Sangguniang Panlungsod held on August 6, 2018.


ATTY. VIVIAN E. VIDALLON
Secretary to the Sanggunian

CERTIFIED CORRECT & DULY ADOPTED:


ATTY. ERNESTO M. BUTAWAN
SP Member – Acting Presiding Officer

APPROVED BY HER HONOR:


CARMEN L. CARI
City Mayor

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Agreement") is entered into by and between this ____ day of July 2018 in the City of Baybay, Leyte:

THE CITY GOVERNMENT OF BAYBAY, a public corporation created by virtue of Republic Act No. 9389 with office address at R. Magsaysay Ave., Baybay City, Leyte and herein represented by its City Mayor, Hon. Carmen L. Cari, by virtue of S.P. Resolution No. ____ Series of 2018, and referred to as the "LGU";

and

PALHI FARMERS & FISHERFOLKS ASSOCIATION, a duly recognized farmers and fisher folks association, with address at Barangay Palhi, Baybay City, Leyte, represented by its President Mr. Numeriano M. Dela Cruz, and hereinafter referred to as the "RECIPIENT";

WITNESSETH THAT—

WHEREAS, Republic Act No. 8435, otherwise known as the Agriculture Fisheries Modernization Act (AFMA) envisions to strengthen the agriculture and fisheries sector through modernization to attain food security, poverty alleviation, income enhancement and profitability, global competitiveness and sustainability;

WHEREAS, the LGU, through the intervention of the Department of Agriculture, Regional Field Office No. VIII (DA-RFU VIII), in its Small Scale Irrigation Projects (SSIPs), was granted funds for the construction of a diversion dam in Barangay Palhi, Baybay City, Leyte to enhance the rice productivity, accelerate development, and improve the economic resources of rain-fed small farmers;

WHEREAS, the LGU and the DA-RFU VIII previously entered into a memorandum of agreement governing its rights and obligations relative to the implementation of the construction of a diversion dam in Barangay Palhi, Baybay City, Leyte. A copy of the memorandum of agreement is attached for reference;

WHEREAS, the LGU, being the implementer of the project, is mandated to turn-over the finished diversion dam to a recognized and registered farmer and fisher folk association in the area, for the upkeep and maintenance of the project, to which the RECIPIENT herein accepts.

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

1. The LGU shall, in addition to its obligations stated in its memorandum of agreement with the DA-RFU VIII, shall complete the construction of the diversion dam in Brgy. Palhi, Baybay City, Leyte, in accordance with the approved engineering designs, plans and specifications, and turn over the finished diversion dam in favor of the RECIPIENT.

2. Upon turn-over of the diversion dam from the LGU to the RECIPIENT, the latter shall shoulder all expenses, and undertake all acts necessary for the repair/maintenance of the diversion dam/facility, as well as endeavor to exercise the extraordinary diligence for the preservation and upkeep of the facility.

3. Any amendments, alterations or changes in the contents of this contract may be made without the expressed mutual consent of both parties.

4. It is mutually agreed upon by both parties hereto that litigations arising out of this contract, if any, shall be arbitrated in the proper courts of **BAYBAY CITY, LEYTE, PHILIPPINES**.

IN CONSIDERATION OF THE FOREGOING PREMISES, the parties hereto have hereunto affixed their signature in Baybay City, Leyte, this 1 September 2016.

BAYBAY CITY, LEYTE LGU	PALHI FARMERS & FISHERFOLKS ASSOCIATION RECIPIENT
By:	By:
HON. CARMEN L. CARI City Mayor	NUMERIANO M. DELACRUZ

Signed in the presence of:

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
BAYBAY CITY, LEYTE)S.S.

BEFORE ME, a Notary Public for and in the City of Baybay, Leyte this _____ day of July 2018, personally appeared the following:

CARMEN L. CARI		
Numeriano dela Cruz		

both known to me to be the same persons who executed the foregoing Agreement, and they confirmed to me that the same is their free and voluntary act and deed, and those of the entities they represent.

IN WITNESS WHEREOF, I have hereunto affixed my notarial seal this ____ day of July 2018.

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2018.