



REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



RESOLUTION 2022-608

A RESOLUTION RATIFYING THE CONTRACT OF SERVICE ENTERED AND SIGNED BY THE CITY MAYOR HON. ATTY. JAIME R. FRESNEDI IN BEHALF OF THE CITY GOVERNMENT OF MUNTINLUPA WITH LINDE PHILIPPINES, INC., FOR THE SUPPLY AND DELIVERY OF MEDICAL GASES AND LIQUID OXYGEN AT THE OSPITAL NG MUNTINLUPA LOCATED IN CIVIC DRIVE, FILINVEST CORPORATE CITY, BARANGAY ALABANG, MUNTINLUPA CITY AMOUNTING TO FOURTEEN MILLION FIVE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FORTY-SIX PESOS AND 51/100 (PHP14,599,846.51) WHICH AMOUNT SHALL BE TAKEN FROM THE 2022 EXECUTIVE BUDGET

- Sponsored by:
- Hon. Coun. Allan Rey A. Camilon
 - Hon. Coun. Atty. Raul R. Corro
 - Hon. Coun. Alexson V. Diaz
 - Hon. Coun. Paty Katy C. Boncayao
 - Hon. Coun. Louisito A. Arciaga
 - Hon. Coun. Ting Niefes
 - Hon. Coun. Ivey Rhia A. Tadea
 - Hon. Coun. Engr. Marissa C. Rongavilla
 - Hon. Coun. Francis Ian T. Bagatsing
 - Hon. Coun. Mark Lester M. Baes
 - Hon. Coun. Ma. Dhesiree G. Arevalo
 - Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
 - Hon. Coun. Engr. Arlene D. Hilapo
 - Hon. Coun. Cornelio M. Martinez
 - Hon. Coun. Walter A. Arcilla

WHEREAS, Article 1317, 2nd paragraph, and Article 1403(1) of the New Civil Code, specifically provides that, **“a contract entered into in the name of another by one who has no authority or legal representation, or who has acted beyond his powers, shall be unenforceable, xxx”**;

WHEREAS, under the New Civil Code, **“unauthorized or unenforceable contracts are susceptible to ratification. Contracts entered into by the xxx Mayor maybe cured from its defect after the Sangguniang xxx shall have passed a resolution ratifying the same;”**

WHEREAS, Republic Act No. 9184, otherwise known as the “Government Procurement Reform Act” xxx **authorizes the Bids and Awards Committee (BAC) to conduct competitive bidding in the procurement of services among others”**;

WHEREAS, Article 86 (b) (1) (vi) of the Local Government Code of 1991, provides that, **“the City Mayor shall represent the city in all its business transactions and sign in its behalf all bond, contracts, and obligations and such other documents upon authority of the Sangguniang Panlungsod or pursuant to law or ordinances”**;

WHEREAS, when a **Local Chief Executive enters or negotiates a contract in behalf of the local government unit, he is acting as a mere agent of the LGU. Contract entered into by the local chief executive without the requisite prior authority given by the local Sangguniang concerned shall make the contract unauthorized or unenforceable.**;





REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



Page 2
Resolution NO.2022-608

WHEREAS, the authority to ratify given by the 9th Sangguniang Panlungsod to the City Mayor Atty. Jaime R. Fresnedi to enter into a Contract of Service is based on the documents submitted by the Bids and Awards Committee (BAC);

WHEREAS, the Contract of [redacted] Service was signed by both parties and duly notarized on January 18, 2022.

WHEREAS, the City Government of Muntinlupa advertised the invitation to apply for eligibility and to bid for the supply and delivery of medical gases and liquid oxygen at the Ospital ng Muntinlupa located at Civic Drive, Filinvest Corporate City, Barangay Alabang, Muntinlupa City in the newspaper of general circulation and likewise posted at the Government Electronic Procurement System (GEPS) and City's Website and conspicuous place at the premises of the City Government of Muntinlupa continuously for seven (7) days;

WHEREAS, in response to the said advertisement, one (1) bidder submitted letter of intent and application for eligibility and was found eligible on December 9, 2021;

NAME OF BIDDER	PRICE
Linde Philippines, Inc.,	Php14,599,846.51

WHEREAS, on December 9, 2021, the Linde Philippines, Inc.'s bid passed the Preliminary Examination of Bid at the City Administration Conference Room, 2nd Floor City Hall Main Building, National Road, Barangay Putatan. Muntinlupa;

WHEREAS, upon post-qualification or careful examination, validation and verification of all the eligibility, technology and financial requirements submitted by the bidder with lowest calculated bid, Linde Philippines, Inc.'s bid has been responsive to Approved Budget for the Contract (ABC) amounting to Fourteen Million Five Hundred Ninety-Nine Thousand Eight Hundred Forty-Six Pesos and 51/100 (Php14,599,846.51);

WHEREAS, the contract was awarded to Linde Philippines, Inc., who being the lone bidder for the supply and delivery of medical gases and liquid oxygen;

WHEREAS, there is an appropriated budget from the 2022 Executive Budget under the abovementioned Department;

WHEREAS, the City Legal Office (CLO) interposes no objection to the Contract Security Services since it went thru the bidding process conducted by the BAC Office and in accordance with Republic Act No. 9184 or the General Procurement Act;



REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



Page 3
Resolution NO.2022-608

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the 9th Sangguniang Panlungsod, to ratify the Contract of Services entered into and signed by the City Mayor Hon. Atty. Jaime R. Fresnedi, in behalf of the Ospital ng Muntinlupa (OSMUN) with Linde Philippines, Inc., for the medical gases and liquid oxygen at the Ospital Ng Muntinlupa located in Civic Drive, Filinvest Corporate City, Barangay Alabang, Muntinlupa City amounting to **Fourteen Million Five Hundred Ninety-Nine Thousand Eight Hundred Forty-Six Pesos and 51/100 (Php14,599,846.51)** which amount shall be taken from the 2022 Executive Budget.

APPROVED, by the 9th Sangguniang Panlungsod this 7th day of March 2022, on its 139th Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

(ABSENT)
COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

COUN. MA. DHESIREE G. AREVALO
Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

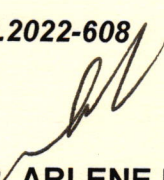


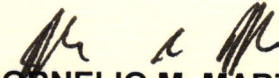
REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

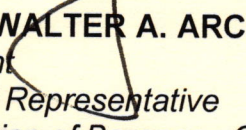
Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



Page 4
Resolution NO.2022-608

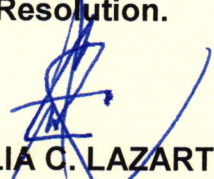

COUN. ENGR. ARLENE D. HILAPO
Member


COUN. CORNELIO M. MARTINEZ
Member

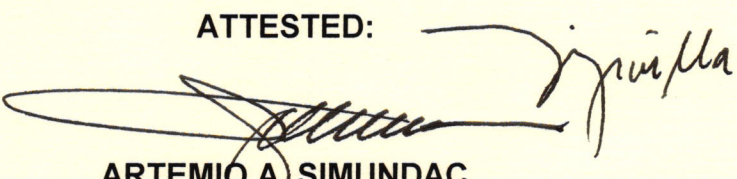

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman

(ABSENT)
COUN. KENICHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


CECILIA C. LAZARTE
Secretary to the Sanggunian

ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 11 MAR 2022


Norie 9th SP