



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
 KALAKHANG MAYNILA



Sangguniang Panglungsod

RESOLUTION NO. 15-279

A RESOLUTION AUTHORIZING HON. CITY MAYOR ATTY. JAIME R. FRESNEDI TO ENTER INTO AND SIGN IN BEHALF OF THE CITY GOVERNMENT OF MUNTINLUPA THE MEMORANDA OF AGREEMENT (MOA) BETWEEN THE CITY GOVERNMENT OF MUNTINLUPA, THE LAS PIÑAS-MUNTINLUPA DISTRICT ENGINEERING OFFICE OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) AND THE PHILIPPINE NATIONAL RAILWAYS (PNR) ON THE CONSTRUCTION OF SIX (6) INFRASTRUCTURE PROJECTS.

- Sponsored by:
- Hon. Coun. Atty. Patricio L. Boncayao, Jr.
 - Hon. Coun. Louisito A. Arciaga
 - Hon. Coun. Bal Niefes
 - Hon. Coun. Stephanie G. Teves
 - Hon. Coun. Margarita Amythyst Labios, Md
 - Hon. Coun. Ringo A. Teves
 - Hon. Coun. Alexander Diaz
 - Hon. Coun. Ma. Dhesiree G. Arevalo
 - Hon. Coun. Luvi P. Constantino
 - Hon. Coun. Engr. Neptali S. Santiago
 - Hon. Coun. Elmer S. Espeleta
 - Hon. Coun. Rafael T. Sevilla
 - Hon. Coun. Vergel C. Ulanday
 - Hon. Coun. Robert A. Abas
 - Hon. Coun. Robert P. Baes
 - Hon. Coun. Celso C. Dioko

WHEREAS, Section 15 of Republic Act No. 7160, otherwise known as the New Local Government Code of 1991, provides that, ***“every local government unit created or recognized under this Code is a body politic and corporate endowed with the powers to be exercised by it in conformity with law”***;

WHEREAS, Section 22 of the same Code states that, ***“every Local Government Unit, as a corporation, shall have the following powers:***

- 1) ***To have continuous succession in its corporate name;***
- 2) ***To sue and be sued;***
- 3) ***To have and use a corporate seal;***
- 4) ***To acquire and convey real or personal property;***
- 5) ***To enter into a contracts;***
- 6) ***To exercise such other powers as are granted to corporate, subject to the limitation provided in this Code and other laws;***

WHEREAS, Article 86 (b)(1)(vi) and Article 86 (b)(1)(viii) 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 bonds, contracts, and obligations and such other documents upon authority of the Sangguniang Panlungsod or pursuant to law or ordinances”***;



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WHEREAS, Rule IX, Article 47 of the Rules and Regulations Implementing the Local Government Code of 1991, states that, "**xxx no contract may be entered into by the Local Chief Executive in behalf of the Local Government Unit without prior authorization by the Sanggunian concerned**";

WHEREAS, the said public hearing was conducted by the Committee on Rules, Ethics and Privileges and the Committee on Engineering, Public Works and Infrastructures with regards to the proposed Memorandum of Agreement (MOA) between City Government of Muntinlupa and the Las Piñas-Muntinlupa District Engineering Office of the Department of Public Works and Highways (DPWH); and the Philippine National Railways (PNR) on the construction of following infrastructure projects:

PROJECTS	PLACE/LOCATION
1) Covered canal traversing the Philippine National Railway (PNR) railroad track	From Poblacion River to Bruger, Barangay Putatan, Muntinlupa City
2) Covered canal traversing PNR RAILROAD TRACK	From Montillano Street to Bayanan Creek, Barangay Alabang, Muntinlupa City.
3) Flood control structure traversing PNR railroad track	Barangay Cupang, Muntinlupa City
4) Drainage system along PNR railroad	Barangay Cupang, Muntinlupa City
5) Covered line canal traversing the PNR railroad track	Maynilad Water Treatment Facility to Bayanan Creek, Barangay Putatan, Muntinlupa City
6) Covered line canal traversing the PNR railroad track	From Daang Maharlika to discharge in PNR, Drainage Canal Muntinlupa City

WHEREAS, the projects are under the Local Infrastructure Program of the General Appropriations Act of 2015, which tasked the DPWH to implement the abovementioned infrastructure projects within the jurisdiction of the City of Muntinlupa;

WHEREAS, certain portion of the lot constituting PNR's Right-Of-Way shall be affected in the implementation and construction of the abovementioned projects;

WHEREAS, the PNR as the grantor **interposes no objection** for the use of its Right-Of-Way for the abovementioned stipulated projects provided that the principal terms and conditions stipulated in the Memorandum of Agreement are strictly complied;

WHEREAS, the DPWH shall construct the herein stipulated projects in strict compliance with the stipulations in the MOA, and shall cause the turn-over of the completed structure to the Local Government of Muntinlupa upon completion;



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WHEREAS, the City Government of Muntinlupa shall assume responsibility over the maintenance of the projects upon official turn-over of the structures;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the 7th *Sangguniang Panlungsod of Muntinlupa*, to authorize the *Hon. City Mayor Atty. Jaime R. Fresnedi* to enter into and sign in behalf of the City Government of Muntinlupa the Memoranda of Agreement (MOA) between the City Government of Muntinlupa, the Las Piñas-Muntinlupa District Engineering Office of the Department of Public Works and Highways (DPWH) and the Philippine National Railways (PNR) on the construction of Six (6) infrastructure projects.

ADOPTED, by the 7th *Sangguniang Panlungsod of Muntinlupa* this 2nd day of **November 2015**, on its 102nd Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. BAL NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member

COUN. RINGO A. TEVES
Member

COUN. ALEXANDER B. DIAZ
Member

DISTRICT II:

COUN. MA. DHESSIREE G. AREVALO
Member

COUN. LUVI P. CONSTANTINO
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

COUN. ELMER S. ESPELETA
Member



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COUN. RAFAEL T. SEVILLA
Member


COUN. ROBERT A. ABAS
Member


COUN. VERGEL C. ULANDAY
Member

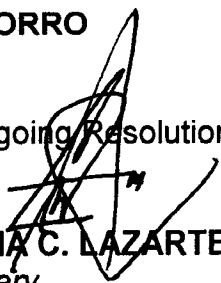

COUN. ROBERT P. BAES
Member


COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

COUN. ATTY. RAUL R. CORRO
Member

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


CECILIA C. LAZARTE
Secretary

ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIMER R. FRESNEDI
City Mayor
Date: NOV 09 2015

Norie/7th SP