



REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

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



RESOLUTION NO. 2021-481

A RESOLUTION AUTHORIZING MAYOR JAIME R. FRESNEDI TO ENTER INTO AND SIGN, IN BEHALF OF THE CITY GOVERNMENT OF MUNTINLUPA, THE MAINTENANCE AGREEMENT WITH HITACHI ELEVATORS/ESCALATORS INDUSTRIAL CORPORATION PHILIPPINES, FOR THE PERIODIC MAINTENANCE AND INSPECTION OF HITACHI ELEVATORS LOCATED IN THE OSPITAL NG MUNTINLUPA (OSMUN), COVERING THE PERIOD OF JANUARY 1ST TO DECEMBER 31ST, 2021

Sponsored by: Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadeza
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Cornelio M. Martinez
Hon. Coun. Walter A. Arcilla
Hon. Coun. Kenichi D. Takagi, Jr.

WHEREAS, Section 16 of Republic Act (R.A.) No. 7160, otherwise known as the Local Government Code of 1991 (LGC), provides that every local government unit (LGU) shall exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Article 86(b)(1)(vi) of the Rules and Regulations Implementing the LGC (LGC-|RR), provides that, "(b) For efficient, effective, and economical governance the purpose of which is the general welfare of the city and its inhabitants pursuant to Section 16 of the Code, the City Mayor shall: (1) Exercise general supervision and control over all programs, projects, services, and activities of the City, and in this connection, shall: Xxx (vi) 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 ordinance.";





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WHEREAS, Rule IX, Article 47(a) of the LGC-IRR provides that, *"unless otherwise provided in the Code, no contract may be entered into the Local Chief Executive in behalf of a Local Government without prior authorization by the Sanggunian;"*

WHEREAS, Section 50 of Republic Act 9184 otherwise known as the Government Reform Procurement Act, *"Direct Contracting may be resorted to by a Procuring Entity when procurement of items of proprietary nature which can be obtained only from the proprietary source, i.e., when patents, trade secrets and copyrights prohibit others from manufacturing the same item. This is applicable when the goods or services being procured are covered by a patent, trade secret or copyright duly acquired under the law. Under the Intellectual Property Code of the Philippines (R.A. No. 8293), the registered owner of a patent, a copyright or any other form of intellectual property has exclusive rights over the product, design or process covered by such patent, copyright or registration";*

WHEREAS, Hitachi Elevator was first manufactured in Kameido Plant, Japan where the technology applied since 1924 was adopted and enhanced in 1971 by Hitachi Elevators Philippines Corporation formerly known as Hi-Eles Industrial Corporation;

WHEREAS, on December 30, 2020, the Sangguniang Panlungsod passed Resolution 2020-417, in effect ratifying and giving legal imprimatur to the periodic maintenance and inspection of Hitachi Elevators by Hitachi Elevator Philippines Corporation located at the Ospital ng Muntinlupa (OSMUN) for the years 2016-2019 at **Twelve Thousand Pesos (Php12,000.00)** per month;

WHEREAS, Resolution 2020-418, authorized the City Mayor to enter into a Maintenance Agreement with Hitachi Elevators/Escalators Industrial Corporations-Philippines for the period January 1 to December 31, 2020;

WHEREAS, the Hitachi Elevators in the OSMUN, by reason of it being patented and manufactured by HITACHI Elevators Philippines Corporation, should be maintained by the same corporation;

NOW THEREFORE, RESOLVED AS IT IS HEREBY RESOLVED, by the 9th Sanggunian Panlungsod of Muntinlupa, to authorize **Mayor Jaime R. Fresnedi** to enter into and sign, in behalf of the City Government of Muntinlupa, the **Maintenance Agreement with Hitachi Elevators/Escalators Industrial Corporation Philippines**, for the **periodic maintenance and inspection** of Hitachi Elevators located in the **Ospital Ng Muntinlupa (OsMun)**, covering the period of **January 1st to December 31st, 2021**.

RESOLVED FURTHER THAT, compliance with the Legal Opinion of the City Legal Office (CLO) that, *"automatic renewal of Contracts should be avoided and Service Contracts or Maintenance Agreements should be on a Yearly basis subject to ordering Agreements must be enforced"*.





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ADOPTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 24th day of May 2021, on its 18th Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

(LEAVE)
COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

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

(ABSENT)
COUN. MA. DHE SIREE G. AREVALO
Member

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

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. GORNELIO M. MARTINEZ
Member

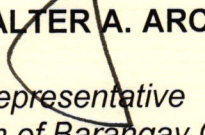



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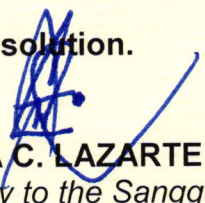


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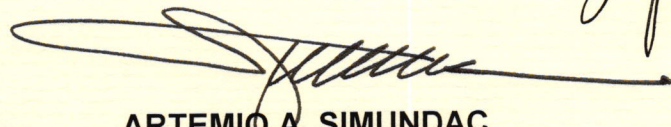

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman


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: 26 MAY 2021


Norie/9th SP