

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of San Pablo

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 36th REGULAR SESSION OF THE 7th MUNICIPAL COUNCIL OF SAN PABLO, ZAMBOANGA DEL SUR, HELD AT THE SESSION HALL ON NOVEMBER 23, 2011.

RESOLUTION NO. 201111155

"A RESOLUTION EXPRESSING THE COMMITMENTS AND UNDERSTAKINGS OF THE MUNICIPALITY OF SAN PABLO, ZAMBOANGA DEL SUR IN THE IMPLEMENTATION OF THE AGRARIAN REFORM COMMUNITIES PROJECT II (ARCP II) IN THE MUNICIPALITY."

WHEREAS, the Agrarian Reform Communities project II (ARCP II) is a six year development project of the Department of Agrarian Reform (DAR) financed by a loan from the Asian Development Bank under Loan no. 2465-PHI and OPEC Fund for International Development (OFID) under Loan no. 1225P;

WHEREAS, the ARCP II shall fund development activities in selected Agrarian Reform Communities (ARC's) and ARC clusters in Southern Philippines in partnership with Local Government Units;

WHEREAS, the ARC of San Pablo, Province of Zamboanga del Sur is one of the qualified sites for ARCP II assistance.

WHEREAS, the Municipal Government of San Pablo fully supports and commits itself to the improvement of household income and the quality of life of project beneficiaries in San Pablo ARC;

NOW, THEREFORE, be it resolved as it is hereby resolved by the Sangguniang Bayan, in a session duly assembled, that its incumbent mayor, Hon. Belman B. Mantos, or his successors be authorized as he is hereby authorized and empowered, for and in behalf of the Municipal Government of San Pablo, to do the following:

- (a) Support in the implementation of the Agrarian Reform Community Development Plan (ARCDP) of San Pablo ARC and integrates this plan in the Municipal Development Plan.
- (b) Appropriate and/or include in the Municipality's annual budget corresponding amounts needed to undertake ARCP II activities.
- (c) Provide required equity/contribution in cash and in kind for all rural infrastructure subprojects proposed/approved for ARCP II funding assistance
- (d) Conduct feasibility studies and undertake detailed engineering plans for rural infrastructure subprojects to be proposed for ARCP II funding assistance
- (e) Conduct necessary surveys (census of project affected persons, social surveys, etc.) related to subproject implementation.
- (f) Provide and set aside a separate trust fund and work in partnership with appropriate ARC organization for the proper and adequate maintenance of completed and turned over ARCP II rural infrastructure sub-projects.
- (g) Observe and comply with prescribed safeguard policies by ARCP II and existing Philippine laws on (1) environment, (2) involuntary resettlement for project affected persons, and (3) indigenous people.
- (h) Provide adequate appropriations that will allow the Municipality to acquire required ROW, site or location for rural infrastructure subprojects proposed/approved for ARCP II funding assistance including the necessary payment of compensation and

provision of other entitlements to project affected persons in lieu of a deed of donation.

- (i) Initiate expropriation proceedings of properties affected by the subproject to be funded by ARCP II whenever necessary, and subject to existing laws, guidelines and procedures governing the acquisition of right of way, site or location for government infrastructure projects.
- (j) Abide by the ADB and government procurement safeguard and anti corruption policies and to enforce proper financial and fiduciary management.

RESOLVED FURTHER, that the Municipal Government of San Pablo hereby authorizes the Municipal Mayor to undertake the following for and in behalf of the Municipality:

1. Confirm, approve and ratify all previous representation and all the terms and conditions of the Memorandum of Agreement signed between the Municipality of San Pablo and DAR for the implementation of ARCP II in the Municipality. (If MOA has been signed already with the accompanying SB Resolution).
2. Enter into a including the MOA covering the National Government Assistance to Local Government Units (NGALGU) for the implementation of rural infrastructure subprojects under the Agrarian Reform Communities Project II. (If MOA has yet to be signed).
3. Enter into such other Memoranda of Agreement with other parties such as other National Government Agencies (NGA's), Government Owned and controlled Corporations (GOCC's), Private Business Entities, International and Local Non-Government Organization, etc., that may be necessary to facilitate implementation of rural infrastructures subprojects particularly in providing assistance to LGUs for equity/counterpart under ARCP II.
4. Enter, sign and execute the subproject agreement (SPA) and Accession undertaking (AU) and to accede to the terms and conditions stipulated therein for the execution of rural infrastructure subprojects approved for ARCP II funding assistance.
5. Enter into contracts for civil works, consultancy, equipment and other agreement required in the implementation for rural infrastructure subprojects approved for ARCP II funding assistance.
6. Enter into a Sub-Loan Agreement (SLA) with the Municipal Development Fund Office (MDFO) of the Department of Finance (DOF) and in case of LGU default in the maintenance of subprojects within the prescribed period by the DAR in the SPA, and pursuant to the SLA, authorize the MDFO to deduct from the monthly IRA of the Municipality, the grant portion of the subproject cost converted into loan until and any interest thereon are finally paid and settled.
7. Enter into a Memorandum of Agreement with private parties such as peoples organizations and cooperatives assisted by ARCP II for the Operation maintenance, and management of completed and turned over ARCP II rural infrastructure subprojects subject to the terms and conditions as prescribed by the Sanggunian.

RESOLVED FURTHER, that the Municipal Government of San Pablo shall refund the amounts advanced by the ARCP II and/or the DAR, including the assistance under loan proceeds, the 25% National Government Assistance to LGU's (NGALGU) and other grants provided to the LGU through the ARCP II should the LGU fail to comply the requirements of the subproject Agreement that would give rise to the inoperability or cancellation of the subproject, or should it be determined by the DAR that the amount has been misused or misappropriated and/or not appropriately or fully liquidated.

RESOLVED FURTHER, that the DOF-MDFO be authorized as it is hereby authorized, in the event of failure to make refund the amount advance, to withhold the amount from the Internal Revenue Allotment (IRA) of the Municipality.


RESOLVED FINALLY, to furnish the Office of the DAR Secretary, Office of the Undersecretary for CCO/Project Implementing Officer, DAR-FAPsO, and the DOF-MDFO, and other offices concerned with a copy of this resolution.

"UNANIMOUSLY ADOPTED".

Certified Correct:

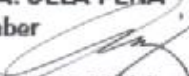

NELITA P. CUMBI
Canggunian Secretary

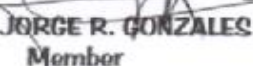
Verified:


ROBERTO M. AGUILAR
Acting Floor Leader



JEFFREY P. CORDERO
Member


JONATHAN B. MEDICO
Member


MERLOU A. DELA PEÑA
Member


JORGE R. GONZALES
Member


ALI A. PALWA
Member


JOSE C. RETUYA
Member


JUL BRIAN C. MANTOS
SKF President/ Member

Attested:


DANILO A. TAUCAN
Municipal Vice Mayor

Approved:


BELMAN B. MANTOS
Municipal Mayor