



Republic of the Philippines  
Province of Iloilo  
**MUNICIPALITY OF BINGAWAN**



**SANGGUNIANG BAYAN**

**EXCERPT FROM THE MINUTES OF THE 64<sup>th</sup> REGULAR SESSION OF THE 13<sup>TH</sup> SANGGUNIANG BAYAN OF THE MUNICIPALITY OF BINGAWAN, PROVINCE OF ILOILO, HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON SEPTEMBER 20, 2017.**

Present:

Hon. Ted Peter P. Plagata	SB Member/Temporary Presiding Officer
Hon. Joy L. Quimba	SB Member
Hon. Jose C. Rabago, Jr.	SB Member
Hon. Lorens M. Belloga	SB Member
Hon. Nemesio A. Cachite	SB Member
Hon. Jofe C. Celeste	SB Member
Hon. Leovy C. Simora	SB Member/Floor Leader
Hon. Eduardo A. Dalipe	SB Member
Hon. Perceval T. Girao	Ex-officio SB Member/Liga President

O.B.

Hon. Matt P. Palabrica, Ph.D.	Vice Mayor/Presiding Officer
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Absent:

None

**Resolution No. 70 - 2017**

**AN URGENT RESOLUTION AFFIRMING THE INTEREST OF THE LOCAL GOVERNMENT UNIT OF BINGAWAN TO APPLY, NEGOTIATE AND BORROW FUNDS FROM THE MUNICIPAL DEVELOPMENT FUND OFFICE (MDFO) UNDER THE DISASTER MANAGEMENT ASSISTANCE FUND OF THE DEPARTMENT OF FINANCE (DOF) FOR THE ACQUISITION OF HEAVY EQUIPMENT.**

**WHEREAS**, the Disaster Management Assistance Fund is designed to support LGU's disaster management programs;

**WHEREAS**, the Acquisition of Heavy Equipment (the "Project") is included in the Local Development Investment Plan (LDIP) 2016 - 2019 and Annual Investment Program of the *Local Government Unit of Bingawan*;

**WHEREAS**, due to financial constraint to finance the Acquisition of Heavy Equipment, the Municipality of Bingawan opted to avail of credit facility for its implementation;

**WHEREAS**, the Local Government Code of 1991 empowers the local government units to create indebtedness, and avail of credit facilities to finance local infrastructure and other socio-economic development projects in accordance with the approved local development plan and public investment program;

**WHEREAS**, the Municipal Development Fund Office ("MDFO"), an attached agency of the Department of Finance, provides financing assistance to Local Government Units (LGUs);

**WHEREAS**, Municipality of Bingawan would like to access the credit financing offered by the MDFO, of which financing terms and conditions were properly conveyed and understood by this body.

**NOW, THEREFORE:**

**ON MOTION of**, Hon. Leovy C. Simora, Floor Leader, duly seconded by Hon. Nemesio A. Cachite and Hon. Perceval T. Girao;

**RESOLVED**, that the Municipality of Bingawan shall apply, negotiate and borrow funds from the MDFO to finance the Acquisition of Heavy Equipment;

**RESOLVED FURTHER**, that the Municipality of Bingawan here by commits to undertake the necessary acts for the implementation of the Project, as follows:

- a. Create a Project Implementation Unit ("PIU") by providing adequate number of technical and support staff, office space and all necessary facilities and assistance for the effective and efficient management of the Project;
- b. Provide the LGU equity for the Project, when necessary;
- c. Appropriate the total project costs composed of loan proceeds, equity and grant (if applicable);
- d. Appropriate funds for the amortization of loan until fully paid. The funds appropriated shall include the cost of insurance and all operation and maintenance expenses of the Project;
- e. Conduct public hearings and consultations, enact ordinances authorizing the collection of fees, charges and so the rim position sand carry out necessary measures in support of the viability and sustainability of the Project;
- f. Authorize the MDFO to deduct from the LGU's Internal Revenue Allotment ("IRA") the amount due to MDFO in connection with the Project under the following cases: (i) default in the payment of principal amortization including interests and penalties; or (ii) any un-liquidated financial obligations. The right of MDFO to deduct on the LGU's IRA shall be without prejudice to any other remedies available under Philippine law;
- g. To appropriate LGU funds to defray expenses charges and penalties contemplated in the commitment letter attached hereto, incurred by MDFO during appraisal which include administrative/travel expenses settled between the parties in case the LGU would withdraw, cancel or postpone the application.

**RESOLVED FURTHER MORE**, to:

- b. Authorize and empower the incumbent local chief executive, Hon. Mayor Mark P. Palabrica, and his successor, for and on behalf of the Municipality of Bingawan to:
  - i. Apply, negotiate and enter into a loan agreement with the MDFO and with partner agency/s, when necessary, and execute deeds and to do all acts necessary and proper under the premises for the effective and efficient implementation of the Project;
  - ii. Enter into agreements with qualified private individuals or corporations, after public bidding, to execute the Project; and
  - iii. Together the with the Local Municipal Treasurer, to open a separate bank account to facilitate the transfer of funds due to MDFO as payment for principal amortizations, interests and any other amount owing to MDFO by the LGU in connection with the Project.

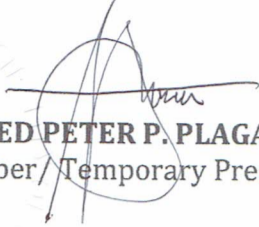
**RESOLVED FINALLY**, within a reasonable time from its adoption, to furnish the MDFO with a copy of this Resolution.

**CERTIFIED CORRECT:**



**JULIO C. CASTIGADOR**  
SB Secretary

**ATTESTED:**



**TED PETER P. PLAGATA**  
SB Member / Temporary Presiding Officer