EXEMPLARY FROM THE MINUTES OF THE 30TH REGULAR SESSION OF SANGGUNIANG PANLUNGSOD OF CITY OF SANTA ROSA, LAGUNA HELD ON WEDNESDAY, AUGUST 6, 2014 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL.

Presents:
1. Hon. ARNEL DC. GOMEZ
2. Hon. MA. THERESA C. AALA
3. Hon. LUISITO B. ALGARDE
4. Hon. MYTHOR C. CENGAÑA
5. Hon. ERIC T. PUZON
6. Hon. ANTONIA T. LASERNA
7. Hon. PAULINO Y. CAMACLANG, JR.
8. Hon. PETRONIO C. FACTORIZA
9. Hon. RAYMOND RYAN F. CARVAJAL
10. Hon. LAUDEMER A. CARTA
11. Hon. EDWARD FERNANDITO S. TEONGCO
12. Hon. RODRIGO B. MALAPITAN

- City Vice-Mayor, Presiding Officer
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member
- SP Member, ABC President

RESOLUTION NO. 156-2014
(Motioned by the Committee on Laws and Government)

A RESOLUTION
authorizing City Mayor Arlene B. Arcillas to sign a Memorandum of Agreement (MOA) with Laguna Lake Development Authority (LLDA) in relation to the efforts to protect and advance the right of the people to a balance and healthful ecology in accord with the rhythm and harmony of nature.

UNANIMOUSLY APPROVED.

CERTIFICATION:
I hereby certify to the correctness of the above quoted resolution.

CYNTHIA M. GOMEZ
Secretary to the Sang. Panlungsod

Certified Correct:
ARNEL DC. GOMEZ
City Vice-Mayor

Approved:
ARLENE B. ARCILLAS
City Mayor
The Members of the Sangguniang Panlungsod
City of Santa Rosa

Thru: Hon. Arnel DC. Gomez
City Vice Mayor / SP Presiding Officer

Ladies & Gentlemen,

Respectfully requesting for Authority to Sign for the Memorandum of Agreement (MOA) between Laguna Lake Development Authority and the City Government of Santa Rosa in relation to the efforts to protect and advance the right of the people to a balance and healthful ecology in accord with the rhythm and harmony of nature.

Attached is the MOA for your immediate reference.

Thank you very much.

Very truly yours,

ARLENE B. ARCILLAS
City Mayor
MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement (MOA), made and entered into by:

The LAGUNA LAKE DEVELOPMENT AUTHORITY, an agency of the national government, duly organized and existing under Rep. Act 4850, as amended, an act creating the Laguna Lake Development Authority, with office address at SRA Annex Bldg., North Avenue, Diliman, Quezon City, represented in this act by its General Manager, SEC. JR. NEREUS O. ACOSTA, PhD, hereinafter referred to as the “LLDA”;

and,

The SANTA ROSA CITY GOVERNMENT, a local government unit, duly organized and existing under Republic Act No. 7160, also known as the Local Government Code of 1991, with seat of government at the Santa Rosa City Hall, J.P. Rizal Blvd., City of Santa Rosa, Laguna, represented in this act by its Mayor, HON. ARLENE B. ARCILLAS, hereinafter referred to as “LGU-SANTA ROSA”;

-Witnesseth, That-

WHEREAS, is the declared national policy to promote and accelerate the development and balance growth of the Laguna de Ba’i and its surrounding provinces, cities and towns, including the City of Santa Rosa, with due regard and adequate provision for environmental management and control, preservation of the quality of human life and ecological systems and the prevention of undue ecological disturbances, deterioration and pollution, as well as climate change mitigation and adaptation;

WHEREAS, pursuant to Sec 4 (d) of Rep. Act 4850, as amended, LLDA adopted Board Resolution No. 408 Series of 2011, approving the revised definition of development and productive economics activities/industries within the Laguna de Ba’i Region (Region) required to secure LLDA clearance, e.g., resource extraction, agro-industrial, industrial/manufacturing establishments, service industries, site development/infrastructure projects and others as therein enumerated to ensure that they are in consonance with the LLDA plans, programs or projects or will not contribute to...
unmanageable pollution of the Laguna de Ba’i waters or bring about ecological balance in the Region:

WHEREAS, under Sec. 3(i) of Rep. Act No. 7160, the following and implementation of policies and measures on local autonomy shall be guided by the following operative principle, among others: “Local governments shall share with the National Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction, subject to national policies,” as above stated:

WHEREAS, in order to give life to constitutional mandate that the “State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,” the LGU-SANTA ROSA reaffirms its commitments to enforce relevant laws and ordinances of the City to ensure efficiency in environmental governance therein and to adopt adequate measures in partnership with LLDA to safeguard and conserve the beauty of its natural resources, among which are the rivers and creeks that run through the City and eventually drain to Laguna de Ba’i, the purpose of which is the general welfare of the city and its inhabitants and Region as a whole:

WHEREAS, the Sangguniang Panlungsod of the City of Santa Rosa Laguna, through its SP#____________ has fully authorized the Honorable Mayor Arlene B. Arcillas to execute, sign and deliver this Memorandum of Agreement with the LLDA.

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereto have agreed, as they do hereby agree as follows:

1. Undertaking of LLDA

1.1) From time to time, to provide LGU-SANTA ROSA with a list of entities, firms or establishments commencing to implement or continuing to implement any developmental and productive economic activities required to secure LLDA Clearance pursuant to Sec. 4 (d) of Rep. Act No. 4851), as amended, including those exempted thereto, as provided for under LLDA Board Resolution No. 408 Series of 2011, a copy of which is incorporated here with and made integral part hereof as Annex-A;

1.2) To act and advice the LGU-SANTA ROSA within twenty (20) days from receipt thereof all applications for LLDA clearance referred to it by the latter and shall submit a written report of all LLDA clearances it issued before the end of each year;

1.3) To remit to LGU-SANTA ROSA, through the Office of the City Treasurer, thirty five (35%) per cent of the net amount of all LLDA regulatory fees (less all operational...
1.4 To hold LGU-SANTA ROSA, its officials, officers and staff to be free and harmless from any liability whatsoever that may arise from the failure of any person, juridical person, entities, establishments or any projects to follow any LLDA Rules and Regulations and failure to secure the necessary LLDA clearance of exemption as required by LLDA Board Resolution No. 408 Series of 2011 (viz. Annex A).

2. Undertaking of LGU-SANTA ROSA

2.1 To require only those entities, establishments or any projects which are covered by LLDA Board Resolution No. 408-Series of 2011 (viz. Annex A) within its territorial jurisdiction to apply and secure LLDA clearance or exemptions thereto before approving, issuing or releasing to owners, proprietors or developer thereof, the original copy of any mayor/business licenses or permits applied thereof and to suspend or revoke the same after proper investigation if found to be commencing to implement or continuing to implement any development and productive economic activities as mentioned under LLDA Board Resolution No. 408-Series of 2011 (viz. Annex A);

2.2 To require holders of business permits who are required to be covered by LLDA Board Resolution No. 408 Series of 2011 (viz. Annex A) and without the proper LLDA Clearance to apply for and secure the LLDA Clearance from the Authority within sixty (60) working days; otherwise, the validity of the issued business permit may be revoked after conducting proper investigation at the sole discretion of the LGU-SANTA ROSA. For this purpose, LGU-SANTA ROSA shall report and submit to the Authority a quarterly list of establishment/holders of business permits required to secure LLDA Clearance as provided for by LLDA Board Resolution No. 408 Series of 2011 (viz. Annex A);

2.3 To submit to LLDA every quarter of each calendar year a list of entities establishment or project that applied or were issued with mayor’s or business permits/licenses;

2.4 To ensure the abovementioned allocations and disbursements by LLDA are expended in support of (i) any environmental programs or activities (ii) livelihood
programs, or (iii) as incentives or rewards to individuals, private organizations or entities, including NGOs, that will undertake outstanding and innovative projects, technologies or processes and techniques or activities, geared towards environmental enhancement and protection, climate change adaptation and mitigation, carbon sequestration and disaster risk reduction and management and related concerns, LGU-SANTA ROSA shall submit a written report thereof to LLDA at the end of each year; and

2.5) To provide logistical support to LLDA in establishing LLDA Desk within the vicinity of Business Permits and Licensing Office of LGU-SANTA ROSA. The manning schedule and staffing of said LLDA Desk shall be the responsibility of LLDA. It shall be operated by a person or persons knowledgeable with LLDA laws, rules and regulations. The LLDA desk shall be a part of the yearly “One Stop Shop” program of LGU-SANTA ROSA.

3. Provision Common to Both Parties

3.1) From time to time, the LLDA and LGU-SANTA ROSA shall coordinate their plans, programs, projects and licensing procedures, including amendments, if any, to Board Resolution No. 408 Series of 2011;

3.2) Whenever necessary, but without prejudice to their respective enforcement mandates, to create a joint implementing and monitoring team to ensure the success of this agreement;

3.3) Both parties agree that in the event of any conflict between the provisions of this Memorandum of Agreement and its Annexes, the provisions of the Memorandum of Agreement shall prevail over any of the Annexes attached hereto.

4. Monitoring and Enforcement

4.1) From time to time, LLDA and LGU-SANTA ROSA shall create joint monitoring and enforcement teams to effectively carry-out the objectives of the signed MOA;

4.2) In view of the revocation of business permit for failure to secure LLDA Clearance within the required period as stated herein and without prejudice to their respective mandates and regulatory enforcement functions, the LGU-SANTA ROSA shall inform and recommend to the LLDA the penalty of closure, including sanctions it may legally enforce to erring establishments.
5. Effectivity

This Agreement shall be effective on _____day of __________, 2013.

IN WITNESS WHEREOF, the parties hereto have signed this present on this _____day of _____ in the City of Santa Rosa, Laguna, Philippines.

LAGUNA LAKE DEVELOPMENT AUTHORITY

Represented By:

J.R. NEREUS O. ACOSTA, PhD
Presidental Adviser for Environmental Protection
General Manager, LLDA

SANTA ROSA CITY GOVERNMENT

Represented By:

HON. ARLENE B. ARCILLAS
City Mayor
City of Santa Rosa, Laguna

Signed in the presence of:
 ACKNOWLEDGEMENT
FOR LLDA

REPUBLIC OF THE PHILIPPINES )
PROVINCE OF LAGUNA ) S.C.
CITY OF SANTA ROSA )

BEFORE ME, A Notary Public for and the City of Santa Rosa, Laguna, personally appeared with his government issued ID.

SEC. JR. NEREUS O. ACOSTA, PhD.

Known to me to be same person who executed the foregoing Memorandum of Agreement and acknowledged to me that the same is his free and voluntary act and deed and that if the principal he present.

I further acknowledge that this Agreement, with Annex A, including this page where this acknowledgement is written, consists of three (3) pages, all signed by the party and his witnesses and sealed with my notarial seal.

WITNESS MY HAND AND SEAL on the date and the place first above written.

Doc. No.: __ ;
Page No.: __ ;
Book No.: __ ;
Series of 2014

Notary Public

ACKNOWLEDGEMENT
FOR LGU-SANTA ROSA

REPUBLIC OF THE PHILIPPINES )
PROVINCE OF LAGUNA ) S.C.
CITY OF SANTA ROSA )

BEFORE ME, A Notary Public for and the City of Santa Rosa, Laguna, personally appeared with her government issued ID;

HON. ARLENE B. ARCILLAS

Known to me to be same person who executed the foregoing Memorandum of Agreement and acknowledged to me that the same is her free and voluntary act and deed and that if the principal he present.

I further acknowledge that this Agreement, with Annex A, including this page where this acknowledgement is written, consists of three (3) pages, all signed by the party and his witnesses and sealed with my notarial seal.

WITNESS MY HAND AND SEAL on the date and the place first above written.

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Memorandum of Agreement between LLDA and LGU-SANTA ROSA