



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao
EIGHTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 33rd REGULAR SESSION
 OF THE EIGHTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON MARCH 10, 2020, TUESDAY, 9:00 A.M.,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Arnel T. Arugay	Sangguniang Panlungsod Member (Temporary Presiding Officer)
Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member
Hon. Imogen Claire M. Callangan	-do-
Hon. Gilbert S. Labang	-do-
Hon. Ronald S. Ortiz	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Grace B. Arago	-do-
Hon. Raymund P. Guzman	-do-
Hon. Karina S. Gauani	-do-
Hon. Gil G. Pagulayan	Ex Officio Member (Liga ng mga Barangay President)
Hon. Karen L. Taguinod	Ex Officio Member (SK Federation President)

ABSENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor/Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Victor Herbert N. Perez	-do-

CITY RESOLUTION NO. 095-08-2020

RESOLUTION APPROVING THE COMPROMISE AGREEMENT IN CIVIL CASE NO. 8846 TITLED “CHARESMA JOY T. PASCUAL (PLAINTIFF) VERSUS THE CITY GOVERNMENT OF TUGUEGARAO, REPRESENTED BY THE CITY MAYOR (DEFENDANT)” AND GRANTING AUTHORITY TO THE CITY MAYOR, HON. ATTY. JEFFERSON P. SORIANO, TO SIGN FOR AND ON BEHALF OF THE TUGUEGARAO CITY GOVERNMENT THE SAID COMPROMISE AGREEMENT

WHEREAS, the Performance Challenge Fund (PCF) for Local Government Units is a flagship program of the DILG that serves a facility that will help stimulate LGUs that put premium on transparency and accountability to enable them to avail themselves of financial support to jumpstart and sustain local socioeconomic development initiatives supportive of national government goals and priorities. It is an inventive fund to eligible LGUs to support in the implementation of high-impact capital investment projects in the Annual Investment Program (AIP);

WHEREAS, the Performance Challenge Fund (PCF) is being administered by the Department of the Interior and Local Government (DILG) in collaboration with the Department of Budget and Management (DBM) to recognize good governance performance particularly in the adoption of “good housekeeping” along the governance areas of development planning, sound financial management, transparency and accountability and valuing performance monitoring;

WHEREAS, the Performance Challenge Fund (PCF) progressive realization to achieve Millennium Development Goals (MDGs), maintenance of core road network to boost tourism and local economic development comply with the Philippine Disaster Risk Reduction and Management Act of 2010 and Ecological Solid Waste Management Act of 2000, and promote transparency and accountability; programs and projects are anchored on the contribution of local government units as well as non-governmental and private sector organizations;

WHEREAS, the Local Government Units (LGUs), as provided for under the Local Government Code of 1991 or Republic Act 7160, assume the primary responsibility of providing basic services and facilities to improve the quality of life of their constituents through programs and projects geared towards the achievement of MDGs, preparedness to disasters and adaptation to climate change sustainable environmental management and transparent and accountable local governance;

WHEREAS, the referral "*Indorsement of the City Mayor, Hon. Atty. Jefferson P. Soriano, on the Compromise Agreement in Civil Case No. 8846 titled "Charesma Joy T. Pascual versus the City Government of Tuguegarao, represented by the City Mayor"*" was endorsed to the Eighth City Council;

WHEREAS, the Committee on Appropriations, Committee on Rules, Laws and Ethics and Committee on Infrastructure and Public Utilities, to which the matter was referred, met on February 13, 2020 and March 02, 2020 to discuss the subject referral with the presence of resource persons;

WHEREAS, the Sixth City Council passed City Resolution No. 006-2014 titled "*A Resolution Granting Authority to the Acting City Mayor, Atty. Engelbert C. Caronan, Jr., Representing the Local Government Unit of Tuguegarao City, to Enter into a Memorandum of Agreement with the Department of the Interior and Local Government, Region 02, represented by OIC-Regional Director Marlo L. Iringan, CESO V for the Implementation of the 2013 Performance Challenge Fund (PCF) in the amount of Three Million Pesos (P3,000,000.00) for the Road Concreting of Bassig Street (Lecaros Street-Luna Street with a length of 270.00 In.m.) of the City of Tuguegarao;*"

WHEREAS, the Bids and Awards Committee proceeded with the bidding of concreting of roads, Bassig Street (Lecaros Street-Luna Street), Tuguegarao City, PB-INF-2014-008 and decided to award the project to CJT Pascual Construction (Plaintiff in Civil Case No. 8846, RTC Branch 10, Tuguegarao City) (Attached herewith is a machine copy of the Minutes of the Opening of Bids);

WHEREAS, the said CJT Construction proceeded with the prosecution of the aforesaid project and after completion and acceptance of the same, could not collect because of the absence of pertinent supporting documents, hence, filed a case for the Collection of Sum of Money which is the subject of said Civil Case No. 8846 and the proceedings was referred to the Mediation pursuant to the Rules of Court on Alternative Judicial Dispute which covers the Compromise Agreement for consideration and action;

WHEREAS, a Certificate was issued by Mr. Gerard G. Lim, Assistant City Accountant, that the 2013 Performance Challenge Fund under the Trust Fund amounting to Three Million Pesos (P3,000,000.00) is available and free for appropriation;

WHEREAS, the aforesaid amount of P3,000,000.00 does not constitute an Unbooked Obligation vis-à-vis Unfunded Items or Expenditures and therefore does not violate Section 29(1) Article VI of the Constitution;

WHEREAS, a Project Completion Report for the Concreting of Road along Bassig Street was submitted to the Department of the Interior and Local Government (DILG) by Engr. Maria Ines S. Bunagan, then OIC-City Engineer, and Engr. Francisco Lingan, Jr., Engineer II, duly certified by then City Mayor, Atty. Engelbert C. Caronan, Jr.;

WHEREAS, the Seventh City Council passed City Resolution No. 98-2019 authorizing the City Mayor, Hon. Atty. Jefferson P. Soriano, to enter into Mediation and Pre-Trial in Civil Case No. 8846 titled "*Charesma Joy T. Pascual (Plaintiff) vs. The City Government of Tuguegarao, represented by the City Mayor (Defendant) for Collection of Sum of Money*";

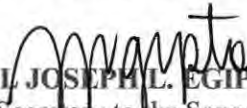
WHEREAS, upon review of the Terms and Conditions of the subject Compromise Agreement and finding the same to be in order and with merit, the committees recommend for the adoption and approval of the Compromise Agreement and the granting of authority to the City Mayor to sign for and on behalf of the Tuguegarao City Government the said Compromise Agreement.

NOW, THEREFORE, RESOLVE, as it is hereby **RESOLVED**, to approve the Compromise Agreement in Civil Case No. 8846 titled "*Charesma Joy T. Pascual (Plaintiff) versus The City Government of Tuguegarao, Represented by the City Mayor (Defendant)*" and to grant authority to the City Mayor, Hon. Atty. Jefferson P. Soriano, to sign for and on behalf of the Tuguegarao City Government the said Compromise Agreement.


On motion of Hon. Raymund P. Guzman, with seven (7) members voting in favor (Hon. Karina S. Gauani, Hon. Raymund P. Guzman, Hon. Winnoco R. Abraham, Hon. Gil P. Pagulayan, Hon. Karen L. Taguinod, Hon. Imogen Claire M. Callangan and Hon. Grace B. Arago), with two (2) against (Hon. Mary Marjorie P. Martin-Chan and Hon. Maila Rosario T. Que) and with two (2) abstentions (Hon. Gilbert S. Labang and Hon. Ronald S. Ortiz), **CITY RESOLUTION NO. 095-08-2020** was **APPROVED** under suspended rules.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

 031220
JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. ARNEL T. ARUGAY
Sangguniang Panlungsod Member
Temporary Presiding Officer
Date: 031320

at