



Office of the Sangguniang Panlungsod

CITY RESOLUTION NO. 2023-257
Series of 2023

DISTRICT I

ABSENT

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

ABSENT

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEVY M. TELA
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor

HON. REYNALDO M. FABIAN
City Councilor

HON. ROGELIO M. NOLASCO
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPIRITU
SK Federation President

Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Noted by:
HON. STRIKE B. REVILLA
City Mayor

A RESOLUTION AUTHORIZING THE CITY MAYOR, HON. STRIKE B. REVILLA, TO SIGN A DEED OF DONATION AND ACCEPTANCE WITH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) FOR AND ON BEHALF OF THE CITY GOVERNMENT OF BACOOR REGARDING THE DONATION OF A BACKHOE TO THE CITY GOVERNMENT.

Sponsored by:
Hon. Levy M. Tela

Co-Sponsored by :
Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Reynaldo D. Palabrica, Hon. Michael E. Solis.

WHEREAS, the Sangguniang Panlungsod received a letter from the Office of the City Mayor requesting that a resolution be passed authorizing the City Mayor, Hon. Strike B. Revilla, to sign a Deed of Donation and Acceptance between the City Government of Bacoor and the Department of Environment and Natural Resources (DENR) regarding the donation of a backhoe to the city government.

WHEREAS, the Department of Environment and Natural Resources (DENR) together with the national government agencies were ordered by the Supreme Court to clean-up, rehabilitate and preserve Manila Bay and to restore and maintain its water to SB Level (Class SB Sea Waters per Water Usage and Classifications Tables under DENR Administrative Order No. 34, Series of 1990) to make them fit for swimming, skin diving and other forms of recreation.

WHEREAS, the DENR intends to donate a backhoe worth **Nine Million Seven Hundred Ninety-Eight Thousand Pesos (PhP9,798,000.00)** to the city government for hauling and disposal of collected garbage during the clean-up activities in various barangays in the City of Bacoor, particularly described as follows:



Office of the Sangguniang Panlungsod

DISTRICT I

ABSENT
HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

ABSENT

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEVY M. TELA
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor

HON. REYNALDO M. FABIAN
City Councilor

HON. ROGELIO M. NOLASCO
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPERITU
SK Federation President

Attested by:
ATTY. KHALID A. WEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Noted by:
HON. STRIKE B. REVILLA
City Mayor

Particulars/Description	
Model	KOBELCO SK-7511
Serial No.	LG 03320243
Displacement	3.318 L
Engine No.	14070A
Type of Engine	Four-stroke, 4-cylinder, water-cooled, direct injection, Diesel Engine
Overall Length	6,000-6,500 mm
Overall Height	2,650-2,700 mm
Overall Width	2,100-2,320 mm
Bucket Capacity	0.25- 0.36 cu.m.
Max Digging Reach	6,200 – 8,600 mm
Max Digging Height	7,100-9,195 mm
Max Digging Depth	4,000 – 6,000 mm
Emissions Compliance	Tier III

WHEREAS, the city government is undertaking various activities to prevent, control, and mitigate pollution along its coastal areas adjoining Manila Bay and is committed to sharing the responsibility in the management and maintenance of the river systems and waterways under its jurisdiction.

WHEREAS, a draft Deed of Donation and Acceptance (DODA) was submitted by the Office of the City Mayor to the Sangguniang Panlungsod for review and consideration. The said draft DODA is deemed incorporated herein and made an integral part of this Resolution.

NOW THEREFORE, after careful deliberation, upon motion of Hon. Levy M. Tela duly seconded by all the members present in regular session duly assembled **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the Sangguniang Panlungsod to authorize the City Mayor, Hon. Strike B. Revilla, to sign a Deed of Donation and Acceptance with the Department of Environment and Natural Resources (DENR) for and on behalf of the City Government of Bacoor regarding the donation of a Backhoe worth Nine Million Seven Hundred Ninety-Eight Thousand Pesos (PhP9,798,000,000.00) to the city government.



Office of the Sangguniang Panlungsod

DISTRICT I

ABSENT

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

ABSENT

HON. VICTORIO I. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

HON. LEVY M. TELA
City Councilor

DISTRICT II

HON. ROBERTO L. ADVJNCULA
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor

HON. REYNALDO M. FABIAN
City Councilor

HON. ROGELIO M. NOLASCO
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. SIMPLICIO G. DOMINGUEZ
City Councilor

HON. RAMON N. BAUTISTA
Liga ng mga Barangay President

HON. MAC RAVEN ESPERITU
SK Federation President

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Noted by:

HON. STRIKE B. REVILLA
City Mayor

RESOLVED LASTLY, to furnish the Office of the City Mayor, the DENR, the University of the Philippines-Office of the National Administrative Register (UP-ONAR), and other government agencies concerned with copies of this resolution.

UNANIMOUSLY ADOPTED this 15th day of May 2023 at the City of Bacoor during the regular session of the 5th Sangguniang Panlungsod of the City of Bacoor.

I hereby certify that the foregoing Resolution was duly passed in accordance with law and that its contents are true and correct.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Noted by:

HON. STRIKE B. REVILLA
City Mayor

DEED OF DONATION AND ACCEPTANCE

KNOW ALL MEN BY THESE PRESENTS:

This Deed of Donation and Acceptance (the "DODA") is made and entered into this ___ day of _____, 20___, in the City of Bacoor, Province of Cavite, by and between:

The **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR)** with office address at Visayas Avenue, Diliman, Quezon City represented by its Secretary, **Hon. MARIA ANTONIA YULO LOYZAGA**, and hereinafter referred to as the **"DONOR"**

-in favor of-

The **CITY GOVERNMENT OF BACOOR**, a local government unit duly created and existing under Philippine laws, with principal office address at Bacoor Government Center, Bacoor Boulevard, Barangay Bayanan, Bacoor City, Province of Cavite, represented herein by its Local Chief Executive, **Hon. STRIKE B. REVILLA**, and hereinafter referred to as **"DONEE"**

WITNESSETH:

WHEREAS, the **DONOR** is the primary government agency responsible for the conversion, management, development, and proper use of the country's environment and natural resources;

WHEREAS, the **DONOR**, together with other national government agencies (NGAs) was ordered by the Supreme Court to clean-up, rehabilitate, and preserve Manila Bay, and to restore and maintain its waters to SB level (Class SB Sea Waters per Water Usage and Classifications Tables under DENR Administrative Order No. 34 Series of 1990) to make them fit for swimming, skin diving and other forms of contact recreation;

WHEREAS, the procurement and donation of a heavy equipment, particularly a backhoe, is part of the efforts of the **DONOR**, through the Manila Bay Coordinating Office (MBCO), to clean-up and restore and maintain the Manila Bay water to SB level;

WHEREAS, the **DONOR** is the absolute owner of a backhoe on barge worth **NINE MILLION SEVEN HUNDRED NINETY-EIGHT THOUSAND PESOS (Php 9,798,000.00)** particularly described as follows:

Model	KOBELCO SK75-11
Serial No	LG 03320243
Displacement	3.318 L
Engine No	14070A
Type of Engine	Four-stroke, 4-cylinder, water-cooled, direct injection, Diesel Engine
Overall Length	6,000-6,500 mm
Overall Height	2,650-2,700 mm
Overall Width	2,100-2,320 mm
Bucket Capacity	0.25-0.36 cu.m.

Max Digging Reach	6,200-8,600 mm
Max Digging Height	7,100-9,195 mm
Max Digging Depth	4,000-6,000 mm
Emissions Compliance	Tier III

WHEREAS, the DONEE is one of the local government units within the Manila Bay area with river systems that needs to be dredged;

WHEREAS, the DONEE is undertaking a number of initiatives to prevent, control, and mitigate pollution to the Manila Bay and is committed to sharing the responsibility in the management and maintenance of the river systems under their jurisdiction;

NOW, THEREFORE, for and in consideration of the above premises, the DONOR hereby donates the said backhoe unto the DONEE;

That the DONEE, with appreciation and gratitude, hereby accepts this donation subject to the following terms and conditions:

1. Manage the transportation of the heavy equipment and barge from DPWH Lower Bicutan Yard in Taguig City to a secured area for housing;
2. Designate a focal person from the CENRO who shall coordinate with DENR-MBCO personnel on activities related to the use of the backhoe;
3. Provide security to the heavy equipment and ensure that it is free from vandalism and destruction;
4. Request technical assistance from the LGU's respective DPWH District Engineering Office with regards to the training and use of the heavy equipment;
5. Allocate funds for the sustainable operation and maintenance of the heavy equipment which includes the procurement of consumable supplies after the one (1) year or two-thousand (2,000) hours warranty period;
6. Ensure that the only authorized and qualifies LGU personnel are allowed to operate the heavy equipment;
7. Use the heavy equipment on activities related to the rehabilitation and clean-up of Manila Bay;
8. Notify the DENR in writing, as far as practicable, wherever damages is incurred or other matters relating to the use of the heavy equipment; and
9. Send written reports to the DENR-MBCO regarding the extent and accomplishments of the dredging operation on the river system within the LGU's jurisdiction.

The said donation is subject to Section 76 of Presidential Decree (PD) 1441, otherwise known as the Government Auditing Code of the Philippines; and Part IV, V.4, and VII of Commission on Audit (COA) Circular 89-926 dated 27 January 1989.

In case the DONEE fails to comply with the above-cited terms and conditions, Article 746 of the Civil Code of the Philippines shall apply, to wit:

'Art. 764. The donation shall be revoked at the instance of the donor, when the donee fails to comply with any of the conditions which the former imposed upon the latter.

In this case, the property donated shall be returned to the donor..."

x xx

Thus, the donation shall be revoked at the instance of the DONOR, and the property donated shall be returned.

That the DONOR affirms that the donation is not made with intent to deceive its creditors, and that it has reserved for itself and its legal obligations sufficient funds and properties;

That the DONEE hereby accepts and received this donation made in its favor by the DONOR, and hereby expresses its appreciation and gratefulness for the kindness and generosity of the DONOR in recognizing the abovementioned donated property.

IN WITNESS WHEREOF, the DONOR and the DONEE have hereunto signed this Deed of Donation and Acceptance, this ____ day of _____, 20__ in the City of Bacoor, Province of Cavite.

For the DONOR:
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

For the DONEE:
CITY GOVERNMENT OF
BACOR

Hon. MARIA ANTONIA YULO
LOYZAGA
Secretary

Hon. STRIKE B. REVILLA
City Mayor
City Resolution No. ____
Series of ____.

WITNESSED BY:

ATTY. JONAS R. LEONES
Undersecretary
Department of Environment and Natural
Resources

Hon. ROWENA BAUTISTA-MENDIOLA
City Vice-Mayor
City Government of Bacoor

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF BACOR, PROVINCE OF CAVITE) S.S.

BEFORE ME, a Notary Public in the above jurisdiction, personally appeared this
___ day of _____, 20___, at _____.

Name	Gov't Issued ID	Place & Date Issued
MARIA ANTONIA YULO LOYZAGA		
STRIKE B. REVILLE		

known to me to be the same persons who executed the foregoing DEED of DONATION AND ACCEPTANCE which consists of four (4) pages, including this Page of Acknowledgement, signed by them, their instrumental witnesses on each and every page thereof, and they acknowledged to me that the same is their free and voluntary act and deed as well as that of the corporate entities they represent for the purposes.

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;
Series of 2023.