



Office of the Sangguniang Panlungsod

DISTRICT I

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

Absent

HON. ADRIELITO G. GAWARAN
City Councilor

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. KHALIDA A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
Sick Leave

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Noted by:

HON. STRIKE B. REVILLA
City Mayor

CITY RESOLUTION NO. 2023-289

Series of 2023

A RESOLUTION AUTHORIZING THE CITY MAYOR, HON. STRIKE B. REVILLA, TO SIGN THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY GOVERNMENT OF BACOR AND THE DEPARTMENT OF EMPLOYMENT (DOLE) REGION IV-A FOR COMPLIANCE WITH THE PROVISIONS OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS (OSHS) ACT.

Sponsored by:

Hon. Reynaldo M. Fabian

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Mac Raven Espiritu, Hon. Simplicio G. Dominguez, Hon. Catherine Sarino-Evaristo, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Michael E. Solis and Hon. Levy M. Tela.

WHEREAS, on 23 June 2023, the Office of the Sangguniang Panlungsod received a letter-request from the Office of the City Mayor of Bacoor for the authority to sign a draft Memorandum of Agreement with the Department of Labor and Employment Region IV-A relating to the implementation of Republic Act No. 11058 ("An Act Strengthening Compliance with Occupational Safety and Health Standards"). The Draft Memorandum of Agreement is deemed incorporated and made an integral part of this Resolution.

WHEREAS, Republic Act No. 11058 aims to protect workers against injury, sickness, and death through the implementation of safe and healthful working conditions, thereby manifesting the State's commitment to occupational safety and health.

WHEREAS, Article II, Section 15 of the 1987 Constitution of the Republic of the Philippines asserts the State's obligation to protect and promote the right to health of the people, affirming the fundamental human right to health for all citizens.

WHEREAS, Article XIII, Section 3 of the Constitution emphasizes the State's duty to afford full protection to labor, underlining the nation's commitment to the safety, welfare, and overall well-being of its labor force.



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Noted by:

HON. STRIKE B. REVILLA
City Mayor

WHEREAS, Article II, Section 18 of the Constitution declares that the State affirms labor as a primary social economic force and thus guarantees the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities including the right to strike in accordance with law, as well as a right to security of tenure.

WHEREAS, the Department of Labor and Employment, the Civil Service Commission, and the Department of Health issued Joint Memorandum Circular No. 1 on 4 March 2020, directing all local government units to adhere to Occupational Health and Safety (OHS) standards in their respective workplaces, recognizing the importance of providing a healthy and safe work environment for the Government workforce and promoting the well-being of every Filipino.

WHEREAS, the importance of the Occupational Safety and Health Standards Act is paramount, providing comprehensive guidelines to ensure the safety and health of workers in the workplace, including provisions for emergencies and accidents, rights to refuse unsafe work, rights to report accidents, rights to personal protective equipment, safety signage, and safety in the use of equipment, amongst others.

WHEREAS, under the proposed Memorandum of Agreement, the City Government of Bacoor will create a Safety Office through which it will monitor compliance of all business establishments in the City to OSH Standards.

WHEREAS, the signing and implementation of the proposed Memorandum of Agreement is consistent with the duty of the City Government of Bacoor under its Charter (Republic Act No. 10160) to ensure the provision of basic services including those that promote the health of its residents.

WHEREAS, the City Mayor has the power to represent the City in its business transactions and sign on its behalf all contracts upon authority of the Sangguniang Panlungsod under Republic Act No. 7160 or the Local Government Code of 1991.

NOW THEREFORE, upon motion of Hon. Reynaldo M. Fabian, unanimously seconded by the rest of the Body, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite to authorize the City Mayor to sign the proposed Memorandum of Agreement between the City Government of Bacoor and Department of



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Liga ng mga Barangay President

HON. MAC RAMON ESPERITU
SK Federation President

Attested by:

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City Vice Mayor

Noted by:

HON. STRIKE B. REVILLA
City Mayor

Labor and Employment Region IV-A regarding the implementation of Republic Act No. 11058.

RESOLVED LASTLY, to furnish the Department of Labor and Employment Region IV-A, the University of the Philippines-Office of the National Administrative Register (UP-ONAR), and other government agencies concerned with copies of this Resolution.

APPROVED on the 3rd day of July 2023 at the City of Bacoor, Cavite by the Sangguniang Panlungsod of the City of Bacoor.

I hereby certify that the foregoing Resolution is true and correct and that it was passed in accordance with law.

Certified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Noted by:

HON. STRIKE B. REVILLA
City Mayor

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement (the "Agreement"), made and entered into this _____ day of _____, 20____ ("Effective Date") in Bacoor City, Province of Cavite, by and between:

The **CITY GOVERNMENT OF BACOOR**, a local government unit duly organized and existing under Philippine laws, with principal office address at Bacoor Government Center, Bacoor Boulevard, Barangay Bayanan, Bacoor City, Province of Cavite, duly represented herein by its City Mayor, **HON. STRIKE B. REVILLA**, pursuant to his authority conferred and embodied in **City Resolution No. _____, Series of _____**, and hereinafter referred to as "**LGU-BACOOR**",

-and-

The **DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) REGION IV-A**, a national government agency existing under and by virtue of the laws of the Republic of the Philippines, with principal office address at 438, 4109 Governor's Dr, Perez, Trece Martires, 4109 Cavite, duly represented herein by its Provincial Director, **MARIVIC B. MARTINEZ**, herein referred to as "**DOLE REGION IV-A**";

The term "Party" shall mean **DOLE REGION IV-A** or **LGU-BACOOR**, if applicable, while the term "Parties" shall mean **DOLE REGION IV-A** and **LGU-BACOOR**, collectively.

WITNESSETH: That,

WHEREAS, Section 15, Article II of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

WHEREAS, Article XIII, Section 3 provides further that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

WHEREAS, Pursuant to Republic Act No. 11058 approved 17 August 2018, the State shall protect every worker against injury, sickness or death through safe and healthful working conditions thereby assuring the conservation of valuable manpower resources and the prevention of loss or damage to lives and properties consistent with national development goals, and with the State's commitment to the total development of every worker as a complete human being;

WHEREAS, Paragraph 2, Section 3, Article XIII of the 1987 Constitution guarantees the rights of all workers to a decent and humane conditions of work.

WHEREAS, Section 18, Article II of the 1987 Constitution provides that the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

WHEREAS, Section 3, Article IX-B of the 1987 Constitution provides that the Civil Service Commission (CSC), as the central personnel agency of the bureaucracy shall adopt measures to promote morale, efficiency, integrity, responsiveness and courtesy in government.

WHEREAS, on 04 March 2020, DOLE, CSC and DOH, through a Joint Memorandum Circular No. 1. directed all Heads of Constitutional Bodies, Departments, Bureaus and Agencies of the National Government, Local Government Units, Government-Owned and/or Controlled Corporations with Original Charters and State Universities and Colleges to adhere to Occupational Safety and Health Standards in their respective workplaces.

WHEREAS, the **DOLE REGIONAL IV-A** has the constitutional mandate and authority to ensure compliance to the provision of the standards through its Inspectors;

WHEREAS, the **LGU-BACCOOR** recognizes that the authority to conduct inspections is solely in the mandate of the **DOLE REGIONAL IV-A**, including expertise and resources;

WHEREAS, the **LGU-BACCOOR** has a Vision to "Create a Healthy and Well-Protected Working Citizen of Bacoor. To have a Caring and Responsive Work Environment brought about by sound OSH Policies and Laws, Research, Training, Information Exchange, and Technical Expertise.;

WHEREAS, the **LGU-BACCOOR** established a Safety Office (Mandatory Safety Business Regulatory) to support the Vision. The Safety Office will inspect and monitor compliance of all establishments in the City to OSH Standards;

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

ARTICLE I. ROLES AND RESPONSIBILITIES OF THE PARTIES. -

1. The **LGU-BACCOOR** shall:

1.1 Through its Safety Office's (Mandatory Safety Business Regulatory) OSH Compliance Auditor, inspect and monitor compliance of all establishment to OSH Standards:

1.2 Through its Safety Office's (Mandatory Safety Business Regulatory) OSH Capacity Building Specialist prepare and submit to **DOLE REGION IV-A**:

1.2.1. a regular report of establishments visited and inspected;

1.2.2. recommended action for establishment that does not meet the standards

1.3 Provide assistance to non-compliant establishment by recommending actions to comply with OSH Standards

2. The **DOLE REGION IV-A** shall:

2.1 Acknowledge and deputize Bacoor Government Safety Office's OSH Compliance Auditor to conduct establishment OSH visit to follow Section 25 "Delegation of Authority" of DO198-18.

2.2 Provide technical assistance to the Safety Office personnel of the **LGU-BACCOOR** through advance safety training.

ARTICLE II. ETHICAL CONDUCT OF EXTENSION ACTIVITIES. - The **DOLE REGION IV-A** has the responsibility of ensuring that the conduct of the activities is in

accordance with ethical standards especially those affecting all parties concerned. The same sanction cited in the next preceding Section shall apply to violations found under this provision of the Contract.

ARTICLE III. TERMINATION AGREEMENT OR NOTICE. - The **LGU-BACCOOR** may, based on evidence of failure of the **DOLE REGION IV-A** to comply with the terms of the grant agreement, or in the event the **DOLE REGION IV-A** incurs unreasonable delay, inaction, or break of obligation under the Memorandum of Agreement, issue a notice of intent to terminate the grant agreement. The notice of intent to terminate has the force and effect of extending or modifying the conditions of the suspend order. Any modification of the condition of the suspend order shall be shown in the notice and discussed with the implementing grantee. The **LGU-BACCOOR** shall give not less than ten days written notice to the **DOLE REGION IV-A** of intent to terminate the grant in whole or in part.

After the **DOLE REGION IV-A** has been notified and/or afforded opportunity for discussion, the Director concerned may request authorization from the Commission en Banc to terminate the grant in whole or in part. If the Commission en Banc concurs in the termination action, the termination notice will be forwarded to the **DOLE REGION IV-A**. The termination notice shall establish the effective date of the termination of the grant and the amount and date of payment of any sums due either party.

If any dispute or difference of any kind whatsoever shall arise between the parties in connection with the implementation or interpretation of this contract, the parties shall make every effort to resolve amicably such dispute or difference by mutual consultation.

ARTICLE IV. BASIS FOR TERMINATION - A grant may be terminated by the **LGU-BACCOOR** for cause. Cause for termination of the **LGU-BACCOOR** includes failure of the **DOLE REGION IV-A** to make satisfactory progress toward achieving level of participation; or other evidence satisfactory to the **LGU-BACCOOR** that the **DOLE REGION IV-A** has failed or is unable to perform in accordance with the provisions of the agreement.

ARTICLE V. SEPARABILITY CLAUSE - In the event that one or more provisions contained herein shall be held invalid, illegal or unenforceable in any respect and for any reason, the remaining provisions shall remain valid, legal and enforceable.

ARTICLE VI. DOCUMENTS COMPRISING THIS AGREEMENT - All appendices hereto attached are hereby expressly made an integral part of this agreement by reference, excluding inconsistencies with any/all part, terms, and conditions contained in this Memorandum of Agreement.

ARTICLE VII. EFFECTIVITY OF THE AGREEMENT - This Agreement shall take effect upon the release of funds to the concerned HEI for the project implementation and shall be in effect for a period of three (3) months from the release of funds and is automatically extended should the community quarantine is extended by government.

IN WITNESS WHEREOF, the parties hereunto have affixed their respective signatures this ____ day of _____ 20__, at _____, Philippines.

CITY GOVERNMENT OF BACOR

DOLE REGION IV-A

By:

By:

Hon. STRIKE B. REVILLA
City Mayor

MARIVIC B. MARTINEZ
Provincial Director

Signed in the presence of:

DRAFT

MANOLO S. GALVEZ Jr.
Assist Department Head, DRRMO

KARL REBOSURA
Unit Head, MSBR Safety

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
City of _____)S. S.

BEFORE ME, a Notary Public, for and in the City of _____, this _____
day of _____, 2023, personally appeared:

NAME	Government Issued ID	Place/Date Issued
HON. STRIKE B. REVILLA		
MARIVIC B. MARTINEZ		
MANOLO S. GALVEZ Jr.		
KARL REBOSURA		

Known to me and to me known to be the same person(s) who executed the foregoing instrument and who acknowledged to me that the same is their free and voluntary act and deed, and that of the institutions respectively represented.

The foregoing instrument refers to a Memorandum of Agreement (MOA) consisting of FIVE (5) pages, including the page in which this Acknowledgement is written, signed by the parties, including their instrumental witnesses on each and every page thereof and sealed with my notarial seal.

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

NOTARY PUBLIC

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

Memorandum of Agreement between City Government
of Bacoor and Department of Labor and Employment Region IV 5