



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF BULALACAO

OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF
THE SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO
HELD ON JULY 26, 2012 AT THE SANGGUNIANG BAYAN SESSION
HALL

PRESENT:

Hon. Teresita S. Bantugan	-	Presiding Officer
Hon. Eduardo C. Acheron	-	Sang. Bayan Member
Hon. Gideon B. Abuel	-	-do-
Hon. Emelita A. Osorio	-	-do-
Hon. Guillermo G. Salas, Jr.	-	-do-
Hon. Leonardo A. Andallon	-	-do-
Hon. Juan L. Salas, Sr.	-	-do-
Hon. Senen C. Familara	-	-do-
Hon. Ramon G. Magbanua	-	-do-
Hon. Virgelio M. Astillo	-	Pres., Liga ng mga Brgy.

ABSENT:

Hon. Klean Rose F. Borbon	-	SK Fed. President
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ORDINANCE NO. 12-07-128

AN ORDINANCE PRESCRIBING INSPECTION REPORT AS
REQUISITE IN THE PAYMENT OF ALL GOVERNMENT
INFRASTRUCTURE PROJECTS BEING UNDERTAKEN AND
IMPLEMENTED IN THE MUNICIPALITY OF BULALACAO, ORIENTAL
MINDORO, CREATING FOR THE PURPOSE THE MUNICIPAL
INSPECTORATE TEAM FOR INFRASTRUCTURE PROJECTS AND
PRESCRIBING PENALTIES IN CASE OF VIOLATION THEREOF

Authors:

Honorable Gideon B. Abuel
Honorable Ramon G. Magbanua

“WHEREAS, Section 447 (a) (2) of R.A. 7160 otherwise known as the Local Government Code of 1991 provides that “(a) [The Sangguniang Bayan, as the legislative body of the municipality shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code and shall . . . (2) [G]enerate and maximize the use of resources and revenues for the development plans, programs, objectives and priorities of the municipality as provided for under Section 18 of this Code;”

“WHEREAS, the Municipal Government of Bulalacao, Oriental Mindoro annually identifies and integrates infrastructure projects in its developmental programs and allocates funds or requests funding allocation from different Government Agencies or from the PDAF of Congressman and Senators to ensure the realization of such undertakings;

"WHEREAS, setting in place inspection mechanism for all government infrastructure projects in the Municipality of Bulalacao, will serve as means to ensuring the effective and maximize use of people's coffers and at the same time fostering competitiveness and transparency in the implementation of all government infrastructure projects;

"WHEREAS, in view of the foregoing reasons, the Sangguniang Bayan finds it deem necessary for the institutionalization of inspection mechanism for infrastructure projects, being undertaken and implemented in the Municipality of Bulalacao, Oriental Mindoro;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the Sangguniang Bayan of Bulalacao, Oriental Mindoro, that:

SECTION I. Title. This Ordinance shall be known as "An Ordinance prescribing Inspection Report as one of the requisites in the payment of infrastructure projects being implemented out of government funds and creating for such purpose the Municipal Inspectorate Team, and for other purposes."

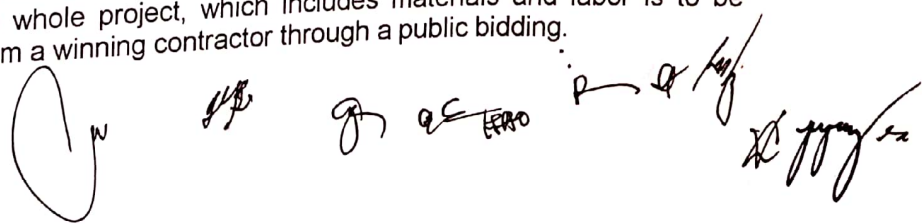
SEC. II. Declaration of Principle and Policy. In adherence to the principle that government's money is people's money, it is thus the policy of the Municipal Government of Bulalacao, Oriental Mindoro to adopt mechanisms geared towards effective, proper and prudent utilization of government funds only for purposes beneficial to the general welfare of its constituents and to safeguard the use of the same for improper and unlawful ends.

SEC. III. Definition of Terms. The following terms are defined for the purpose of this Ordinance:

1. **Infrastructure Projects** – shall include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of government buildings, roads and bridges, railways, airports, seaports, communication facilities, civil works components of information, technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, river banks protection, energy/power and electrification facilities, and other related construction projects undertaken and/or implemented in the Municipality of Bulalacao, Oriental Mindoro.

2. **Project Implementation by Administration** – shall refer to a method in the implementation of a certain infrastructure project undertaken by the Municipal Government of Bulalacao, Oriental Mindoro, wherein only the materials for the completion of the same are to be procured through public bidding and/or its labor component is by Job Order Contract .

3. **Project Implementation through straight Contract** – shall refer for a method in the implementation of a certain infrastructure project wherein the whole project, which includes materials and labor is to be procured from a winning contractor through a public bidding.



4. **Government Officers and Employees**- this pertain to all appointed personnel under Government Agencies and instrumentalities, regardless of position and status of appointment of all line offices who are in-charge or accountable for the preparation, evaluation and processing of documentary requirements for the payment of infrastructure projects.

5. **MG-Bulalacao Infrastructure Project Fund Sources** – shall include, but not limited to the following funds under the Municipal Government of Bulalacao: General Fund, 20% Development Fund, Special Education Fund, Trust Fund, Grant, Loan Proceeds, Bond Flotation Proceeds, Priority Development Assistance Fund (PDAF) entrusted to the Municipality.

SEC. IV. Application and Coverage. This Ordinance shall apply to all infrastructure projects, whether by administration or straight contract, initiated or undertaken by the Municipal Government of Bulalacao or initiated and undertaken by the different Government Agencies or Instrumentalities through legitimate contractors, regardless of project cost and fund sources.

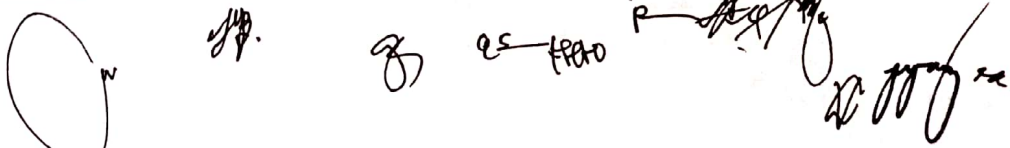
SEC. V. Inspection Report as requisite in the payment of Infrastructure projects: The Inspection Report which shall be prepared and accomplished by the Inspectorate Team, which is created hereunder shall form part of the required documents in the disbursement of funds and shall be one of the essential bases in the payment, whether partial or full, of infrastructure projects initiated undertaken and implemented by all government agencies, covered under Section III hereof.

SEC. VI. Creation of Municipal Inspectorate Team for Infrastructure Projects: It is hereby created the Municipal Inspectorate Team for Infrastructure Projects:

1. **Composition.** The Municipal Inspectorate Team is composed of the following:

- a. Municipal Mayor as Chairman
- b. *Municipal Engineer as Member*
- c. Municipal General Services Officer as Member
- d. Chairman of the Committee on Public Works and Infrastructure of the Sangguniang Bayan as Member
- e. Barangay Captain where the project is being implemented
- f. Two (2) representative from NGO/PO's in the Municipality of Bulalacao, Oriental Mindoro

2. **Functions.** For purposes of this Ordinance, the Municipal Inspectorate Team is vested with the following functions:



- a. To conduct detailed inspection in whatever stages of development/implementation of infrastructure projects;
 - b. To prepare and submit Inspection Report embodying its findings based on the inspection conducted as well as its recommendations whether or not payment shall be made on a particular infrastructure project or if there are corrective measures to be undertaken on such project before payment shall be made;
 - c. To formulate mechanics or guidelines that would govern the conduct of inspection and the preparation and issuance of Inspection Report of Infrastructure Project.
3. **Designation of Representative for the conduct of Inspection.** The Chairperson and the Members of the Inspectorate Team may designate competent staff from his office as his representative in the actual conduct of inspection of a particular project when the conduct of the same is in conflict with the equally important schedule on the workload in his office which necessitates his immediate action.
4. **Remuneration.** The Members of the Inspectorate Team shall receive no additional remuneration in the performance of their functions; however, those employees designated as representative during the actual conduct of inspection shall receive travelling and per diem allowances, subject to the provision of the General Appropriation Ordinance of the Municipality. Gasoline expenses to be incurred in the conduct of actual inspection by the Members of the Municipal Inspectorate Team or their respective representative may be charged to any available fund sources which pertains to the implementation of all government infrastructure projects, undertaken and/or implemented within the Municipality of Bulalacao, Oriental Mindoro.

SEC. VII. Prohibited Acts. (a) No payment of infrastructure project, covered under Section III hereof, shall be made, in part or in full, which is bereft of inspection report accomplished based on the intention of this Ordinance and favorably recommending for the grant of such payment. (b) It is unlawful for any person, to allow or cause to allow or receive from the Municipal Government of Bulalacao and other implementing Government Agencies and Instrumentalities of a payment for the implementation of any infrastructure project without the required Inspection Report favorably recommending for the grant of such payment, as mandated under Section IV hereof.

SEC. VIII. Penalties. (a) Any person guilty of violating this Ordinance shall be meted with a fine of Two Thousand Five Hundred Pesos (Php2,500.00) or imprisonment of three (3) months, or both fine and imprisonment upon the discretion of the court;

(b) In case the violators are government officers or employees, they, in addition to the penalty above, shall be meted with administrative sanction, in accord with applicable CSC rules and regulations.

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© In case the violators is a private person, in addition to the penalty imposed under paragraph (a) of this Section, he or she shall be black-listed and shall no longer be qualified to undertake any infrastructure project within the Municipality of Bulalacao, Oriental Mindoro.


SEC. IX. Separability Clause. If any provision of this Ordinance is declared invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SEC. X. Repealing Clause. All ordinance or other local issuances found to be inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

SEC. XI. Effectivity Clause. This Ordinance shall take effect after satisfying the requirements of publication or posting set forth under Section 511 (a) of R.A. No. 7160.

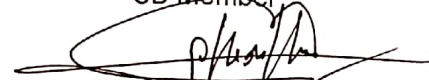
ENACTED this 26th day of July, 2012, Bulalacao, Oriental Mindoro.



EDUARDO C. ACERON
SB Member


GIDEON B. ABUEL
SB Member


EMELITA A. OSORIO
SB Member


GUILLERMO G. SALAS, JR.
SB Member


LEONARDO A. ANDALLON
SB Member


JUAN L. SALAS, SR.
SB Member


SENE C. FAMILARA
SB Member



RAMON G. MAGBANUA
SB Member


VIRGELIO M. ASTILLO
Pres., Liga ng mga Brgy.


CERTIFIED TRUE AND CORRECT:


PERILITA L. PAZ
Temporary Secretary

ATTESTED:


TERESITA S. BANTUGAN
Municipal Vice Mayor/Presiding Officer

APPROVED:


ENGR. ERNILO C. VILLAS
Municipal Mayor
Date Signed: 8-7-2012