Republic of the Philippines
Province of Cavite
MUNICIPALITY OF BACOOR
Office of the Sangguniang Bayan

MUNICIPAL RESOLUTION NO. 24-S-2010

A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR,
HON. STRIKE B. REVILLA, TO SIGN THE MEMORANDUM OF
AGREEMENT BETWEEN THE BAHAYANG PAG-ASA
HOMEOWNERS’ ASSOCIATION INC. AND BARANGAY
MOLINO V, BACOOR, CAVITE FOR AND ON BEHALF OF THE
MUNICIPAL GOVERNMENT OF BACOOR, CAVITE.

Sponsored by Hon. Bayani M. De Leon

WHEREAS, the first Bahayang Pag-Asa Homeowners’
Association, Inc. (FBPHAI) is duly registered homeowners’
association of Phase I, Bahayang Pag-Asa, Molino V, Bacoor, Cavite.

WHEREAS, in compliance with Presidential Decree No.
1216, the developer of Bahayang Pag-Asa Subdivision reserved
open spaces in Phase I thereof for the purpose of creating parks,
playgrounds, recreational areas, roads, places of worship and other
similar facilities and amenities that would benefit its residents and
homeowners.

WHEREAS, the residents and homeowners of Bahayang
Pag-Asa- Phase I, through the FBPHAI, developed and maintained
the open spaces located in Phase I for the benefit of the community
by putting up recreational facilities such as children’s playground,
basketball court with stage, tennis court, waiting shed, rip-rap along
the creek and perimeter fence using private donations and
association funds.

WHEREAS, the developer of Bahayang Pag-Asa
executed in favor of the Municipal Government a Deed of
Donation dated February 16, 2009 which, having been duly
accepted by the donee, effectively converted the Phase I open spaces
and all facilities and improvements found thereon into public
property under the exclusive ownership of said government unit.
WHEREAS, through the FBPHAI, the residents and homeowners of Phase I of Bahayang Pag-Asa Subdivision expressed their desire to remain actively involved in the management and maintenance of the Phase I open space facilities adverted to above. To this end, the FBPHAI and the Office of the Municipal Mayor submitted to the Sangguniang Bayan for its review a draft Memorandum of Agreement between FBPHAI and the Municipal Government regarding the management and operation of the open space facilities mentioned above.

NOW, THEREFORE, upon motion of Councilor Bayani M. De Leon, in regular session assembled, unanimously passed by the council, BE IT RESOLVED AS IT IS HEREBY RESOLVED to authorize the Municipal Mayor, to sign the Memorandum of Agreement mentioned above provided that the following changes are made thereon:

1. Ownership of open spaces and recreational facilities located within Phase I of Bahayang Pag-Asa Subdivision shall be retained by the Municipal Government of Bacoor, Cavite despite the execution of the said Memorandum of Agreement;

2. The Barangay Council of Barangay Molino V, to be represented by its Punong Barangay, shall be made a party to the said Memorandum of Agreement.

3. The FBPHAI shall be allowed by the Municipal Government to operate and manage the said recreational spaces PROVIDED that any rates, fees, and charges that its officers may impose upon the general public for the use of the said facilities shall be subject to the written approval of the Barangay Council of Barangay Molino V before they can be implemented. PROVIDED FURTHER that the said rates, fees, and charges which have been approved by the Barangay Council shall also be approved by the Sangguniang Bayan before the FBPHAI can implement the same. PROVIDED MOREOVER, that the day-to-day operation of the said facilities shall be under the control of the duly-elected officers of the FBPHAI within the period of effectivity of the said Memorandum of Agreement, the operation and management of the said open spaces and facilities shall automatically revert to the Municipal Government;
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4. The FBPHAI shall submit a detailed accounting report to the Office of the Municipal Accountant once every quarter on the fiscal status of the said facilities with particular emphasis on the rates, fees, and charges collected, how it was used, and the savings or income realized by the FBPHAI through its operation and management of the said facilities;

5. Considering that the Municipal Government is the rightful owner of the open spaces mentioned above and the facilities found thereon, any activities and events sponsored by the Municipal Government shall take precedence in the use of the facilities. Any maintenance work that shall be done on the same should strictly conform to all prevailing legal requirements with regard bidding and procurement.

6. Any provision of the draft Memorandum of Agreement that is in conflict with this resolution or which is contrary to law are hereby amended, modified and/or repealed.

RESOLVED LASTLY, to furnish all government agencies and offices concerned with copies of this Resolution.

ADOPTED this 25th day of January 2010 at Bacoor, Cavite.

This is to certify that the foregoing Resolution is true and correct to the best of my knowledge and based on authentic records at hand.

Certified by:

HON. ROLANDO S. REMULLA
Acting Vice Mayor/Acting Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Secretary to the Sanggunian

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Bayan Secretary

Approved by:

HON. STRIKE B. REVILLA
Municipal Mayor

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