



Republic of the Philippines
Province of Cavite
City of Bacoor

5th SANGGUNIANG PANLUNGSOD

Committee on Environment and Natural Resources

COMMITTEE REPORT

NO. ENR 014-S-2023

Subject: 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 BEHALF OF THE CITY GOVERNMENT OF BACOR REGARDING THE DONATION OF A BACKHOE TO THE CITY GOVERNMENT (PCR 302-2023 dated May 15, 2023).

During the Regular Session of the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite, the Committee on Environment and Natural Resources Chairman Hon. Levy M. Tela. A resolution authorizing the City Mayor to sign a proposed Memorandum of Agreement and Deed of Donation with the Department of Environment and Natural Resources because its terms and conditions are advantageous to the local government of Bacoor.

FINDINGS:

The DENR is the primary government agency responsible for the conversion, management, development, and proper use of the country's environment and natural resources.

The DENR, 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 Table under DENR Administrative Order No. 34 Series of 1990) to make them fit for swimming, skin diving and other forms of contact recreation.

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

RECOMMENDATION:

In view of the foregoing, the Committee respectfully recommends that the proposed resolution mentioned above be **APPROVED**.



Republic of the Philippines
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WE HEREBY CERTIFY that the contents of the ^{the} ~~the~~ foregoing report are true and correct.

Signed this 29th day of September 2023 at the City of Bacoor, Cavite.

Committee on Environment and Natural Resources



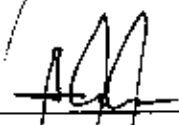
COUN. LEVY M. TELA
Chairman



COUN. REYNALDO M. FABIAN
Vice Chairman



COUN. REYNALDO D. PALABRICA
Member



COUN. ADRIELITO G. GAWARAN
Member



Republic of the Philippines
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5th SANGGUNIANG PANLUNGSOD

Committee on Environment and Natural Resources

COMMITTEE MINUTES

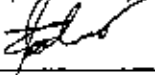
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The Regular Session started at 10:00 AM. The Presiding Officer Vice Mayor Hon. Rowena Bautista-Mendiola referred the subject matter to Hon. Levy M. Tela Chairman of the Committee on Environment and Natural Resources. Hon. Tela manifested that the DENR is the primary government agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources. Backhoes can be used to remove and remediate contaminated soil or hazardous waste from environmental cleanup sites. Also, the DENR, in collaboration with other National Government Agencies (NGAs), has been tasked with the responsibility of cleansing, revitalizing, and safeguarding Manila Bay, aiming to bring its waters back to the required ecological standard referred to as "SB level." This helps in restoring the affected areas to their natural state. Restoring floodplains through excavation and grading can help reduce the risk of flooding and benefit both the environment and local communities. It may be used in waste management facilities to manage and process organic waste, composting, and landfills while minimizing environmental impacts.


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

Prepared By:



ELENA B. SOMBRANO
Clerk

Attested By:



COUN. LEVY M. TELA
Chairman

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 BACCOOR**, 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 (Pnp 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 qualified 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 BACOOR, 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 LÖYZAGA		
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.