ORDINANCE NO. 12-073

AN ORDINANCE APPROVING THE TERM LOAN AGREEMENT AND CONTINUING DEED OF ASSIGNMENT WITH HOLD-DUT ENTERED INTO AND SIGNED BY THE CITY MAYOR HON. ALDRIN L. SAN PEDRO IN BEHALF OF THE CITY GOVERNMENT OF MUNTINLUPA WITH THE DEVELOPMENT BANK OF THE PHILIPPINES (DBP) REPRESENTED BY VICE-PRESIDENT MA. TERESITA S. TOLENTINO WITH PERTINENT TO THE LOAN IN THE AMOUNT OF THIRTY SEVEN MILLION PESOS (PHP37,000,000.00) OR NINETY PERCENT (90%) OF CONTRACT PRICE OR VALIDATED COST, WHICHEVER IS LOWER FOR THE PROCUREMENT OF A COMPREHENSIVE IT SOLUTIONS PACKAGE THAT INCLUDES HARDWARE AND SOFTWARE TO BE USED BY THE CITY GOVERNMENT'S REVENUE-GENERATING DEPARTMENTS FOR ENHANCING COLLECTION EFFICIENCY AND INCREASING REVENUES.

Sponsored by:
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Bait Nieves
Hon. Coun. Alexander B. Diaz
Hon. Coun. Ringo A. Teves
Hon. Coun. Dan Hubert A. Barlis
Hon. Coun. Robert A. Abas
Hon. Coun. Engr. Nestor S. Santiago
Hon. Coun. Joselito V. Arevalo
Hon. Coun. Robert P. Bas
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Adorado P. San Pedro

WHEREAS, on December 6, 2011 the Sangguniang Panlungsod approved Resolution No. 11-131, authorizing the City Mayor Hon. Aldrin L. San Pedro to enter into a Loan Agreement for the upgrading of the computer network system currently utilized by revenue-generating departments of the city government in order to optimize collection efficiency and to provide the most convenient services for taxpayers, which shall be taken from the pre-approved loan given by the Development Bank of the Philippines (DBP):

WHEREAS, Chapter 3, Article 1, Section 465 (b) (i) (vi) of Republic Act 7160 otherwise known as the Local Government Code of 1991 states that, "the City Mayor, as the Chief Executive of the City Government shall, "represent the city in all its business transactions and sign in its behalf all bonds, contracts, and obligation, and such other documents upon authority of the Sangguniang Panlungsod pursuant to law or ordinance.");

WHEREAS, Rule IX, Article 47 of the Rules and Regulations Implementing the Local Government Code of 1991 states that, "xxx no contract may be entered into by the Local Chief Executive in behalf of the Local Government Unit without prior authorization by the Sanggunian concerned."
NOW THEREFORE BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 6th Sangguniang Panlungsod of Muntinlupa in session assembled that:

SECTION 1. This ordinance approving the Term Loan Agreement and Continuing Deed of Assignment with hold-out entered into and signed by the City Mayor Hon. Aldrin L. San Pedro in behalf of the City Government of Muntinlupa with the Development Bank of the Philippines (DBP) represented by Vice-President Ma. Teresita S. Teolentino, pertinent to the loan in the amount of Thirty Seven Million Pesos (PhP 37,000,000.00) or Ninety Percent (90%) of Contract Price or validated cost, whichever is lower for the procurement of a Comprehensive I.T solutions package that includes hardware and software to be used by the city government's revenue-generating departments for enhancing collection efficiency and increasing revenues.

SECTION 2. The City shall shoulder the cost of the borrowing, such as documentary stamps and front-end or processing fees.

SECTION 3. The Sangguniang Panlungsod certifies that the project to be financed by the loan is self-liquidating.

SECTION 4. The project details of the said Loan Term Agreement are the following:

a) Project Name: A comprehensive Information Technology (IT) solutions package that includes hardware and software to be used by the City Government’s revenue-generating departments for enhancing collection efficiency and increasing the city’s revenue.

b) Borrower: LGU City of Muntinlupa

c) Amount: Thirty-Seven Million Pesos (PhP 37,000,000.00) or Ninety Percent (90%) of Contract Price or Validated Cost, whichever is lower.

d) Purpose: To finance the procurement of a comprehensive Information Technology solutions package that includes hardware and software to be used by the City Government’s revenue-generating departments for enhancing collection efficiency and increasing the city’s revenues to implement more programs and projects for the citizens.

e) Term: Maximum of five (5) years inclusive of one (1) year grace period on principal. Principal payable in sixteen (16) equal quarterly installments.

SECTION 5. The city hereby appropriates the entire proceeds of the loan exclusively to finance the procurement of a comprehensive Information Technology solutions package that includes hardware and software to be used by the City Government’s revenue-generating departments;
SECTION 6. The City Mayor is likewise authorized to execute a waiver letter authorizing all banks and financial institutions with previous and ongoing transactions with the City Government of Muntinlupa to disclose to the Bangko Sentral ng Pilipinas (BSP) all information pertaining to deposits, investments, loans or other transactions including the history or status of the LGU’s dealings with said banks or financial institutions, and for the BSP to make all inquiries as may be necessary regarding the same;

SECTION 7. The term loan agreement has a “Supplemental Continuing Deed of Assignment with Hold-Out”. Under such Term Loan Agreement, the loan shall be secured by this Continuing Assignment in favor of DBP (as ASSIGNEE) of the applicable portion of the City’s (as ASSIGNOR) internal revenue allotment (IRA) and Realty Tax and/or other revenues to the extent of the total amount due and payable under the loan agreement;

ENACTED, by the 6th Sangguniang Panlungsod of Muntinlupa this 26th day of June, 2012, on its 18th Special Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. RAUL R. CORRO
Member

COUN. BAL MELES
Member

COUN. DAN HUBERT A. BARLIS
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. RINGO A. TEVES
Member

COUN. ROBERT A. ABAS
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

COUN. ROBERT P. BAES
Member

DISTRICT II:

COUN. JOSELITO V. AREVALO
Member

COUN. ELMER S. ESPELETA
Member
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COUN. RAFAEL T. SEVILLA
Member

COUN. VERGEL O. ULANDAY
Member

COUN. ADORADO P. SAN PEDRO
Sectoral Representative
President
Association of Barangay Captains

ABSENT:
COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member
COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. ALLEN F. AMPAYA
Member

COUN. LUVI P. CONSTANTINO
Member

COUN. EULOGIO Ds. DIOKO, II
Sectoral Representative
President
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor, Presiding Officer

APPROVED:

ALDRIN L. SAN PEDRO
City Mayor
Date: 

Norie/6th SP