Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 14th REGULAR SESSION OF THE 8TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 14 OCTOBER 2013, 3:00 P. M. AT THE SANGGUNIAN SESSION HALL.

Present:

Vice Mayor Violeta L. Dimapilis	- Presiding Officer
Councilor Eduardo K. Soriano	- Member
Councilor Johnell C. Siñel	- Member
Councilor Gualberto V. Magno	- Member
Councilor David D. Dela Cruz	- Member
Councilor Ramil O. Dimapilis	- Member
Councilor Juan S. Advincula	- Member
Councilor Elsie F. Galaran	- Member
Councilor Juanito A. Bacay,Jr.	- Member

Absent:

Councilor Camilo G. Ferreira	- Member, Liga President
Councilor Mary Jennie Leigh Q. Sarmiento	- Member, MSKF President

Municipal Ordinance No. 04
Series of 2013

AN ORDINANCE PRESCRIBING INSPECTION REPORT AS REQUISITE IN THE PAYMENT OF INFRASTRUCTURE PROJECTS UNDERTAKEN BY THE MUNICIPAL GOVERNMENT OF ROXAS, ORIENTAL MINDORO CREATING FOR THE PURPOSE THE MUNICIPAL INSPECTORATE TEAM FOR INFRASTRUCTURE PROJECTS AND PRESCRIBING PENALTIES IN CASE OF VIOLATION THEREOF.

WHEREAS, Section 447 (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 the Code and in the proper exercise of the corporate power of the municipality as provided in Rule IX of Rules , and shall…..(2) Generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the municipality as provided for under Section 18 of R.A. 7160;

WHEREAS, the Municipal Government of Roxas, Oriental Mindoro annually identifies and integrates infrastructure projects in the developmental programs and allocates funds to ensure the realization of such undertakings;

WHEREAS, to ensure that the Municipal Government initiated infrastructure project is implemented effectively and properly, detailed inspection of such project must be conducted to determine compliance of the required specifications and other requirements in the completion of such facility taking into consideration for safety convenience and full enjoyment of its end-users;

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

WHEREAS, in view of the foregoing reasons, the Sangguniang Bayan deems it necessary for the institutionalization of inspection mechanism for infrastructure projects to be undertaken by the Municipal Government of Roxas, Oriental Mindoro.

NOW THEREFORE, on mass motion of all members present -

BE IT ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO, that:

SECTION 1. 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 the funds of the Municipal Government of Roxas, Oriental Mindoro Creating for Such Purpose the Municipal Inspectorate Team, and for Other Purposes".

SECTION 2. DECLARATION OF PRINCIPLE AND POLICY. In adherence to the principle that government's money is people's money, it is imperative that the Municipal Government of Roxas, Oriental Mindoro adopt a mechanisms geared towards effective, proper and prudent utilization of its funds for purposes beneficial to the general welfare of its constituents and to safeguard the use of the same for improper and unlawful ends.

SECTION 3. DEFINITION OF TERMS. The following terms are defined for the purpose of this ordinance.

a) 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, energy / power and electrification facilities and other related construction projects undertaken by the municipal government.

b) Project implementation by Administration - shall refer to a method in the implementation of a certain infrastructure project undertaken by the Municipal Government of Roxas, Oriental Mindoro (MGOR) 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.

c) Project Implementation through straight contract – shall refer 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.

d) Municipal Government Officers or Employees – this pertain to all appointed personnel under the Municipal Government of Roxas, Oriental Mindoro regardless of positions and status of appointment of all line officers who are in-charge or accountable for the preparation, evaluation and processing of documentary requirements for the payment of infrastructure projects.

e) MGOR Infra Project Fund Sources – shall include, but not limited to the following fund under the municipal government: General Fund, 20% Development Fund, Special Education Fund, Trust Fund, Grant, Loan Proceeds, Bond Floatation Proceeds, Provincial Fund/Financial Assistance and Congressional Fund (if any).

SECTION 4. APPLICATION AND COVERAGE. This Ordinance shall apply to all infrastructure projects, whether implemented by administration or through straight contract, initiated or undertaken by the Municipal Government of Roxas, Oriental Mindoro regardless of project cost and fund sources.

SECTION 5. 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 undertaken by the Municipal Government of Roxas, Oriental Mindoro covered under Section III thereof. The Inspection Report shall be posted in a conspicuous place.

SECTION 6. Creation of Municipal Inspectorate Team for Infrastructure Projects: It is hereby created the Municipal Inspectorate Team for Infrastructure Projects.

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

a. Municipal Vice Mayor as Chairperson
b. Chairperson of the Committee on Legislative – Executive Development Advisory Council (LEDAC) as Vice Chairperson
c. Chairperson of the Committee on Infrastructure and Public Works as Member
d. Municipal Engineer as Member
e. Municipal Budget Officer as Member
f. Municipal Accountant as Member
g. Municipal Planning and Development Coordinator as Member
h. Municipal Treasurer as Member
i. President – Association of Barangay Captains as Member

B. *Functions* for the purpose of this Ordinance the Municipal Inspectorate Team is vested with the following functions:

a. To conduct detailed inspection in whatever stages of implementation of infrastructure projects.
b. To prepare and submit Inspection Report embodying its funding based on the inspection conducted as well as its recommendation whether or not payment shall be made on a particular project or if there are corrective measures to be undertaken on such project before payment shall be made.
c. To formulate its mechanisms or guidelines that would govern the conduct of inspection and the preparation and issuance of Inspection Report of infrastructure project.

C. *Designation of Representative for the conduct of inspection.* The Chairperson and the members of the Inspection 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 his equally important schedule or the workload in his office necessitates his immediate action.

D. *Remuneration:* The Members of the Municipal Inspectorate Team shall receive no additional remuneration in the performance of their functions. Gasoline expenses to be incurred in the conduct of actual inspection by the Members of the Municipal Inspectorate Team or their respective representative maybe charged to any available fund sources which pertain to the implementation of Municipal Government Infra project.

SECTION 7. PROHIBITED ACTS. (a) No payment of infrastructure project covered under Section III hereof, shall be made, in part as 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 to any person to allow or cause to allow or receive from 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

SECTION 8. PENALTIES.

a. Any person found guilty of violating any provision of this ordinance shall be meted with a fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of three (3) months or both fine and imprisonment upon the discretion of the court.

b. In case the violators are municipal government officers, they in addition to the penalty above shall also be meted with administrative sanction in accordance with applicable CSC rules and regulations.

c. In case the violator is a private person, in addition she shall be blacklisted and shall no longer be qualified to undertake any municipal government's infrastructure project.

SECTION 9. SEPARABILITY CLAUSE. If any provision of the Ordinance is declared invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE. All ordinances or other local issuances found to be inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 11. 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.

Adopted: 14 October 2013

CERTIFIED CORRECT:

FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:

VIOLETA L. DIMAPILIS
Municipal Vice Mayor/Presiding Officer

APPROVED:

JACKSON CINCO DY
Municipal Mayor

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