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Republic of the Philippines
Tourism Infrastructure & Enterprise Zone Authority

05 July, 2021

MEMORANDUM FOR THE CHIEF OPERATING OFFICER

FROM : The Assistant Chief Operating Officer
Assets Management Sector

SUBJECT : RENEWAL OF CONSULTANCY CONTRACT OF
ATTY. TODORO M. HERNANDEZ

We are respectfully recommending the renewal of Atty. Teodoro M. Hernandez as Consultant for the period August 1, 2021 to January 31, 2022. The pending cases in which he was to stand as witness related to Paoay, Moalboal and Samal, among others, did not move forward due to the on-going Covid-19 Pandemic. Our Legal Department can provide the list of the pending cases.

It will be a great advantage to TIEZA that a former Corporate Legal Counsel, with institutional knowledge on our real assets, can help our Legal team and the OGCC in the litigation of the cases.

Other than being our primary witness in court hearings, the legal services of Atty. Hernandez can help our Sector and the Legal Department in clarifying issues relative to TIEZA ownership and possession of assets.

The renewal of Atty. Hernandez's Consultancy Services Contract at Twenty Thousand Pesos Only per month (P20,000.00/month) rate is reasonable and is hereby recommended. Budget shall be chargeable against the Business Development Department (BuDD).

For your consideration and approval, Sir.


JETRO NICOLAST F. LOZADA

APPROVED/DISAPPROVED

TOURISM INFRASTRUCTURE and ENTERPRISE ZONE AUTHORITY
Office of the Chief Operating Officer



RECEIVED

By: Synonds 7/19/2021
Time: 8:40am

MARK T. LAPID
Chief Operating Officer

CONSULTANCY SERVICES CONTRACT

This Consultancy Services Contract of made and entered into this _____ day of _____, 2021 at Pasay City, Philippines, by and between:

The **TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY**, an attached body corporate of the Department of Tourism by virtue of Republic Act No. 9593, with principal office address at 7th Floor Tower I, Double Dragon Plaza, Double dragon Meridian Park, Macapagal Avenue, corner EDSA Extension, Bay Area, Pasay City 1308, represented herein by its Chief operating Officer, **MARK T. LAPID** (hereafter referred to as "**AUTHORITY**").

- and -

ATTY. TEODORO M. HERNANDEZ, of legal age, Filipino and with residence at 2306 Citadel Condominium, P. Burgos St., Barangay Poblacion, Makati City, (hereafter referred to as "**CONSULTANT**").

RECITALS

WHEREAS, the **AUTHORITY** is in need of consultancy services with in-depth personal and institutional knowledge to provide expert advisory services and assistance with respect to the TIEZA Assets being overseen nationwide;

WHEREAS, a **MEMORANDUM** from the Assistant Chief Operating Officer of the Assets Management Sector on the engagement of a highly technical consultant with the scope of work was endorsed to the Office of the Chief Operating Officer;

WHEREAS, the **CONSULTANT** was employed with the **AUTHORITY** formerly Philippine Tourism Authority (PTA) on 29 April 1975, and became its Corporate Legal Counsel from 1996 up to 30 June 2011;

WHEREAS, the **AUTHORITY** is in need of a **PRINCIPAL WITNESS** with personal and first-hand knowledge of circumstances pertaining to TIEZA properties with pending court cases related to informal settlers, claimants, including legal issues and cases pertaining to the real assets of the **AUTHORITY**;

WHEREAS, pursuant to Section 53.7 of the Revised Implementing Rules and Regulations of R.A. 9184, otherwise known as the "Government Procurement and Reform Act", negotiated procurement may be utilized in engaging the services of highly-technical consultants;

WHEREAS, the Audit Report by the Commission on Audit highlighted the untitled real assets of TIEZA as one of its major findings;

WHEREAS, the Rules and Regulations for the Implementation of the Revised Organizational Structure and Staffing approved by the Governance Commission for GOCCs in memorandum ORDER No. 2013-09 and adopted by Board Resolution NO. 07-29-2013-R defined in the Business Research and Development Division Work Instruction "To undertake complete documentation of all TIEZA owned properties and assets". (TIEZA Functional Statement, Item V. B. a.);

WHEREAS, the **AUTHORITY** has determined that it is in need of a Technical Consultant who has full knowledge and background of its landholdings and cases filed for and against TIEZA involving said properties;

MARK T. LAPID
For the Authority

ATTY. TEODORO M. HERNANDEZ
For the Consultant

WHEREAS, the Bids and Awards Committee, thru BAC Resolution No. _____, recommended the award of the Consultancy Contract for approval of the Chief Operating Officer;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties have mutually agreed as follows:

1. That the **CONSULTANT** shall perform the function as a **TECHNICAL CONSULTANT** in the transfer of title of TIEZA properties in its favor in the **ASSETS MANAGEMENT SECTOR**, Business Development Department, having possess the institutional knowledge and expertise on how TIEZA properties were acquired, its history and other related circumstances in connection with its acquisition;
2. That the **CONSULTANT** shall render the following services to the **AUTHORITY**, to wit:
 - a. To provide advice, assistance, information, knowledge and act as "**Principal Witness**" in the following Cases filed against the **AUTHORITY**:
 - Gotesco Properties, Inc. Case on the **KANG-IRAG** property;
 - Cadastral Cases filed for the numerous TIEZA owned lots located at **Moalboal, Cebu**;
 - Heirs of DagunanSamal on the 330 square meters lot (water pumping and Right of Way) located at the **Island Garden City of Samal**;
 - Rey Carlos M. Farinas for Quieting of Title on the **PAOAY** Property; and
 - City of Manila on their opposition to titling of the **Club Intramuros Golf Course**;
 - b. To provide all historical information regarding TIEZA Assets on a regular basis and to be duly compiled by Business Development Department of TIEZA in its databank;
3. That the **CONSULTANT** shall be obliged to accomplish the above-mentioned tasks within the duration of the Contract;
4. That the **CONSULTANT** will perform such other functions necessary to achieve the objectives of this Agreement;
5. That the **CONSULTANT** shall provide the **AUTHORITY** a report in writing of whatever developments that transpired on or whatever movement that has been accomplished on the services to be rendered, on a monthly basis;
6. That all expenses on transportation, food and lodging shall be charged to the Business Development Department budget if the **CONSULTANT** will be required to officially travel to act as **PRINCIPAL WITNESS** for the **AUTHORITY**;
7. That the monthly fee shall only be processed and paid only upon submission of the **CONSULTANT's** report of monthly accomplishments required, supported by documents and duly certified by the Business Development Department Manager of the Assets Management Sector;
8. That for and in consideration of the technical, advisory and expertise services that the **CONSULTANT** will render, the **AUTHORITY** shall pay the **CONSULTANT** the amount of **TWENTY THOUSAND PESOS (P20,000.00)** net per month, for a period of **SIX (6) MONTHS** or from August 1, 2021 to January 31, 2022, unless sooner terminated at the option of the **AUTHORITY**.
9. It is mutually understood that this Contract does not create an Employee-Employer relationship between the **AUTHORITY** and the **CONSULTANT**, that

MARK T. LAPID
For the Authority

ATTY. TEODORO M. HERNANDEZ
For the Consultant

the services rendered hereunder are not considered as bases for entitlement to leave privileges and other benefits enjoyed by the regular personnel of the **AUTHORITY**, such as but not limited to PERA, COLA and RATA.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date and place above-written.

**TOURISM INFRASTRUCUTRE AND
ENTERPRISE ZONE AUTHORITY**

By:

By:

MARK T. LAPID
Chief Operating Officer

ATTY. TEODORO M. HERNANDEZ
Consultant

SIGNED IN THE PRESENCE OF:

JETRO NICOLAS F. LOZADA
Assistant Chief Operating Officer
Assets Management Sector

MA. EVELYNA A FRANCISCO
Manager
Business Development Department

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)

_____) S.S.

BEFOREME, a Notary Public in and for _____, Philippines,
this _____ day of _____ 2021 personally appeared:

NAME

ID Presented/ID No.

Date and Place Issued

MARK T. LAPID

ATTY. TEODORO M. HERNANDEZ Senior Citizen ID No. 61312 City of Makati (04/03/18)

all known to me to be the same persons who executed the foregoing Consultancy Services Contract and acknowledged to me that the same is their free will and voluntary act and deed and that the entities they respectively represent.

This instrument consists of **FOUR (4) PAGES**, including this page where this acknowledgement is written.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and place first above written.

NOTARY PUBLIC

Doc. No. _____.

Page No. _____.

Series of 2021.

MARK T. LAPID
For the Authority

ATTY. TEODORO M. HERNANDEZ
For the Consultant