

EXCERPT FROM THE MINUTES OF THE 4<sup>TH</sup> SPECIAL SESSION OF THE 15<sup>TH</sup> SANGGUNIANG BAYAN OF MANOLO FORTICH, BUKIDNON WHICH WAS HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON AUGUST 30, 2007.

PRESENT:

HON. HILARIO B. PAUSANOS, JR.	Presiding Officer
HON. EVELIO E. CORDOVEZ	Municipal Vice Mayor
HON. ALEX D. PAYANGGA	Majority Floor Leader
HON. VICTORIO G. DAGUNLAY	Sangguniang Bayan Member
HON. WARLEO A. GOAYAN	Sangguniang Bayan Member
HON. DIOSDADO N. DITONA	Sangguniang Bayan Member
HON. RONULFO D. GANAS	Sangguniang Bayan Member
HON. VISMINDA Q. DUMOTAN	Sangguniang Bayan Member
HON. KARLO ENRICO A. ALOMBRO	Sangguniang Bayan Member
	SK Federation Rep.

ABSENT:

HON. MIGUEL D. DEMATA	Sangguniang Bayan Member
HON. LEONILO G. TILAP	Sangguniang Bayan Member
	Liga ng mga Brgy. Rep.

RESOLUTION NO. 2007-45A  
(4<sup>th</sup> Special Session)

RESOLUTION DENYING THE LETTER REQUEST OF L.T. GERSAN CONSTRUCTION THRU ITS PROJECT MANAGER, ISAGANI BARCELONA, DATED JULY 31, 2007 SEEKING TIME EXTENSION FOR THE COMPLETION OF THE WATER PROJECT FROM SEPTEMBER 1, 2007 TO NOVEMBER 10, 2007.

Introduced by: Hon. Atty. Evelio E. Cordovez

WHEREAS, the Sangguniang Bayan conducted series of lengthy Committee Hearings for the purpose of assessing and evaluating the status and progress of the 42 M water project of the Local Government Unit implemented by contract with L.T. Gersan Construction thru its Project Manager, Isagani Barcelona;

WHEREAS, after the conduct of the said hearings, the 14<sup>th</sup> Sangguniang Bayan on its 3<sup>rd</sup> Special Session held last **June 22, 2007**, has finally reached a unanimous consensus that the project's completion be finally determined and the pertinent responsibilities of the Project Management Office, the Project Contractor, the Local Finance Committee and the Water District be clearly stipulated;

WHEREAS, upon a unanimous consensus of all the members the Sangguniang Bayan, the August Body passed **Resolution No. 2007-53**, dated **June 22, 2007** and attached as "**Annex A**" stating with finality the final completion date of the whole water project consisting of Group 1 and Group 2 on **September 1, 2007** and likewise specified the pertinent responsibilities and assigned tasks to be carried by the Project Management Office, the Local Finance Committee and the Water District;

RECEIVED

K.M. Luchmans  
L.T. Gersan  
8/30/07

Recd. 8/31/07  
B.D. UNILAYO  
L.T. GERSAN

MO  
Luchmans



Handwritten signature and initials.

WHEREAS, the reasons stated on the letter of L.T. Gersan thru its Project Manager Isagani Barcelona, dated July 31, 2007 and attached as Annex "B" seeking for an extension of time for the completion of the entire water project from September 1, 2007 to November 10, 2007 cannot be countenanced nor accepted the fact being that per Project Management Office findings and recommendations dated June 18, 2007 and attached as Annex "C", the contractor failed to make any accomplishment within the period December, 2006 to January 27, 2007 contrary to what was stated in their letter and if remedial works were in fact done as claimed by the contractor, the said activity can not be considered as a basis for the extension of the project period considering that the said work is only a rectification of their work which did not comply with the project specifications;

WHEREAS, while there was no Resumption to Work Order issued on paper to the Contractor L.T. Gersan, the contractor together with the Project Management Office were verbally instructed by the Municipal Mayor Socorro O. Acosta to proceed with the construction of the project together with a permit to enter in the project area issued by the land owner in the person of FLORIDO P. SABURAO last January 30, 2007 and herein attached as Annex "D" and likewise an unnumbered Memorandum Order now signed by the Mayor dated June 1, 2007 substantiating and confirming in paper the verbal instruction to proceed with the work initially given to the contractor and attached as Annex "E";

WHEREAS, per Audit findings conducted by the Special Audit Team, of the Committee on Audit from Central Office, it has recommended among others, to quote "*Management should compel the contractor to finish the water system projects in the barangays of Manolo Fortich in order to expand its water services to 70-% of its constituents. Management should also seek liquidated damages against the contractor for delay in the completion of the project pursuant to the implementing rules and regulations of RA 9184 on liquidated damages*" and herein attached as Annex "F";

WHEREAS, moreover, it is undeniable that the contractor, L.T. Gersan failed to complete the Group I component of the project on the specified and agreed date of completion on July 31, 2007;

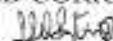
NOW THEREFORE, on motion of Hon. Evelio E. Cordovez and unanimously seconded by all of the members present, it was RESOLVED,

AS IT IS HEREBY RESOLVED, Denying The Letter Request Of L.T. Gersan Construction Thru Its Project Manager Isagani Barcelona, Dated July 31, 2007 Seeking Time Extension For The Completion Of The Water Project From September 1, 2007 To November 10, 2007.

RESOLVED FURTHER, to furnish copies of this resolution to the Office of the Municipal Mayor, the Project Management Office, the Water District, the Project Contractor and the Local Finance Committee for their information and guidance.

APPROVED: August 30, 2007. Without 3<sup>rd</sup> Reading.

CERTIFIED CORRECT:



LYDIA O. LASTIMOSA  
Secretary to the Sanggunian

ATTESTED:



HILARIO B. PAUSANOS, JR., M.D.  
Presiding Officer  
Municipal Vice Mayor