

ORDINANCE NO. 29-23

(dated January 17, 2023)

CONFIRMING/RATIFYING THE APPROVED LOAN OF THE PROVINCIAL GOVERNMENT OF SURIGAO DEL SUR WITH THE LAND BANK OF THE PHILIPPINES (LBP), TANDAG BRANCH IN THE AMOUNT OF ONE BILLION FIVE HUNDRED MILLION PESOS (₱1,500,000,000.00)

AUTHOR:

HON. ANTONIO C. AZARCON

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WHEREAS, Hon. Alexander T. Pimentel, Provincial Governor, this Province, in his letter dated January 16, 2023 addressed to the Members of the Sangguniang Panlalawigan thru Honorable Manuel O. Alameda, Sr., Vice Governor requested for the passage of an Ordinance confirming and ratifying the approved term loan of the Provincial Government of Surigao del Sur with the Landbank of the Philippines (LBP) in the amount of One Billion Five Hundred Million Pesos (₱1,500,000,000.00);

WHEREAS, during the 26th Regular Session of the 20th Sangguniang Panlalawigan of the Province of Surigao del Sur on January 17, 2023, Hon. Antonio C. Azarcon, Sangguniang Panlalawigan Member manifested the need for the passage of the above-mentioned Ordinance;

WHEREAS, in view of the foregoing;

NOW THEREFORE

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF SURIGAO DEL SUR IN A SESSION ASSEMBLED:

SECTION 1. TITLE. There is hereby confirmed/ratified the approved loan of the Provincial Government of Surigao del Sur with the Landbank of the Philippines (LBP), Tandag Branch in the amount of One Billion Five Hundred Million Pesos (₱1,500,000,000.00).

SECTION 2. TERMS AND CONDITIONS. The application of the Provincial Government was duly approved by the Landbank of the Philippines thereby requiring the Provincial Government thru the Sangguniang Panlalawigan to execute an Ordinance ratifying the approved terms and conditions of the loan.

The Provincial Government of Surigao del Sur, thru its incumbent Governor, Hon. Alexander T. Pimentel or his/her successors, be as he/she is hereby authorized and empowered, for an in behalf of the Provincial Government of Surigao del Sur;

1. to enter into a loan contract for the approved Term Loan Facility, to wit;
 - a. Term Loan 11 – concreting and rehabilitation of various provincial roads and construction of multi-purpose buildings which will be implemented via multiple projects in the amount of One Billion Pesos (₱1,000,000,000.00);

- b. Term Loan 12 – acquisition of various brand new heavy equipment in the amount of Four Hundred Twenty Million Pesos (₱420,000,000.00);
 - c. Term Loan 13 – acquisition of lot to be used for construction of multi-purpose buildings in the amount of Eighty Million Pesos (₱80,000,000.00); and
2. to sign, execute, receive, endorse and deliver any and all Promissory Notes with Security Agreement, Deed of Assignments, Loan Agreements and any other documents which may be necessary or required to the implementation of the loan facility approved by the Landbank of the Philippines;

SECTION 3. LOAN SECURITY. As security of the loan, the Provincial Government of Surigao del Sur shall assign its 20% National Tax Allotment (NTA) in favor of Landbank of the Philippines.

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SECTION 4. LOAN ACKNOWLEDGEMENT. As acknowledgement of its loan with the Landbank, the foregoing transactions obtained from Landbank shall be entered by the Provincial Treasurer and Provincial Accountant in its books as proof of its contractual obligations with Landbank.

SECTION 5. BANK SECRECY LAW. Pursuant to the provisions of Section 2 and 3 of Republic Act No. 1405 otherwise known as “An Act Prohibiting Disclosure of or Inquiry Into, Deposits with any Banking Institution and Providing Penalty Therefore” or the Bank Secrecy Law and other laws relating to the secrecy of bank deposits, the Provincial Government of Surigao del Sur is waiving its rights to confidentiality of information by authorizing LBP to disclose to the Bangko Sentral ng Pilipinas (BSP) all information pertaining to deposits, investments, loans or other transactions including the history of dealings with said banks and for the BSP to make all inquiries as may be necessary regarding the same. LBP is likewise authorized to disclose and share any such information furnished from said banks to the Department of Finance (DOF) in relation to the performance by said department of its functions.

SECTION 6. The Provincial Government of Surigao del Sur hereby undertakes to designate Landbank as its authorized National Tax Allotment (NTA) depository and shall be its main depository bank which designation shall not be revoked or changed for as long as any portion of the loan herein authorized including interests and other charges due thereon remains outstanding.

SECTION 9. SEPARABILITY CLAUSE. Any part or provision of this Ordinance found to be unconstitutional or ultra vires shall not affect the others which shall continue to be in full force and effect.

SECTION 10. EFFECTIVITY – This Ordinance shall take effect upon its approval.

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ENACTED by the 20th Sangguniang Panlalawigan of Surigao del Sur on January 17, 2023 at the City of Tandag, Province of Surigao del Sur.

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

MARITES COMA ARREZA
Acting Secretary to the Sangguniang Panlalawigan

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**

RUEL D. MOMO
Member, Sangguniang Panlalawigan
(Temporary Presiding Officer)

APPROVED:

ALEXANDER T. PIMENTEL
Provincial Governor

Date