



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

SBO-009-0

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FIRST REGULAR SESSION OF THE 11TH
SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD
AT THE MUNICIPAL SESSION HALL ON THE 1ST DAY OF FEBRUARY, 2021
AT 11:25 O'CLOCK IN THE MORNING.

PRESENT:

Hon. Edistio P. Valdez	Vice-Mayor/Presiding Officer;
Hon. Angel Miguel L. Hernando	Member;
Hon. Moera Joy N. Galing-Luna	Member;
Hon. Joseph Lister B. Butay	Member;
Hon. Norberto D. Dadiz, Sr.	Member;
Hon. Erico R. Ruiz, Jr.	Member;
Hon. Luciano R. Caraang	Member;
Hon. Jessie Julito P. Pumaras, Sr.	Member;
Hon. Juanito P. Ulep, Jr.	Member/Liga ng mga Barangay President.
Hon. Inno Ma. Angelo Paulo O. Hernando	Member/PPSK President.

ABSENT:

None.

“RESOLUTION NO. 2021-12

A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH THE BUREAU OF FIRE PROTECTION REGARDING THE ASSESSMENT AND COLLECTION OF FIRE CODE FEES.

WHEREAS, Section 5 of Republic Act 9514 also known as the Fire Code of the Philippines of 2008 and its Revised Implementing Rules and Regulations (RIRR) authorizes the Chief of the BFP to enter into Memorandum of Agreement with other departments, bureaus, agencies, offices, and corporations of the government, as well as private institutions, in order to define areas of cooperation and coordination and delineate responsibility on fire prevention education, fire safety, fire prevention, fire suppression and other matters of common concern;

WHEREAS, Section 12 (h) of Republic Act No. 9485, as amended by Section 11 of 11032 has vested the BFP the discretion to enter into agreements with cities or municipalities to allow them later to assess and collect fire safety inspection fees;

WHEREAS, Section 11, Rule IX of the Implementing Rules and Regulations of RA 11032 has set the guidelines for the Local Government Unit to be designated as collecting agent, to wit:

“a. For one-time assessment of business-related fees for Business Permit, LGUs may be designated to assess “the ordinary” fire safety inspection fees (FSIF), provided that the BFP is able to check the accuracy of the computation and to certify the tax order of payment.

b. For one-time payment of business related fees, the BFP may allow the designation of city or municipality as collecting agents for the FSIF provided that the remittance of the said fee to the BFP shall be made not later than two (2) days after the transaction is made. The BFP is not precluded from collecting additional fees required after their assessment, subject to existing laws and regulations.

c. The LGU and the BFP, thru the local fire marshal, may enter into a Memorandum of Agreement giving authority to local government officers for collection and automatic remittance of applicable fees.”

WHEREAS, for purposes of this agreement, ordinary fire safety inspection fees shall pertain to the Fire Safety Inspection Fee described in Section 12.0.0.2 (A) (6) of the RIRR of RA 9514, thus: “Fee charged for the conduct of Fire Safety Inspection equivalent to fifteen percent (15%) of all fees charged by the Local Government Unit or Philippine Economic Zone Authority (PEZA), but in no case shall be lower than Five Hundred Pesos (P500.00).”

WHEREAS, Sec. 22(c) of R.A. 7160, otherwise known as the Local Government Code, provides, that:

Sec. 22. Corporate Powers. – (a) Every local government unit, as a corporation, shall have the following powers:

xxx xxx xxx

(c) Unless otherwise provided in this Code, 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. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal or barangay hall.

WHEREAS, the municipal mayor is empowered by the same Code to enter into contracts on behalf of the municipality, based on Section 444(b)(1)(vi) thereof which provides:

Section 444. The Chief Executive: Powers, Duties, Functions and Compensation.
– xxx

(b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall:

(vi) Upon authorization by the sangguniang bayan, represent the municipality in all its business transactions and sign on its behalf all bonds, contracts, and obligations, and such other documents made pursuant to law or ordinance.”

WHEREAS, after thorough deliberation and consideration of the members of the Sangguniang Bayan, it was:

RESOLVED as it is hereby **RESOLVED** by the Sangguniang Bayan assembled in session, to authorize the Local Chief Executive to enter into a Memorandum of Agreement with the Bureau of Fire Protection Regarding the Assessment and Collection of Fire Code Fees.

RESOLVED, FURTHER, to transcribe copies of this resolution to the Local Chief Executive and all concerned, for their information and appropriate action;

On motion of Member Moera Joy N. Galing-Luna, duly seconded, foregoing resolution was unanimously approved.

UNANIMOUSLY APPROVED.”

Voting on the foregoing resolution was as follows:

- AYES : Members Hernando, A., Galing-Luna, Butay, Dadiz, Sr., Ruiz, Jr., Caraang, Pumaras, Sr., Ulep, Jr. and Hernando, I.
- NAYS : None.
- ABSTAINED : None.

I hereby certify to the correctness of the foregoing resolution.



ENRIQUE P. ULEP, JR.

Secretary to the Sangguniang Bayan I

ATTESTED:



EDISTIO P. VALDEZ
Vice-Mayor/Presiding Officer

APPROVED:



ALFREDO P. VALDEZ, JR., M.D.
Municipal Mayor

Approved on: February 3, 2021