

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF AGREEMENT made and entered into this _____ day of _____, 2015 by and between:

INFORMATION AND COMMUNICATIONS TECHNOLOGY OFFICE, Department of Science and Technology, a government entity organized and existing in accordance with the laws of the Republic of the Philippines, with principal office located at ICT Office Building, C.P. Garcia Avenue, UP Diliman, Quezon City, represented by its Executive Director, LOUIS NAPOLEON C. CASAMBRE, hereinafter referred to as "ICT OFFICE";

-and-

The MUNICIPALITY OF TALISAY, a local government unit duly organized and existing under the laws of the Republic of the Philippines, with principal office address at W. Trinidad St., Brgy. 5, Poblacion, Talisay, Batangas, represented by its Municipal Mayor, HON. GERRY D. NATANAUAN, hereinafter referred to as the "LGU".

WITNESSETH:

WHEREAS, the national government through the Department of Science and Technology (DOST)-Information and Communications Technology Office (ICT Office) is undertaking the Free Wi-Fi Internet Access in Public Places Project, across the Philippines to accelerate economic, social and educational opportunities and in reducing the growing Digital Divide under the overarching e-Filipino Program of the Government.

WHEREAS, the Project is envisioned to provide Free Wi-Fi Internet access in public places nationwide, but will initially cover selected cities and municipalities and public places such as Public Schools, Libraries, Hospitals, Rural Health Units, Police Stations, State Universities and Colleges, Public Transport Terminals, Seaports and Airports.

WHEREAS, the Department of Interior and Local Government (DILG), together with the League of Municipalities of the Philippines (LMP) and the Department of Science and Technology (DOST), have agreed to cooperate and jointly commit in promoting community development through the use of information and communications technology for effective and efficient national and local governance in the country. Towards this end, the Memorandum of Understanding (MOU) dated July 24, 2015 was entered into by the three Parties. A copy of the MOU is attached herewith as Annex "A".

WHEREAS, pursuant to the MOU, and to accelerate the government's efforts in enhancing Internet accessibility for Filipinos, it is deemed imperative that this MOA be entered into by the parties herein.

NOW, THEREFORE, PREMISES CONSIDERED, the parties have agreed as follows:

1. POLICIES


In consonance with the promotion of the use of ICT to improve delivery of critical function of government services; and provide efficient and effective ICT infrastructure and information systems to the public, the following policies are adopted:

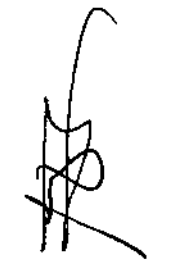


- (a) Enjoin all barangay units and LGU offices or departments to provide support and implement the Project without delay.
- (b) Work together in expanding site coverage for Free Wi-Fi Internet access at public places within the locality.
- (c) Provide free Wi-Fi Internet access in public places without interruption except in certain circumstances such as force majeure, technical issues and similar situations which are beyond the control of the service provider or ICT Office.
- (d) Abide by ICT Office issuances as well as existing laws and public policies in the posting of contents and broadcasts at the captive portal.
- (e) Provide equal use and secured access to the Internet and serving as many as possible.
- (f) Pursue, monitor and evaluate digital literacy and Internet adoption.
- (g) Maintain sustainability and viability of the free Wi-Fi Internet access service.
- (h) Promote responsible use of the Internet.

2. DEFINITION OF TERMS

- (a) Wi-Fi Internet Access – for the purposes of the Project shall be defined as connectivity to the Internet.
- (b) ICT infrastructure capacity building – Planning component with the responsibility of the Local Government Units to integrate ICT Programs in their respective development plans on public works, utilities and structures.
- (c) ICT Office – a government agency mandated to formulate and recommend ICT policies that will help accelerate and develop the ICT Sector, promote the use of ICT to improve delivery of critical function of government services; and provide efficient and effective ICT infrastructure and information systems to the public under the policy, technical and administrative supervision of DOST.
- (d) Project –refers to the Free Wi-Fi Internet Access in Public Places Project.
- (e) Public places – are social places that would be open and accessible to the general public. Public areas such as parks, plazas, schoolyards, libraries, public space in government hospitals and rural health units, transportation terminals, seaports and airports, etc. will typically be considered public places. Also included would be spaces open to the public in local and national government offices, barangay centers, etc.
- (f) User registration and on boarding – refers to a multi-level registration system to access the Free Wi-Fi Internet Service.
 - (i) Level 1
This shall be the lowest level of registration and will only require the machine ID (MAC address) of a device for a user to gain access, which is implemented at the Captive Portal page.
 - (ii) Level 2
Registrations at this level shall require that a user present a Philippine government issued ID, possibly through a web-based registration system.
 - (iii) Level 3
The highest level of registration shall be where a user will be issued a citizen's Digital ID subject to the requirements of the National Public Key Infrastructure that will be used to gain access to the internet as well as full access to E-Government services.






3. ROLES AND RESPONSIBILITIES

3.1. ICT Office

- a. Serve as the Project owner and lead agency responsible for the overall planning, implementation and project management of the Free Wi-Fi Internet access service.
- b. Conduct the appropriate training and orientation to the LGU.
- c. Evaluate and conduct periodic monitoring of the Internet connectivity.
- d. Provide the framework for governance of the free Wi-Fi Internet access service.

3.2. Local Government Units

- a. Extend cooperation, assistance, and resources to the Project in the course of project establishment, operations, training and implementation.
- b. Monitor the participation of barangays and LGU offices and departments in the Project and compliance with this Memorandum.
- c. Provide space at designated location by the ICT Office, and permit the installation of all public Wi-Fi equipment.
- d. Shoulder the electric power cost of all public Wi-Fi equipment installed in LGU owned facilities.
- e. Secure the premises, equipment, outside plant facilities, and other properties for the continuous delivery of the free Wi-Fi Internet service. This includes the provision of the temporary storage for equipment and other properties needed for the project.
- f. Incorporate ICT infrastructure capacity building in their development plans.
- g. Permit the ICT Office personnel, authorized representatives and service providers to have 24/7 access in public and other pertinent places for carrying out the project implementation and its service.
- h. Provide the appropriate security to ICT Office personnel and authorized persons and entities involved in the project.
- i. Provide necessary and free administrative support, permits and/or licenses in relation with but not limited to the granting of permits in connection with the maintenance, installation and operations of the necessary equipment and facilities needed for the project, as well as in the implementation of any joint pole use agreement that may be entered into by the ICTO with concerned electric cooperatives or entities.
- j. Cooperate in the restoration of the service during a disaster and crisis.
- k. Designate skilled personnel to develop local content and coordinate public information and announcements, such as among others promotion of tourism and commercial activities in their locality.
- l. Securing visibility and information collateral materials for the project.
- m. Submits the list and contact information of respective coordinators for sites under the preview of the Local Government Unit.
- n. Perform such other responsibilities as may be agreed upon from time to time by the parties.

4. LIMITATIONS

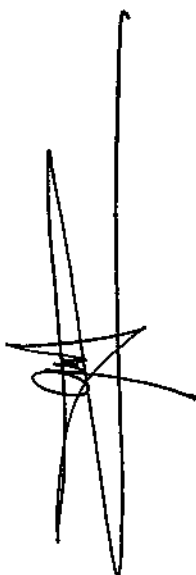
Access may be stopped or interrupted at the discretion of ICT Office when warranted due to reasons affecting national security, domestic tranquility or when ordered by appropriate authorities.



5. DESIGNATION OF REPRESENTATIVES

The parties shall designate their respective representatives to coordinate efforts in the implementation of the Project in relation with this MOA. They may submit their respective reports and recommend such action and policies as may be necessary.

6. OPERATIONAL GUIDELINES

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- a. LGU is given content development and updating privileges on the captive portal. It will be given limited discretion over the portal in terms of materials and information that it may post or upload. ICT Office shall formulate policies that will help the LGU carry out its responsibility for configuring the location specific content of the portal.
 - b. The LGU shall determine and communicate to ICT Office its needs, wants and interest of their constituents including those that will effectively improve the delivery of services facilitated to the internet.
 - c. ICT Office shall render administrative and operational services of the Project. Moreover, LGU shall extend administrative assistance by the way of record keeping and custodianship over the equipments and facilities that will be installed in their respective areas.
 - d. LGU shall be accredited, trained and equipped to serve as a Registration Authority for the Level 3 – USER REGISTRATION AND ON BOARDING under such process as may be specified by ICT Office.
 - e. LGU shall contribute to user support given by the service providers and ICT Office, as necessarily requested, such as but not limited to front desk services.
 - f. ICT Office shall provide specific guidelines for LGU to distribute this public service by provisioning connectivity to those areas by providing fiscal support/incentives to local private sector connectivity providers to which the LGU may subscribe to.
 - g. While it will be entirely up to the LGU and/or their providers to decide what technologies to use, the use of TV White space and other emerging technologies to connect far-flung areas to the internet shall be advocated.



7. NET COMMUNITY SEAL

LGU shall be given the NET COMMUNITY SEAL for being connected to the internet.

8. ENFORCEMENT CLAUSE

This MOA shall enforce the provision under the Special Provision(s)(1), page 851 of Republic Act No. 10651 or the General Appropriations Act for Fiscal Year 2015.

9. MISCELLANEOUS PROVISIONS

If any clause, sentence or provision of this MOA shall be declared invalid or unconstitutional, its remaining parts shall not be affected thereby.



Either of the parties can propose amendment in any of the provisions, sections of the Memorandum of Agreement.

All orders, rules and regulations issued by any of the parties herein which are inconsistent or contrary to the provisions of this MOA, and in relation with the Project, are hereby repealed or modified accordingly.


10. EFFECTIVITY

This MOA shall take effect immediately upon signing and shall be terminated upon mutual consent of both parties.

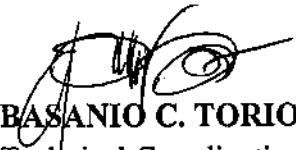
**INFORMATION AND COMMUNICATIONS
TECHNOLOGY OFFICE**

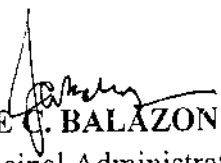

REYNALDO P. SY
FOO LC3 Director

**MUNICIPALITY OF
TALISAY, BATANGAS**


GERRY D. NATANAUAN
Municipal Mayor

WITNESSES


BASANIO C. TORIO
Technical Coordination and Support


JOSE C. BALAZON
Municipal Administrator



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)

BATANGAS CITY) S.S.

BEFORE ME, a Notary Public, for and in BATANGAS CITY, on this _____ day of JUL 25 2016, 2016, at this _____, personally appeared the following:

Name	TIN/CTC No.	Date/Place of Issue
Reynaldo T. Sy	CRN 006- 0066- 5289- 6	SAN FERNANDO PAMPANGA
GERRY D. NATANAUAN	021 - 132 - 739 - 934.	

Known to me as the same persons who executed the foregoing Memorandum of Agreement and acknowledged the same as their free act and deed.

This agreement consisting of six (6) pages including this page on which this Acknowledgement is written, has been signed by the parties and their instrumental witnesses on each and every page thereof.

WTINESS MY HAND AND SEAL on the date and at the place above written.



NOTARY PUBLIC

Doc. No. 523
Page No. 104
Book No. 11
Series of 2016

ATTY. A. DENIS C. MACATANGA:
Notary Public Until 2017 (A.M. 2016/04,
88 D. Silang St., Batangas City
PTR No. 16547587; 1/4/16; Batangas City
IBF LRN 01289; ROA 38428
MCLE Compliance No. V-0009735; 8.13.15





Republic of the Philippines
MUNICIPALITY OF TALISAY
Batangas

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 103RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TALISAY, BATANGAS HELD ON DECEMBER 1, 2015 AT THE NEW LEGISLATIVE HALL, 3RD FLOOR, TALISAY MUNICIPAL BUILDING ANNEX, TALISAY, BATANGAS

Present:

Hon. Allano C. Lamano
Hon. Louise M. Malabanan
Hon. Melody L. Luna
Hon. Felix P. Salazar
Hon. Ronaldo M. Salazar
Hon. Maximino G. Tenorio
Hon. Florencio A. Pesigan
Hon. Rodolfo P. Miranda
Hon. Fidel S. Luna, Sr.

Vice Mayor / Presiding Officer,
Sangguniang Bayan Member,
Sangguniang Bayan Member,
Sangguniang Bayan Member,
Sangguniang Bayan Member,
Sangguniang Bayan Member,
Sangguniang Bayan Member,
Sangguniang Bayan Member
SB Member /ABC President.

Absent:

Hon. Marvin C. Mendoza

Sangguniang Bayan Member.

RESOLUTION NO. 12-161-2015

A RESOLUTION AUTHORIZING THE MUNICIPAL MAYOR, HON. GERRY D. NATANAUAN, TO REPRESENT THE MUNICIPALITY OF TALISAY, BATANGAS WITH THE DEPARTMENT OF SCIENCE AND TECHNOLOGY – INFORMATION AND COMMUNICATION TECHNOLOGY OFFICE (DOST-ITCO) RELATIVE TO THE FREE WIFI INTERNET ACCESS AND TO SIGN AND ENTER INTO A MEMORANDUM OF AGREEMENT WITH DOST-ITCO

WHEREAS, Section 10, Article XIV of the 1987 Philippine Constitution states that “ Science and technology are essential for national development and progress. The state shall give priority to research and development, invention and innovation , and their utilization;

WHEREAS, Section 12 of the same Constitution provides that “ The State shall regulate the transfer and promote the adaptation of technology from all sources for the national benefit. It shall encourage the widest participation of private groups, local government units and community based organization in the generation and utilization of science and technology;

WHEREAS, Executive Order No. 128 mandate the Department of Science and Technology to provide central direction, leadership and coordination of scientific and technological efforts and ensure that the results therefrom are geared and utilized in areas of maximum economic and social benefits for the people;;

WHEREAS, the Information and Communication Technology Office (ICTO) under the Department of Science and Technology has launched the 1.4 billion peso Free WI-FI Internet Access in Public Places project for the 967 beneficiaries which include Municipality of Talisay;

WHEREAS, on November 17, 2015, the Municipal Mayor, Hon. Gerry D. Natanauan wrote to the Honorable Body regarding the project of the DOST-ICTO requesting for an authority to represent the Municipality of Talisay in the aforesaid project together in signing and entering into a Memorandum of Agreement with the aforesaid department/agency'





WHEREAS, the Sangguniang Bayan as a legislative body is empowered and under the law to enact ordinances, resolutions and as such may adopt rules and regulations, and policy within the scope of its authority;

WHEREAS, in the fulfillment of the same, the August Body may authorize the Municipal Mayor, Hon. Gerry D. Natanauan, being the Chief Executive of this municipality, to enter into a contract and/or memorandum of agreement (MOA) with any entity, board or body or even with private agencies/ individuals purely for the benefit of the constituents and of the municipality as a government instrumentality;

NOW THEREFORE, considering the premises mentioned above, on motion of Hon. Ronaldo M. Salazar duly seconded by Hon. Fidel S. Luna, Sr., and with the unanimity of all the Members present, be it: RESOLVED as it is hereby RESOLVED to authorize the Municipal Mayor, Hon. Gerry D. Natanauan, to , to represent the Municipality of Talisay, Batangas with the Department of Science and Technology – Information and Communication Technology Office (DOST-ITCO) relative to the free WI-FI internet access and to sign and enter into a memorandum of agreement with DOST-ITCO

RESOLVED FURTHER, that copies of this resolution be furnished the Municipal Mayor, Hon. Gerry D. Natanauan and all other concerned agencies for their information and appropriate action..

X- ----- -x

I HEREBY CERTIFY to the correctness of the foregoing Resolution No. 12-161 Series of Year 2015, approved by the Sangguniang Bayan of Talisay, Batangas during its 103rd Regular Session on December 1, 2015.


ELENA C. LANDICHO-CABRERA
Secretary to the Sangguniang Bayan

With our concurrence:

LOUISE M. MALABANAN
Sangguniang Bayan Member


FELIX P. SALAZAR
Sangguniang Bayan Member

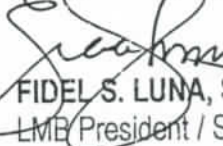
MAXIMINO G. TENORIO
Sangguniang Bayan Member


RODOLFO P. MIRANDA
Sangguniang Bayan Member


MELODY L. LUNA
Sangguniang Bayan Member


RONALDO M. SALAZAR
Sangguniang Bayan Member


FLORENCIO A. PESIGAN
Sangguniang Bayan Member


FIDEL S. LUNA, SR.
LMB President / SB Member

ATTESTED :


ALLANO C. LAMANO
Vice Mayor / Presiding Officer

APPROVED:


GERRY D. NATANAUAN
Municipal Mayor

Date signed: December 4, 2015

