

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement is entered into between:

The **METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM REGULATORY OFFICE (MWSS RO)**, a government corporation duly organized and existing under and by virtue of R.A. 6234, as amended, with principal business office at H. Ventura corner Katipunan Road, Balara, Quezon City, Metro Manila, through its **REGULATORY OFFICE**, herein represented by its Chief Regulator, **ATTY. PATRICK LESTER N. TY**, hereinafter called "**MWSS RO**";

And

The **BRIQUETTOR ASSOCIATION OF THE PHILIPPINES, INC.**, a community-based Peoples' Organization (PO) duly organized and existing in accordance with laws of the Philippines, with principal address at 152 San Lorenzo, Norzagaray, Bulacan, herein represented by its President, **JORGE P. PASAGDAN**, hereinafter called "**BRIQUETTOR**";

WHEREAS, the No. 391, series of 1968, identified a land cover situated in the Municipalities of Norzagaray and San Jose, Province of Bulacan and Municipality of Montalban, and Province of Rizal and reserved the same as the Angat Watershed and Forest, Forest Range and Watershed Management Pilot Project Reserve then placed the same under the administration and control of the Director of the Forest Management Bureau (FMB) of the Department of Environment and Natural Resources (DENR) and the Administrator of the National Waterworks and Sewerage Authority, which is now known as "MWSS"; thus, the DENR-FMB and MWSS have the authority to jointly regulate, "jointly have the authority to regulate the use and occupancy of said watershed forest reserve and cutting, collection and removal of timber and other forest products therein in accordance with forest laws and regulations.";

WHEREAS, during the Seventeenth Congress held on 24 July 2017, the Senate and House of Representatives of the Philippine Congress enacted the "Expanded National Integrated Protected Act of 2018", which amended the RA 7586, otherwise known as "National Integrated Protected Areas System (NIPAS) Act of 1992".

WHEREAS, the established NIPAS, as stated Section 2 of RA 11038, "... shall encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'; the System shall recognize conservation areas and the management regimes being implemented by local government units (LGUs), local communities and indigenous peoples (IPs).";

WHEREAS, the Expanded National Greening Program of the Government under Executive Order No. 193, s.2015 and its Revised Implementing Rules and Regulations (IRR) issued by the DENR under Administrative Order No. 2019-09, dated 08 January 2019, expanded the coverage of the National Greening Program (NGP) consistent with the updated Philippine Master Plan for Forestry Development (2016-2028) to cover all

remaining unproductive, denuded and degraded forestlands to be managed for production and protection purposes as well to achieve carbon neutrality;

WHEREAS, the ENGP aims to accelerate the rehabilitation and reforestation of denuded and degraded areas, enhance and encourage the participation of the organized upland communities and other relevant stakeholders in the sustainable management of the developed plantations and protection of existing forests;

WHEREAS, in order to ensure the sustainable implementation of the Expanded NIPAS and ENGP, social mobilization will be adopted, and the involvement of LGUs, IPs, and different groups or organizations will be encouraged in the planting activities up to the maintenance and protection of the planted seedlings;

WHEREAS, the Appendix 35 of 4 Republic Act (RA) No. 9184, or the Government Procurement Reform Act, and its 2016 Revised IRR specified the, "Guidelines for the Conduct of Community Participation", ensures the efficient implementation of the said procurement methods that aim to engage local communities or social groups in the delivery of goods and simple infrastructure projects, subject to the guidelines issued by the Government Procurement Policy Board (GPPB), such as the issuance of GPPB Resolution No. 18-2021, to resolve the issues of having different rules and procedures in the implementation of Community-based Projects by the Procuring Entities (PEs).;

WHEREAS, in support of the ENIPAS, ENGP, and in compliance with RA 9184 as well its 2016 Revised IRR, and GCG Memorandum Circular No. 2015-07 requiring GOCCs to have a Sustainability Section/ Report or a Social Responsibility Section/ Report, the MWSS RO commits to conduct its 2024 Tree Planting Activities and plant Twenty-Seven Thousand (27,000) seedlings in celebration of its 27th Year Anniversary as its contribution to the MWSS Corporate Office's program, "*A Million Tree Planting Challenge*";

WHEREAS, the MWSS RO, DENR - Community Environment and Natural Resources Office (CENRO) - Bulacan, represented by Jun Tresor Joven, Ecosystems Management Specialist and ENGP Focal Person, conducted identification and scoping of target locations or planting sites and the PO located within and/or nearby who shall serve as the Community or Social Groups (CSGs) for the conduct of the 2024 Tree Planting Activities on 12 September 2024;

WHEREAS, on the same date, DENR-CNRO Bulacan identified BRIQUETTOR as the PO or CSG to be engaged as the service provider for the 2024 Tree Planting activities to assist in the preparation, planting, and nurturing of the Twenty-Seven Thousand Seedlings (27,000) to be planted in the Seventeen (17) hectares of land within the Angat Watershed, Ipo Dam;

WHEREAS, the MWSS through its Chief Regulator, approved the conduct of the 2024 Tree Planting Activities on 13 September 2024 with a total budgetary requirements amounting to Eight Hundred Five Thousand pesos Six Hundred Sixty-Five (PhP 805,665.00) and the NP-CP as mode of procurement to engage the Two (POs) POs or CSGs to be engaged with sub-total budget amounting to Three Hundred Seventy-Nine Thousand Five Hundred Forty-One (PhP379,541.00) for Lot 1 in Angat Watershed, Ipo Dam and and Two Hundred Twenty-Three Thousand Two Hundred Fifty-Nine Pesos (PhP223,259.00) for Lot 2 in Upper Marikina River Basin Protected Landscape (UMRBPL);

WHEREAS, the MWSS RO issued Office Order Nos. 115 and 119, for the conduct of the 2024 Tree Planting Activities, which includes the Engagement of One PO or CSG through NP-CP for the 2024 Tree Planting Activities – Lot 1 with an Approved Budget for the Contract amounting to Three Hundred Seventy-Nine Thousand Five Hundred Forty-One Pesos (Php 379, 541.00), at the Angat Watershed, Ipo Dam, and to authorize the release of funds for the purpose;

WHEREAS, on 09 October 2024 the MWSS RO *en banc*, through the issuance of RO Resolution No. 2024-33, approved the recommendation of the Bids and Awards Committee (BAC) to award the contract for Lot 1 of the Engagement of PO or CSG for the conduct of 2024 Tree Planting Activities to BRIQUETTOR, having submitted the Single Calculated and Responsive Quotation, in the amount Three Hundred Seventy-Nine Thousand Four Hundred Pesos (Php379,400.00);

NOW THEREFORE, for and in consideration of the foregoing premises and on the basis of mutual cooperation, the parties herein do hereby agree to improve the existing vegetation of the Angat Watershed, Ipo Dam by way of planting and nurturing various endemic and/or native tree species, including its maintenance and protection to ensure the sustainable growth of the seedlings and to undertake respective commitments under the following terms and conditions:

**THE METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM
REGULATORY OFFICE (MWSS RO) SHALL:**

1. Spearhead the protection and maintenance of the Seventeen (17) hectares of plantation site identified in consultation and coordination with DENR-CENRO Bulacan and BRIQUETTOR, by organizing and participating through the conduct of the 2024 Tree Planting;
2. Engage the services of the members of the PO or CSG by adhering to the Guidelines for the Negotiated Procurement – Community Participation (NP-CP), as mandated by RA 9184 and its 2016 Revised IRR, for the site preparation, hauling, planting, maintenance and protection, and nurturing of seedlings and other related activities to ensure the sustainability of the 2024 Tree Planting Activities;
3. Prevent the introduction or construction of permanent structures in the planting site with and in cooperation with DENR-CENRO Bulacan and BRIQUETTOR;
4. Conduct monitoring, inspection and evaluation of the planting site to ensure the survival of the seedlings and nurturing of the planting site; and
5. Pay BRIQUETTOR in the manner and in accordance with the Detailed SOW to be performed.

**THE BRIQUETTOR ASSOCIATION OF THE PHILIPPINES, INC. (BRIQUETTOR)
SHALL:**

1. Mobilize members to perform the Scope of Work (SOW) as indicated in the Terms of Reference (TOR) for the Engagement of PO or CSG for the Conduct of the 2024 Tree Planting Activities, and the succeeding sections of this Agreement, with the supervision of the MWSS RO Environmental Committee and DENR-NCR;

- 2. Not cut, extract or harvest forest trees and other natural resources within the planting site;
- 3. Not sublease, convey, sell or transfer rights to the area or any portion thereof to any third parties;
- 4. Maintain, enhance, and protect the area at all times to promote an efficient conservation of water resources even beyond this Agreement; and

DETAILED SCOPE OF WORK AND COST

The **MWSS RO** shall shoulder all the cost of implementing this Agreement and the 2024 Tree Planting Activities, with **BRIQUETTOR as the PO or CSG**, in accordance with the following specifications:

Particulars	Specifications						
Land Area	Seventeen (17) hectares in Angat Watershed, particularly near Ipo Dam						
Number of Seedlings	Seventeen thousand (17,000) native and/or endemic tree seedlings						
Scope of Work	<ul style="list-style-type: none">• Prepare the site covering seventeen (17) hectares (strip brushing; weeding; digging of 500 holes per hectare, staking with sticks, improvement of access trails, prepare temporary shelter for the seedlings at the staging/rest area, etc.) before the tree planting proper;• Haul and deliver the seventeen thousand (17,000) native and/or endemic tree seedlings to the planting site and in proximity to the individual holes from the DENR-CENRO Bulacan’s Nursery;• Nurture the planted seedlings (quarterly strip brushing, weeding, haul and plant new seedlings to replace dead seedlings), protect and apply fertilizer to ensure at least ninety-five (95%) percent survival rate by the end of the Contract;• Accompany the MWSS RO during the 2024 Tree Planting Activities, including the inspection of planting sites with DENR-CENRO Bulacan officials, activity proper, and evaluation or validation visits post-activity;• Assign at least ten (10) members, men and women, of the POs to assist during the activity proper;• Submission of Accomplishment and Census Reports to the MWSS RO;• Nurture the tree planting site through the conduct of quarterly weeding, and application of organic fertilizer to ensure survival and growth of planted seedlings;						
Cost	Three Hundred Seventy-Nine Thousand Four Hundred Pesos (PhP379,400.00)						
Mode and Terms of Payment	<div>Check payable to BRIQUETTOR in the following scheme or schedule:</div> <table><tr><td>Upon signing of the MOA for mobilization of members</td><td>15%</td></tr><tr><td>Upon completion of hauling, site preparation and actual planting or percentage of completion less 15% recoupment;</td><td>80% less 15%</td></tr><tr><td>Balance after inspection and validation by DENR-CENRO Bulacan less 15% recoupment</td><td>20% less 15%</td></tr></table>	Upon signing of the MOA for mobilization of members	15%	Upon completion of hauling, site preparation and actual planting or percentage of completion less 15% recoupment;	80% less 15%	Balance after inspection and validation by DENR-CENRO Bulacan less 15% recoupment	20% less 15%
Upon signing of the MOA for mobilization of members	15%						
Upon completion of hauling, site preparation and actual planting or percentage of completion less 15% recoupment;	80% less 15%						
Balance after inspection and validation by DENR-CENRO Bulacan less 15% recoupment	20% less 15%						

	Total	100%
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This agreement shall be for a period of one (1) year, to commence on up to a twelve (12) month period. The MWSS RO shall have the option to renew this Agreement for another year, subject to the mutual agreement of the parties in terms of the SOW and cost to be incurred.

It is understood that no employer-employee relationship shall exist between MWSS RO and BRIQUETTOR, and the latter assumes all responsibilities for its members;


To ensure the implementation of this MOA, the MWSS RO Environmental Committee shall validate, inspect, monitor and submit reports on the implementation of the 2024 Tree Planting Activities.

IN WITNESS WHEREOF, the parties have hereunto affixed their signature this day 11th of October 2024

METROPOLITAN WATERWORKS
AND SEWERAGE SYSTEM
REGULATORY OFFICE


ATTY. PATRICK LESTER N. TY
Chief Regulator

BRIQUETTOR ASSOCIATION OF
THE PHILIPPINES, INC.



JORGE P. PASAGDAN
President

Signed in the presence of:

METROPOLITAN WATERWORKS
AND SEWERAGE SYSTEM
REGULATORY OFFICE


ENGR. RENATO L. RODRIGUEZ, JR.
Chairperson, Environmental Committee

DEPARTMENT OF NATURAL
RESOURCES - PROVINCIAL
ENVIRONMENT AND NATURAL
RESOURCES OFFICE


EDMAR A. GALLARDO
Development Management Officer II

ACKNOWLEDGEMENT

Republic of the Philippines, QC.):

BEFORE ME, this 11 OCT 2024 day of Q.C., Philippines, personally appeared and exhibited to me their respective Community Tax Certificate/Identification Card as shown hereunder:

NAME	GOVERNMENT ID NO.	DATE/PLACE ISSUED
Atty. Patrick Lester N. Ty		
Jorge P. Pasagdan		

Known to me to be the same persons who executed the foregoing Memorandum of Agreement consisting of six (6) pages including this acknowledgement and they acknowledge to me that the same is their own and free voluntary acts and deeds.

IN WITNESS HEREOF, I have hereunto set my hand and seal this 11 OCT 2024 day of 2024 at Quezon City, Philippines

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Series of 2024

James B
ATTY JAMES ABRAM G BUSTINERA
NOTARY PUBLIC FOR QUEZON CITY
UNTIL DECEMBER 31 2025
ROLL NO 78668
ADM MATTER NO NP 166 (2024-2025)
IBP OR NO 407143 / 8 JAN 2024 QUEZON CITY
PTR NO 5600010 / 1 JAN 2024 QUEZON CITY
MCLE EXEMPT ADMITTED TO THE BAR -
MAY 2022

Handwritten signatures and initials in blue ink.