

## 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 **KAPISANANG BALIK KALIKASAN, INC.**, a community-based Peoples' Organization (PO) duly organized and existing in accordance with laws of the Philippines, with principal address at Purok Libis, Sitio San Ysiro, Brgy. San Jose, Antipolo City, Rizal, herein represented by its President and Authorized Representative, **EDWIN B. DELOS REYES**, hereinafter called "**KABALIKAT**";

**WHEREAS**, in 2011, the former president Benigno S. Aquino set aside and declared the Marikina Watershed Reservation as a protected landscape thru Proclamation No. 296 which covers a total area of Twenty-Six Thousand One Hundred Five and 64/100 hectares (26,125.64 ha) in the City of Antipolo and Municipalities of Baras, Rodriguez, San Mateo, and Tanay in the Province of Rizal with the Department of Natural Resources (DENR) as the governing body that shall have the administrative jurisdiction and control over the said landscape in accordance to the Republic Act (RA) 7586, as amended by RA 11038, and its Implementing Rules 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 - Provincial Environment and Natural Resources Office (PENRO) - Rizal, represented by Forester Deo S. Eleuterio, Forest Extension Officer, 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 11 September 2024;

**WHEREAS**, on the same date, DENR-PENRO Rizal identified KABALIKAT as the PO or CSG that MWSS RO may engage as the service provider for the 2024 Tree Planting Activities to assist in the preparation, planting, and nurturing of the Ten Thousand Seedlings (10,000), in the ten (10) hectares of land within the Upper Marikina River Basin Protected Landscape (UMRBPL) for Lot 2;

**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 Negotiated Procurement-Community Participation (NP-CP) as mode of procurement of Two (2) 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 Two Hundred Twenty-Three Thousand Two Hundred Fifty-Nine Pesos (PhP223,259.00) for Lot 2 in 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 (1) PO or CSG through NP-CP for the 2024 Tree Planting Activities - Lot 2 with an Approved Budget for the Contract amounting to Two Hundred Twenty-Three Thousand Two Hundred Fifty-Nine Pesos (PhP 223,259.00), within the UMRBPL, and to authorize the release of funds for the purpose, and the designation of Engr. Renato L. Rodriguez Jr., as the End-User for the said Activities, respectively;



**WHEREAS**, an Addendum Memorandum to the conduct of the Subject Procurement, dated 18 September 2024, was approved by the Chief Regulator to emphasize the MWSS RO's compliance to the Guidelines for the Conduct of NP-CP as mandated by the 2016 Revised IRR of RA 9184 and underscored through the issuance of GPPB Resolution No. 18-2021, and provide for the Eligibility Requirements (Technical, Financial, and Legal) to be submitted by the POs/CSGs and Deadline for the Submission of Quotations, among others;

**WHEREAS**, on 14 October 2024, as a result of adhering to the procedural guidelines and requirements of NP-CP for the Subject Procurement, the MWSS RO Bids and Awards Committee (BAC) issued Resolution No. 2024-14, "FAILURE OF BIDDING FOR THE ENGAGEMENT OF PEOPLE'S ORGANIZATION AS COMMUNITY OR SOCIAL GROUP FOR THE 2024 TREE PLANTING ACTIVITIES - LOT 2 THROUGH NEGOTIATED PROCUREMENT - COMMUNITY PARTICIPATION";

**WHEREAS**, on 28 October 2024, the End-User for the 2024 Tree Planting Activities, Engr. Renato L. Rodriguez, Jr., submitted a Memorandum on the Revised Terms of Reference (TOR) as a result of the aforementioned Failure of Bidding, which was consequently approved by the Chief Regulator, Atty. Patrick Lester N. Ty on 11 November 2024;

**WHEREAS**, on 18 November 2024, the MWSS RO Bids and Awards Committee (BAC) issued Resolution No. 2024-15, "RECOMMENDATION OF AWARD OF CONTRACT TO KAPISANANG BALIK KALIKASAN FOR THE ENGAGEMENT OF PEOPLE'S ORGANIZATION AS COMMUNITY OR SOCIAL GROUP FOR THE 2024 TREE PLANTING ACTIVITIES - LOT 2 THROUGH NEGOTIATED PROCUREMENT - COMMUNITY PARTICIPATION";

**WHEREAS**, on 19 November 2024, the MWSS RO *en banc*, thru the issuance of RO Resolution No. 2024-38, approved the recommendation of the BAC to award the contract for Engagement of PO or CSG for the Conduct of 2024 Tree Planting Activities - Lot 2 through NP-CP to KABALIKAT, having submitted the Single Calculated and Responsive Quotation (SCRQ), in the amount equivalent to Two Hundred Twenty-Two Thousand Pesos (PhP222,000.00);

**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 UMRBPL 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 Ten (10) hectares of plantation site identified in consultation and coordination with DENR-PENRO Rizal and KABALIKAT, 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 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-PENRO Rizal and KABALIKAT;
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 KABALIKAT in the manner and in accordance with the Detailed Scope of Work (SOW) to be performed.

**THE KAPISANANG BALIK KALIKASAN, INC. (KABALIKAT) SHALL:**

1. Mobilize members to perform the Detailed SOW as indicated in the TOR for the Engagement of PO or CSG for the Conduct of the 2024 Tree Planting Activities - Lot 2, and the succeeding sections of this Agreement, with the supervision of the MWSS RO Environmental Committee and DENR-PENRO Rizal;
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 - Lot 2, with KABALIKAT as the PO or CSG, in accordance with the following specifications:

Particulars	Specifications
Land Area	Ten (10) hectares in UMRBPL
Number of Seedlings	Ten thousand (10,000) native and/or endemic tree seedlings
Scope of Work	<ul style="list-style-type: none"> <li>• Prepare the site covering ten (10) 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;</li> <li>• Haul and deliver the ten thousand (10,000) native and/or endemic tree seedlings to the planting site and in proximity to the individual holes from the DENR-PENRO Rizal Nursery;</li> <li>• 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;</li> <li>• Accompany the MWSS RO during the 2024 Tree Planting Activities, including the inspection of planting sites with DENR officials, activity proper, and evaluation or validation visits post-activity;</li> <li>• Assign at least ten (10) members of the POs to assist during the activity proper;</li> <li>• Submission of Accomplishment and Census Reports to the MWSS RO;</li> <li>• Nurture the tree planting site through the conduct of quarterly weeding, and application of organic fertilizer to ensure survival and growth of planted seedlings;</li> </ul>

Cost	Two Hundred Twenty-Two Thousand Pesos (PhP222,000.00)	
Mode and Terms of Payment	Check payable to KABALIKAT in the following scheme or schedule:	
	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-PENRO Rizal less 15% recoupment	20% less 15%
	<b>Total</b>	<b>100%</b>


This agreement shall be for a period of one (1) year, to commence on the date of execution. 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 Detailed SOW and cost to be incurred.

It is understood that no employer-employee relationship shall exist between MWSS RO and KABALIKAT, 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 - Lot 2.

IN WITNESS WHEREOF, the parties have hereunto affixed their signature this day of 21 November 2024.

**METROPOLITAN WATERWORKS  
AND SEWERAGE SYSTEM  
REGULATORY OFFICE**


  
**ATTY. PATRICK LESTER N. TY**  
Chief Regulator

**KAPISANANG BALIK KALIKASAN,  
INC.**

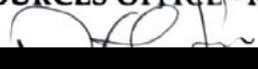
  
**EDWIN B. DELOS REYES**  
President

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 - RIZAL**

  
**FOR. DEO S. ELEUTERIO**  
Forest Extension Officer



ACKNOWLEDGEMENT

Republic of the Philippines, QC.):

BEFORE ME, this \_\_\_\_ day of NOV 21 2024 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	[REDACTED]	[REDACTED]
Edwin B. Delos Reyes	[REDACTED]	COMMISSION ON ELECTIONS ANTIPOL CITY, RIZAL

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 NOV 21 2024 day of 2024 at \_\_\_\_ Quezon City, Philippines

Doc. No. 434  
Page No. 88  
Book No. XA  
Series of 2024

[REDACTED]  
**ATTY. ARIEL D. LLADONES**  
Notary Public Quezon City  
Roll No. 77699  
PTR No. 5548771 / 1-12-24 / Q.C.  
IBP No. 417346 / 1-11-24 / Q.C.  
MCLE Compliant Sept. 2023  
Admin Matter No. NP-059 (2024-2025)  
Office Add: 74 Bukidnon St. Bago Bantay Q.C.  
Contact Number 09472765393