



Republic of the Philippines
 CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
 (08822) 724854; (088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 9053-2004

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE ARCHAEOLOGICAL STUDIES PROGRAM, UNIVERSITY OF THE PHILIPPINES, REPRESENTED BY ITS DIRECTOR, DR. VICTOR J. PAZ, COVERING THE CONDUCT OF ACADEMIC RESEARCH, EXCAVATION, EXPLORATION, COLLECTION AND DOCUMENTATION OF CULTURAL MATERIALS, ARCHAEOLOGICAL ARTIFACTS, ECOFACTS AND THE LIKES, EMBODYING THE CULTURAL AND NATURAL HERITAGE AND OTHER ACTIVITIES MENTIONED THEREIN, UNDER THE TERMS AND CONDITIONS STIPULATED THEREIN AS AMENDED BY THIS BODY

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

SECTION 1. - The City Mayor is hereby authorized to enter into a Memorandum of Agreement with the Archaeological Studies Program, University of the Philippines, represented by its Director, Dr. Victor J. Paz, covering the conduct of academic research, excavation, exploration, collection and documentation of cultural materials, archaeological artifacts, ecofacts and the likes, embodying the cultural and natural heritage and other activities mentioned therein, under the terms and conditions stipulated therein as amended by this body, viz:

"KNOW ALL MEN BY THESE PRESENTS:

This agreement is made and entered into this ___ day of _____ 2004 by and between:

The CITY GOVERNMENT OF CAGAYAN DE ORO, Cagayan de Oro City, Misamis Oriental, with postal address at Capistrano St., Cagayan de Oro City, Philippines, represented herein by City Mayor Vicente Y. Emano, herein referred to as "City";

- and -

The ARCHAEOLOGICAL STUDIES PROGRAM (ASP), University of the Philippines - Diliman, a State institution of higher learning, established and operating under Act. 1870, as amended, with principal office in Palma Hall Basement, University of the Philippines Campus, Diliman, Quezon City, represented herein by its Director, Dr. Victor J. Paz, herein referred to as "ASP";

WITNESSETH: That

Whereas, the City, is the steward of cultural heritage worth enriching and preserving;

Whereas, the City does not have capability to conduct enrichment and preservation of cultural heritage;

Whereas, ASP has its staff specialist and planners on the preservation and enrichment of cultural heritage;

Whereas, the City of Cagayan de Oro, seeks assistance from ASP;

Whereas, the City through the City Planning and Development Office and/or Cagayan de Oro City Historical Commission will coordinate and provide the guidelines to immediately enforce this MOA and such offices shall submit to the City Mayor's Office and the Office of the City Council a periodic report thereof;

Now, therefore, for and in consideration of the above premises and their mutual covenants herein set forth, the parties herein have agreed as follows:

1. ASP shall recommend to and allow its researchers to conduct academic research in the City of Cagayan de Oro and shall furnish the municipality a pertinent report on the completed research;
 2. The City has the right to use the result of the research as basis for city planning and reference material for tourism promotion and future earth moving activities in the area but due credit will be given to the researchers;
 3. The City shall assist the researchers by way of coordinating the persons of institutions that may help in the research and shall guide the research team when needed;
 4. Researchers and research advisers shall be given free food and accommodation by the City;
 5. Payment, as agreed from the proposed budget, shall be paid to the researchers by the City;
 6. The City may permit ASP research team, with the permission of the National Museum of the Philippines, to legally excavate and explore within the City of Cagayan de Oro;
 7. ASP, through its academic institution, shall be allowed to collect and document cultural materials, archaeological artifacts, ecofacts, and other materials embodying the cultural and natural heritage of the Filipino Nation. All artifacts will be natural and reported to the National Museum of the Philippines;
 8. The ASP will manage the movement of the collection from the site to laboratories for analysis;
 9. The ASP, upon the request of the City, shall organize lectures on the results of the study and other community-based programs at a mutually agreed place and time;
 10. Should the City express interest in keeping the materials from the excavated portions of the site, this may be negotiated towards a permanent exhibit at a mutually agreed location after the analysis and curation of the materials from the site have been curated;
 11. This agreement shall take effect upon the signing of the document by all concerned parties, and shall remain in force and effect for a period of one (1) year unless sooner terminated by mutual consent;
 12. The parties shall jointly own all research outputs, discoveries, and/or inventions/innovations produces by virtue of and pursuant to this agreement.
- Any publication arising from the activities undertaken by virtue of and pursuant to this agreement shall clearly establish and identify the parties as the source of the output.
- All reports, by virtue of and pursuant to this agreement, shall be made in the name of the parties. The names of the principal authors, researchers and/or project leaders shall be made identified, recognized, and included in the report.
- ASP reserves the right to use all data or findings by virtues and pursuant to this agreement for the enhancement of its academic freedom guaranteed under the constitution, without need of consent from the City of Cagayan de Oro.

13. This agreement may be amended upon mutual consent."

SECTION 2. - This Ordinance shall take effect upon its approval.

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Certified Photocopy from Original Copy:
 VIRGILIA T. SULLANO
 Local Legislative Staff Officer III

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UNANIMOUSLY APPROVED.

Present: - Councilor Alvin R. Calingin - Councilor Maryanne C. Enteria
 - Councilor Juan Y. Sia - Councilor Edgar S. Cabanlas
 - Councilor Alfonso C. Goking - Councilor Jose Benjamin A. Benaldo
 - Councilor Ian Mark Q. Nacaya

On official Business: - Councilor Noel S. Beja

Out of the Session Hall: - Councilor Michelle J. Tagarda - Councilor Reynaldo N. Advincula
 - Councilor Caesar Ian E. Acenas

Absent: - Councilor Annie Y. Daba (*indisposed*) - Councilor President D. Elipse (*indisposed*)
 - Councilor Benmarc P. Garcia (*indisposed*)

DONE in the City of Cagayan de Oro this 19TH day of January 2004.

I hereby certify to the correctness of the aforestated Ordinance.

[Signature]
 ARTURO S. DE SAN MIGUEL
 CITY COUNCIL SECRETARY

Attested and certified as duly enacted:

[Signature]
 JOHN L. EMIZAGA
 CITY VICE-MAYOR
 PRESIDING OFFICER

Approved:
[Signature]
 VICENTE Y. EMANO
 CITY MAYOR

Attested:

[Signature]
 NORBERTO A. COSADIO
 SECRETARY TO THE MAYOR

Certified Photocopy from Original Copy:
 VIRGILIA T. SULLANO
 Local Legislative Staff Officer III