

BY THE PRESIDENT OF THE PHILIPPINES

MEMORANDUM ORDER NO. 41

**AUTHORIZING THE OFFICE OF THE SOLICITOR GENERAL TO AUGMENT THE
LEGAL SERVICES OF THE SUBIC BAY METROPOLITAN AUTHORITY**

WHEREAS, the Subic Bay Metropolitan Authority (SBMA) is in need of further augmentation of legal assistance from the Office of the Solicitor General (OSG) due to heavy workload experienced by its Legal Department and the Office of the Government Corporate Counsel;

WHEREAS, Section 1 of PD No. 478 and Section 35, Chapter 12, Title III of Book IV of Executive Order No. 292, S. 1987 mandate the OSG to represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents on matters requiring the services of a lawyer and that, when authorized by the President or head of the office concerned, it shall also represent government owned or controlled corporations.

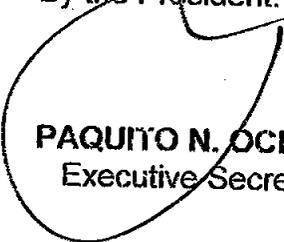
NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law do hereby authorize the OSG to augment the provision of legal services to SBMA and also hereby approve the Fourth Amended Memorandum of Agreement entered into between the OSG and SBMA in May 2012, hereto attached as "Annex A".

This Memorandum Order shall take effect immediately.

Done in the City of Manila, this 4th day of July in the year of Our Lord, Two Thousand and Twelve.



By the President:



PAQUITO N. OCHOA, JR.
Executive Secretary



MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Fourth Amended Memorandum of Agreement entered into this ___ day of May 2012 at the Subic Bay Freeport Zone, by and between:

OFFICE OF THE SOLICITOR GENERAL, a government agency attached to the Department of Justice, with principal office address at the OSG Building, 134 Amorsolo St., Legaspi Village, Makati City, represented herein by Solicitor General **FRANCIS H. JARDELEZA** (hereinafter called the "FIRST PARTY")

- and -

SUBIC BAY METROPOLITAN AUTHORITY, a government agency with corporate powers organized and established under Republic Act No. 7227, otherwise known as the "Bases Conversion and Development Act", with principal office address at Bldg. 229, Waterfront Road, Subic Bay Freeport Zone, represented herein by its Chairman and Administrator **ROBERTO V. GARCIA** (hereinafter referred to as the "SECOND PARTY")

WITNESSETH:

WHEREAS, on January 2007, the **SECOND PARTY** entered into a Memorandum of Agreement with the **FIRST PARTY** premised on the understanding that the **FIRST PARTY** is the only agency authorized to represent the government and its instrumentalities in cancellation of title, reversion and other related cases and the need of the **SECOND PARTY** to endorse such cases to the **FIRST PARTY** in connection with rampant illegal occupation and issuance of certificates of title on areas within the Subic Bay Freeport Zone and to request the filing of corresponding cases on behalf of the government and the **SECOND PARTY** pursuant to Presidential Decree No. 478, entitled "Defining the Powers and Functions of the Office of the Solicitor General" and Executive Order No. 292, entitled "The Administrative Code of the Philippines";

WHEREAS, in July 2008, an Amended Memorandum of Agreement was executed by and between the Parties which adjusted the monthly allowances granted to the lawyers of the **FIRST PARTY**;

WHEREAS, in October 2009, a Second Amended Memorandum of

Agreement was executed by the Parties which revised the roster of lawyers of the FIRST PARTY entitled to monthly allowances;

WHEREAS, in June 2011, a Third Amended Memorandum of Agreement was executed by the Parties which further revised the roster of lawyers of the FIRST PARTY entitled to monthly allowances;

WHEREAS, due to the growing complexity of the cases involving the SECOND PARTY which matched the heavy workload experienced by both the Legal Department of the SECOND PARTY and the Office of the Government Corporate Counsel as regards cases involving the SECOND PARTY, it has been recognized that the SECOND PARTY is in need of further legal assistance beyond the original contemplation of the Memorandum of Agreement, particularly to provide expert advice and to represent the SBMA and its officials in key legal matters, as identified by the Chairman and Administrator and/or the Board of Directors of the SECOND PARTY;

WHEREAS, the SBMA has communicated its desire to further augment the current legal services provided by the OSG pursuant to Presidential Decree (P.D.) No. 478, Section 35(9), Chapter 12, Title III, Book IV of E.O. 292, and Section 8, R.A. No. 9417;

WHEREAS, both Section 1 (ii) of P.D. No. 478 and Section 35(9), Chapter 12, Title III, Book IV of E.O. No. 292 provide:

“Department, bureaus, agencies, offices, instrumentalities and corporations to whom the Office of the Solicitor General renders legal services are authorized to disburse funds from their sundry operating and other funds for the latter Office. For this purpose, the Solicitor General and his staff are specifically authorized to received allowances as may be provided by the Government offices, instrumentalities and corporations concerned, in addition to their regular compensation.”

WHEREAS, Section 8 of R.A. No. 9417 also provides:

“ SEC. 8. *Other benefit.* - Consistent with the provision of Executive Order No. 292, otherwise known as the Revised Administrative Code of 1987, the legal staff, the legal staff of the Office of the Solicitor General are allowed to receive honoraria and allowances from client departments, agencies, and instrumentalities of the Government.”

NOW, THEREFORE, for and in consideration of the foregoing premises and the covenants stipulated, the Parties hereby agree as follows:

Section 1. The FIRST PARTY shall provide legal services and advice to the SECOND PARTY and its officials and shall represent them in litigations; Provided that, the lawyers designated as "Team A" shall focus on cancellation of title, reversion and other related cases, while the lawyers designated as "Team B" shall be assigned to cases not falling under the ambit of the focus of "Team A", but designated by the Chairman and Administrator and/or Board of Directors of the SECOND AGENCY as "key legal matters";

Section 2. In consideration of the abovementioned legal services to be provided by the FIRST PARTY, in accordance with law and subject to the rules and regulations of the Commission on Audit, the SECOND PARTY hereby grants monthly allowances in the amounts indicated herein from its sundry operating and other funds to the following lawyers of the FIRST PARTY:

TEAM A

Solicitor General	Php6,000.00
Asst. Solicitor General Magtanggol M. Castro	5,500.00
Asst. Solicitor General Luis F. Simon	5,500.00
Associate Solicitor Earl Warren B. Castillo	4,750.00
Associate Solicitor Patrick T. Ramos	4,750.00

TEAM B

Solicitor General	Php6,000.00
Asst. Solicitor General Raul J. Mandin	5,500.00
Senior State Solicitor Raymund I. Rigodon	5,000.00
Associate Solicitor Jose Mario Elinio T. Tan	4,750.00
Associate Solicitor Brando Ray P. Raya	4,750.00

Section 3. The FIRST PARTY commits to make a periodic report on any accomplishments or developments on any of the cases it handles and shall furnish the SECOND PARTY all the pleadings and other documents it submits/files to the court and other government agencies or entities; Provided that, all such pleadings and other documents submitted to, or filed in, the court and other government agencies or entities shall first be approved by the SECOND PARTY thru its Chairman and Administrator; Provided further that, all pleadings and other documents submitted or filed without the approval of the Chairman and Administrator of the SECOND PARTY shall be deemed to be submitted or filed by the FIRST PARTY without the consent of the SECOND PARTY and shall therefore not bind the SECOND PARTY.

The submission of the said periodic report shall be a condition *sine qua non* for the release of their corresponding allowances.

Section 4. Pursuant to Memorandum Circular No. 9 issued by the

the Office of the President on August 27, 1998, in relation to Section 1 of P.D. No. 478 and Section 35, Chapter 12, Title III, Book IV of E.O. No. 292, the FIRST PARTY shall represent Government Owned and Controlled Corporations, such as the SECOND PARTY, when authorized by the President of the Philippines. As such, this agreement shall be deemed effective only upon issuance of a written authority by the President of the Philippines. The responsibility or duty to secure such authority from the President of the Philippines shall be incumbent upon the SECOND PARTY.

Section 5. Any amendments, modifications or additions to this Fourth Amended Memorandum of Agreement must be mutually agreed upon by the Parties in writing.

IN WITNESS WHEREOF, the Parties herein have set their hands this 6th day of June 2012 in _____, Philippines.

OFFICE OF THE SOLICITOR
GENERAL

SUBIC BAY METROPOLITAN
AUTHORITY



FRANCIS H. JARDELEZA
Solicitor General



ROBERTO V. GARCIA
Chairman and Administrator

Signed in the presence of:



Republic of the Philippines
CITY OF MAKATI

JUN 06 2012

BEFORE ME, this ___ day of May 2012 in Makati City, Metro Manila, Philippines, personally appeared, Francis H. Jardeleza, with ~~Passport # FP444588~~ issued on ~~Jan. 12, 2012~~ at Manila, and Roberto V. Garcia, with ~~Passport # XY425107~~ issued on ~~Aug. 11, 2009~~ at Manila, known to me to be the same persons who executed the foregoing instrument, and that they acknowledge to me that the same is their free and voluntarily act and deed.

This instrument consisting of five (5) pages, including the page on which this acknowledgement is written, has been signed on each and every page thereof by the concerned parties and their witnesses, and sealed with my notarial seal.

IN WITNESS WHEREOF, I have hereunto set my hand, the day, year and place above written.

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Book No. XXV
Series of 2012.

ATTY. GERVACIO B. ORTIZ JR.
NOTARY PUBLIC FOR MAKATI CITY
UNTIL DECEMBER 31, 2012
ROLL OF ATTORNEY NO. 40091
MCLE COMPLIANCE NO. III-0014252
IBP NO. 656155- LIFETIME MEMBER
PTR NO. 3173160 JAN. 2, 2012 MAKATI CITY