

**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON DECEMBER 20, 2022 VIA ZOOM MEETING**

PRESENT:

Hon. Alyssa Renee A. Cruz,	Presiding Officer
Hon. Hamilton G. Blanco,	Councilor
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Andrea Loise F. Macaraig,	“
Hon. Nestor E. Dimacuha,	“
Hon. Oliver Z. Macatangay,	“
Hon. Armando C. Lazarte,	“
Hon. Nelson J. Chavez,	“
Hon. Jose Jonash Luis F. Tolentino,	“
Hon. Zester Carlo M. Hernandez,	“
Hon. Isidra “Ched” M. Atienza,	“
Hon. Lorenzo A. Gamboa, Jr.,	“
Hon. Michael C. Villena,	“
Hon. Angelito Dondon A. Dimacuha,	(ABC-Rep.)
Hon. Marjorie A. Manalo,	(SK-Rep.)

“On motion of Councilor Gamboa duly seconded, the following Resolution was Adopted:

RESOLUTION NO. 22-500 S. 2022

**A RESOLUTION ACKNOWLEDGING THE RESPONSIBILITIES AND LIABILITIES
OF EXCELLENT ENERGY RESOURCE, INC. AND BLACK AND VEATCH IN THE
DISASTROUS INCIDENT IN THE CONSTRUCTION SITE OF THE 1700 MW
BATANGAS COMBINED CYCLE POWER PLANT LOCATED IN BARANGAY
DELA PAZ PROPER, BATANGAS CITY LAST NOVEMBER 27, 2022**

WHEREAS, Section 16 Chapter 2, Title One, Book I of RA 7160 states that Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Sangguniang Panlungsod ng Batangas as a legislative body have the power to enact rules and regulations in form of ordinance and resolutions;

WHEREAS, the disastrous incident in the construction site of the 1700 MW Batangas Combined Cycle Power Plant located in Barangay Dela Paz Proper, Batangas City last November 27, 2022 endangered lives of the constituents of the same barangay and caused damage to property and resulted in the collapse of the portion of the National Road will greatly affect the traffic situation and accessibility in the vicinity;

Continuation of Resolution No. 22-500 S. 2022

A RESOLUTION ACKNOWLEDGING THE RESPONSIBILITIES AND LIABILITIES OF EXCELLENT ENERGY RESOURCE, INC. AND BLACK AND VEATCH IN THE DISASTROUS INCIDENT IN THE CONSTRUCTION SITE OF THE 1700 MW BATANGAS COMBINED CYCLE POWER PLANT LOCATED IN BARANGAY DELA PAZ PROPER, BATANGAS CITY LAST NOVEMBER 27, 2022

WHEREAS, Excellent Energy Resource, Inc. (EERI) and Black and Veatch shall take the responsibility and liability by building temporary access road preferably by December 15, 2022 or anytime before the Christmas Holiday;

WHEREAS, the same shall comply with all the pertinent provisions stipulated in the Developmental Permit issued by the Local Government of Batangas City;

WHEREAS, by ipso facto, failure to seriously adhere and comply with the given conditions stipulated herein and agreed by both parties shall be the basis for revocation and cancellation of all the permits issued to EERI;

NOW THEREFORE, be it resolved, as it is hereby resolved by the Sangguniang Panlungsod Members in a Regular Session assembled, to acknowledge the responsibilities and liabilities of Excellent Energy Resource, Inc. and Black and Veatch in the untoward incident in the construction site of the 1700 MW Batangas Combined Cycle Power Plant located in Barangay Dela Paz Proper, Batangas City last November 27, 2022.

RESOLVED FURTHER, to furnish Excellent Energy Resource, Inc. and Black and Veatch a copy of this Resolution upon approval.

UNANIMOUSLY APPROVED . "

AUTHORS	:	COUN. ARMANDO C. LAZARTE
		COUN. LORENZO A. GAMBOA, JR.
CO-AUTHOR	:	COUN. NESTOR E. DIMACUHA


I hereby certify that the foregoing Resolution No. 22-500 S. 2022 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on December 20, 2022.

NOTED:


ATTY. OLIVA D. TELEGATOS
 Secretary

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
 Presiding Officer


ROSEMARIE D. HERNANDEZ
 Board Secretary IV



Republic of the Philippines
Province of Batangas
Batangas City
SANGGUNIANG PANLUNGSOD

JOINT COMMITTEE ON ENGINEERING AND PUBLIC WORKS
AND COMMITTEE ON PEACE AND ORDER AND PUBLIC SAFETY

COMMITTEE REPORT

SUBJECT: DISASTROUS INCIDENT IN THE CONSTRUCTION SITE OF THE 1700 MW BATANGAS COMBINED CYCLE POWER PLANT LOCATED IN BARANGAY DELA PAZ PROPER, BATANGAS CITY LAST NOVEMBER 27, 2022 WHICH CAUSED DAMAGE TO PROPERTY AND ENDANGERED THE LIVES OF THE CONSTITUENTS OF THE SAID BARANGAY

BACKGROUND

The subject regarding the disastrous incident in the construction site of the 1700 MW Batangas Combined Cycle Power Plant located in Barangay Dela Paz Proper, Batangas City last November 27, 2022 which caused damage to property and endangered the lives of the constituents of the said barangay was referred to the Joint Committee on Engineering and Public Works and Committee on Peace and Order and Public Safety thru Resolution No. 22-467 S. 2022 during the Regular Session at Sangguniang Panlungsod ng Batangas, Batangas City via Zoom last November 29, 2022 at 1:00 o'clock in the afternoon

The Committee Hearing regarding the subject matter conducted by the aforementioned Joint Committees last Friday, December 2, 2022 at 9:15 in the morning was attended by the following: Coun. Lorenzo A. Gamboa, Jr. - Chairman, Committee on Engineering and Public Works; Coun. Armando Lazarte - Chairman, Committee on Peace and Order and Public Safety; Coun. Nestor Dimacuha; Coun. Nelson Chavez; SK Fed. Pres. Marjorie Manalo; Coun. Jose Jonash Luis Tolentino; Coun. Hamilton Blanco; ABC Pres. Angelito Dondon Dimacuha; Coun. Zester Carlo Hernandez; and Vice Mayor Alyssa Renee Cruz.

Also in attendance were Engr. Roselyn Berberabe, Zoning Officer IV of the City Planning and Development Office; Engr. Dwight Virgilio Arellano, City Engineer; Engr. Emelita Untalan, Division Head-Bldg. Permit Division; Barangay Chairman Clodualdo Breton of Barangay Dela Paz Proper, Batangas City.

Representatives from San Miguel Corporation (SMC) and Black and Veatch (BV) also attended namely: Ms. Lhean Simara - SMC Business Affairs; Mr. Rolando M. Lalo - SMC Project Manager; Ms. Kristyel Maliwag - SMC Project Coordinator; Mr. John Du - BV Project Manager; Ms. Czarina Dahan - BV Admin Manager; Engr. Shahid Mauzoor - BV Civil; and Mr. Hubert Lipana - BV HSES Manager.

DISCUSSIONS, OBSERVATIONS AND CONCLUSIONS

The following conclusions and observations resulted after extensive discussions and deliberations of all present during the Joint Committee Hearing, to wit:

1. The proponent reported thru a presentation the incident and their subsequent plan of action. After due deliberation, the following issues arises:



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- a) The proposed temporary road construction will be build by the proponent over the sea, therefore, the jurisdiction of the said project do not fall under the Local Government of Batangas City;
- b) According to the Barangay Captain of Barangay Dela Paz Proper, Batangas City, by experience and by his personal knowledge, the earmarked area for the temporary road is hazardous and prone to destruction cause by tidal wave during typhoons;
- c) The road construction needs to be finished before Christmas for the convenience of Batangueños home coming during the holiday break;

Therefore, the proponent shall finish the construction of the Road by December 15, 2022 or anytime before Christmas Holiday; the proponent shall consider using jack-stones in addition to armor rock to protect the integrity of the structure;

2. The incident was reported to the Local Government of Batangas City thru the City Engineer's Office on November 29, 2022. When the City Engineer's Office visited the site for inspection on the same date, they were denied access allegedly for safety reason which violated the provisions of the Development Permit issued to the proponent which states that the Local Government of Batangas City shall inspect the Project Site at anytime without prior notice. The proponent expressed their apologies towards the incident and said that it was an isolated case caused by miscommunication, that in the future, when similar incident happens, their company shall take the initiative to report to the Batangas City Government for appropriate action and that they will diligently comply with all the provisions stated in the Development Permit issued by the same.

RECOMMENDATIONS

In accordance to the proceedings and based on the observations and discussions during the Committee Hearing, the Joint Committee of Committee on Engineering and Public Works and Committee of Peace and Order and Public Safety propose following recommendations:

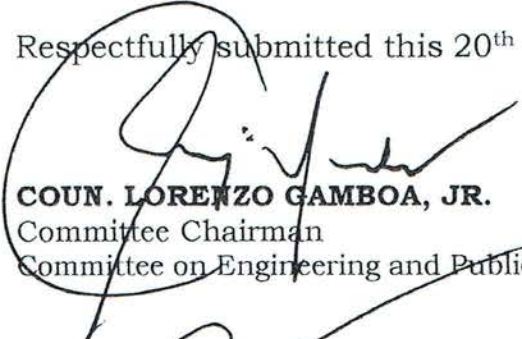
1. The adoption of this Committee Report;
2. The approval of the Resolution hereto attached and;
3. To furnish San Miguel Corporation, Excellent Energy Resources Inc and Black and Veatch a copy of this Committee Report and approved Resolution.



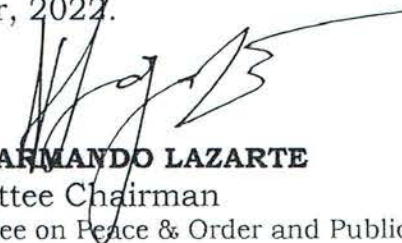
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**JOINT COMMITTEE ON ENGINEERING AND PUBLIC WORKS
AND COMMITTEE ON PEACE AND ORDER AND PUBLIC SAFETY**

Respectfully submitted this 20th day of December, 2022.



COUN. LORENZO GAMBOA, JR.
Committee Chairman
Committee on Engineering and Public Works



COUN. ARMANDO LAZARTE
Committee Chairman
Committee on Peace & Order and Public Safety



COUN. NELSON CHAVEZ
Member



COUN. OLIVER MACATANGAY
Member



COUN. JOSE JONASH LUIS TOLENTINO
Member



COUN. KARLOS EMMANJUEL BUTED
Member