RESOLUTION NO. 12
July 26, 2007

ADOPTING AND APPROVING THE OUTPUT AND RECOMMENDATIONS OF THE NSWMC-INTER-AGENCY TECHNICAL WORKING GROUP (NSWMC-IATWG) ON THE JANCOM WASTE MANAGEMENT CONTRACT

WHEREAS, during the NSWMC meeting held on May 4, 2006, the output of the NSWMC Inter-Agency Technical Working Group was presented for the Commissioner’s consideration and approval;

WHEREAS, after much discussion, the Commissioners NOTED the output of the NSWMC-IATWG on the JANCOM;

WHEREAS, pursuant to a Presidential Directive, the NSWMC Chair endorsed to the NEDA-ICC the recommendations and output, with supporting documents, of the NSWMC-IATWG;

WHEREAS, the NEDA communicated their comments that include, among others, “The proposed amendments were formulated and discussed on a technical level only. There is no indication in the submitted documents of a formal adoption of the proposed amendments by the signatories to the contract, namely, the authorized representatives of JANCOM Environmental Corporation, identified as the BOT Company in the contract, and the DENR Secretary, the MMDA Chairman, and the Executive Committee created under Memorandum Order No. 202, series of 1994, collectively identified as the Client under the contract. It is further noted that only the entities representing the Client, as identified, are the only ones who have full authority to negotiate for and agree to the terms and conditions of the contract, including any amendments thereto, thus, there is a need for the proposed amendments to be formally adopted and agreed upon by said concerned authorized representatives before the Investment Coordination Committee (ICC) can take cognizance of the proposal”;

WHEREAS, on July 25, 2007, JANCOM submitted to the NSWMC-Secretariat a Secretary’s Certificate, to the effect that, in a Special Meeting of its Board of Directors held on July 24, 2007, it was “Resolved that the Board of Directors of JANCOM ENVIRONMENTAL CORPORATION (the Corporation) authorizes, as it hereby authorizes, the Corporation to enter into and execute the amended Agreement between the Republic of the Philippines and the Corporation regarding the construction of a Sanitary Landfill Facility and attendant infrastructures and that the Chairman of the Board, Mr. Leonides P. Gonzales is hereby authorized on behalf of the Corporation to sign, execute and deliver any and all documents and instruments as maybe necessary to carry out the intent of the resolution.”;

WHEREAS, the NSWMC may perform the herein requested action because it has taken over the powers and functions of the Presidential Task Force on Waste Management as provided in Section 61 of R.A. 9003.
NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to adopt and approve the output and recommendations of the NSWMC-IAWG on the JANCOM Contract for Waste Management in Metro Manila and direct the submission of the same to the NEDA-ICC for their consideration and appropriate action.

This Resolution shall take effect upon approval.

Done this 26th day of July, 2007, Metro Manila, Philippines.

Chairman, Department of Environment and Natural Resources

Department of the Interior and Local Government

Department of Science and Technology

Chairman, Department of Environment and Natural Resources

Department of Public Works and Highways

Department of Health

Department of Trade and Industry

Department of Agriculture

Metro Manila Development Authority

League of Provinces of the Philippines

League of Cities of the Philippines

League of Municipalities of the Philippines

Liga ng mga Barangay

Technical Education Skills and Development Authority

Philippine Information Agency

NGO Representative

Recycling Industry Representative

Manufacturing or Packaging Industry Representative