

[MEMORANDUM ORDER NO. 41, July 04, 2012]

**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 authorized the OSG to augment the provision of legal services to SBMA and also hereby approved the Fourth Amended Memorandum of Agreement entered into between the OSG and SMBA 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.

(Sgd.) BENIGNO SIMEON AQUINO III
President of the Philippines

By the President:

(Sgd.) 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;