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Republic of the Philippines  
**VISAYAS STATE UNIVERSITY**  
Visca, Baybay, Leyte

**BOR RESOLUTION NO. 210, s. 2018**

**A RESOLUTION APPROVING THE FINAL TERMINATION OF BAC CONTRACT PO#BAC17-11-182 WITH TOYOTA TACLOBAN LEYTE, INC., FOR THE SUPPLY AND DELIVERY OF ONE (1) UNIT TOYOTA INNOVA J 2.0 GAS M/T**

**WHEREAS**, Republic Act 9158 converted the then Visayas State College of Agriculture (ViSCA) into a state university, the Leyte State University, on 11 August 2001 and was later renamed Visayas State University (VSU) by virtue of R.A. 9437;

**WHEREAS**, the BAC passed BAC Resolution No. 39, s. 2018 dated 23 July 2018 Recommending Approval by the HOPE the "*Termination of Contract of Toyota Tacloban Leyte for the Supply and Delivery of One (1) Unit Toyota Innova J. 2.0 Gas M/T (PO#BAC17-11-182)*;"

**WHEREAS**, the VSU Board of Regent passed BOR Resolution No. 115, s. 2018 dated 03 September 2018 approving BAC Resolution No. 39, s. 2018 dated 23 July 2018 on the occasion of the 85<sup>th</sup> Board of Regents Meeting held at the CHED Central Office, UP Diliman, Diliman, Quezon City;

**WHEREAS**, Annex I of the Revised IRR of RA 9184 (2016 *ed.*) provides, to wit: "In Contract for Goods:

*The Procuring Entity shall terminate a contract for default when any of the following conditions attend its implementation:*

- a. Outside of *force majeure*, the Supplier fails to deliver or perform any or all of the Goods within the period(s) specified in the Contract, or within the extension period thereof granted by the Procuring Entity pursuant to a request made by the Supplier prior to the delay, and such, amounts to at least 10% of the contract price;"

**WHEREAS**, Annex I of the Revised IRR of RA 9184 (2016 *ed.*) also provides for the procedure in terminating of contracts, to wit:

*"...Within a period of seven (7) calendar days from Receipt of Notice of Termination, the Supplier/Contractor/Consultant shall submit to the Head of Procuring Entity, a verified Position Paper stating why the Contract should not be terminated;"*

**WHEREAS**, Toyota Tacloban Leyte, Inc., submitted to the BAC its Show-Cause Letter dated 25 October 2018;

**WHEREAS**, the BAC, during its 30 October 2018 meeting, deliberated and discussed the Show-Cause Letter submitted by the Toyota Tacloban Leyte Inc., and did not find enough justification to withdraw the earlier recommendation of the BAC to Terminate the Contract;

**WHEREAS**, the BAC passed BAC Resolution No. 64, s. 2018 dated 30 October 2018 Recommending Approval by the HOPE the “*Final Termination of Contract of Toyota Tacloban Leyte for the Supply and Delivery of One (1) Unit Toyota Innova J. 2.0 Gas M/T under PO#BAC17-11-182;*”

**WHEREAS**, the proposal was discussed and approved by the BOR Finance Committee during its Quarterly Meeting held last 23 November 2018 at the Samal Room, NEDA Regional Regional Office VIII, Government Center, Palo, Leyte;

**WHEREAS**, the BOR Finance Committee is strongly supporting BAC Resolution No. 64, s. 2018 dated 30 October 2018 and is endorsing the proposal to the VSU Board of Regents for Approval.

**THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED** to approve BAC Resolution No. 64, s. 2018 dated 30 October 2018 “Approving the *Final Termination of Contract of Toyota Tacloban Leyte for the Supply and Delivery of One (1) Unit Toyota Innova J. 2.0 Gas M/T under PO#BAC17-11-182.*

**IN WITNESS** of our approval thereof, we hereby affix our signatures this 7<sup>th</sup> day of December 2018 at Granda Manor Hotel, Tacloban City.

**VSU BOARD OF REGENTS**



**HON. J. PROSPERO E. DE VERA III**  
*CHED Commissioner and Chairperson*  
*VSU-Board of Regents*



**HON. EDGARDO E. TULIN**  
*Vice Chairman and President, VSU*

**HON. FRANCIS JOSEPH G. ESCUDERO**  
*Chair, Committee on Education, Arts & Culture*  
*Senate of the Philippines*

**HON. PAULO EVERARDO S. JAVIER**  
*Chair, Committee on Higher & Tech. Educ.*  
*House of Representatives*

*Represented by:*


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**HON. JUDE C. ACIDRE**



**HON. BONIFACIO G. UY**  
*Regional Executive Director*  
*National Economic & Dev. Authority-RO8*  
*Gov't. Center, Palo, Leyte*


**HON. ANDREW RODOLFO T. ORAIS**  
*OIC-Regional Executive Director*  
*Department of Agriculture-RO8*  
*Tacloban City*



**HON. DENNY J. CATINDOY**  
*Faculty Regent – VSU Faculty Association*  
*VSU, Visca, City of Baybay, Leyte*




**HON. DEOGRACIAS E. PERNITEZ**  
*President, VSU Federated Alumni Assn.*  
*VSU, Visca, City of Baybay, Leyte*

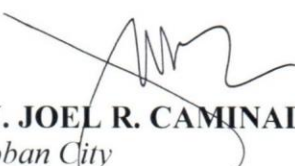


**HON. JOHN ALLAN A. GULLES**  
*Student Regent – VSU System*  
*VSU, Visca, City of Baybay, Leyte*

*Private Sector Representatives:*



**HON. ROY BERNARD C. FIEL**  
*Ormoc City*



**HON. JOEL R. CAMINADE**  
*Tacloban City*