



November 4, 2021

**DECISION**

This pertains to Lot 2 (Procurement of Two (2) Years Cable TV Subscription for Corporate New World) of the Procurement of Two (2) Lots Two (2) Years Cable TV Subscription for PAGCOR Annex and Corporate New World under ITB No. SV18-01-007COR.

The Service Contract was executed by the parties, Sky Cable Corporation and Philippine Amusement and Gaming Corporation (PAGCOR) on May 2, 2019. The Notice to Proceed (NTP) was issued on May 2, 2019 and was acknowledged by Sky Cable Corporation on May 20, 2019. Thus, based on the provision of the Service Contract, Sky Cable Corporation shall commence with the execution of the project and complete the installation of CATV System within thirty (30) calendar days upon receipt of the NTP.

On January 14, 2021, the end-user, Information and Technology Department (ITD), sent a letter to Sky Cable Corporation dated January 5, 2021, requesting for the status of execution of the contract for Lot 2.

Sky Cable Corporation responded to the end-user (ITD) in a letter dated February 15, 2021, and stated that:

"xxx...xxx...xxx"

*We regret to inform that Sky will not be able to serve the cable TV requirement of PAGCOR New World Office located at M.H. del Pilar Ermita Manila.*

*Please be informed that Sky facilities is located at the premise of New World Hotel.*

*Unfortunately, said hotel finished the contract with Sky. Thus, prohibited Sky to gain access in their premise.*

xxx...xxx...xxx"

In a Consultation Meeting held on March 10, 2021, the Bids and Awards Committee (BAC) 2 instructed the end-user to submit a Verified Report for the Partial Termination of the Contract (to terminate the contract for Lot 2 only).

A Verification Report dated May 3, 2021 was issued by the end-user (ITD), which provides:

"xxx...xxx...xxx"

6. *That we are recommending to the BAC 2 the PARTIAL termination of the existing contract with Sky Cable, Corporation based on the provision in the Revised Implementing Rules of the RA9184 under Annex "I" Guidelines on Termination of Contracts and stated in item B of Grounds for Termination of Contract to wit:*

**III. GROUNDS FOR TERMINATION OF CONTRACTS**

**B. Termination for Convenience**

PD21-3948  
PROCUREMENT  
DEPARTMENT  
21 NOV 23 09:02 AM  
*Agnes*

RECEIVED THRU E-MAIL : 11/23/2021  
KRK

The Procuring Entity may terminate the Contract, in whole or in part, at any time for its convenience. The Head of the Procuring Entity may terminate a contract for the convenience of the Government if he has determined the existence of conditions that make Project Implementation economically, financially or technically impractical and/or unnecessary, such as, but not limited to, fortuitous event(s) or changes in law and national government policies.

xxx...xxx...xxx"

The BAC 2, together with the end-user, ITD, in a meeting held on May 19, 2021, resolved to recommend for the partial termination of the Service Contract covering Lot 2 (Procurement of Two (2) Years Cable TV Subscription for Corporate New World) of the Procurement of Two (2) Lots Two (2) Years Cable TV Subscription for PAGCOR Annex and Corporate New World based on Section III.B – Termination for Convenience of Annex "I" (Guidelines on Termination of Contracts) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) 9184.

On July 29, 2021, the Board of Directors approved the recommendation to proceed with the process of partially terminating the Service Contract with Sky Cable Corporation for Lot 2 (Procurement of Two (2) Years Cable TV Subscription for Corporate New World), amounting to Three Hundred Twenty-Six Thousand Four Hundred Seventy-Nine Pesos and 92/100 (PhP326,479.92), VAT Exclusive, Zero-Rated Transaction.

On August 19, 2021, the BAC 2 issued a Notice of Partial Termination of Contract to Sky Cable Corporation to give them the opportunity to explain why the contract should not be terminated, through the submission of a Verified Position Paper within seven (7) calendar days from the receipt of the said notice.

After several follow-ups, the receipt of the said notice was acknowledged by Sky Cable Corporation on October 18, 2021.

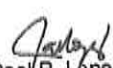
In a meeting held on October 28, 2021, the BAC 2 noted that no Verified Position Paper was filed by Sky Cable Corporation within the prescribed period. Foregoing considered, the BAC 2 resolved to proceed, as approved by the Board of Directors, with the Partial Termination of the Contract.

Consequently, we are issuing the Decision terminating the contract for Lot 2 (Procurement of Two (2) Years Cable TV Subscription for Corporate New World) of the Procurement of Two (2) Lots Two (2) Years Cable TV Subscription for PAGCOR Annex and Corporate New World under ITB No. SV18-01-007COR.

  
**ANDREA D. DOMINGO**  
Chairman and Chief Executive Officer

  
cc: BAC 2  
OIC, ITD

Received:

  
Patricia Gael R. Lopez  
Printed Name and Signature

Position: Corporate Account Manager  
November 23, 2021  
Date

## Krisbert S. Malanay

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**From:** Patricia Gael R. Lopez <PRLopez@skycable.com>  
**Sent:** Tuesday, 23 November 2021 11:05 am  
**To:** Krisbert S. Malanay; Angela G. Cabrera; Angela G. Cabrera  
**Cc:** Alfonso Jr. L. Velez; Cesar M. Causaren; Arnulfo R. Caliste; Catalina F. Villaflor; Michelle E. Dig; Mary Ann J. Chavez  
**Subject:** RE: Notice of Decision - SV18-01-007COR  
**Attachments:** Notice of Decision - SCC SV18-01-007COR signed.pdf  
**Importance:** High

Hi Sir Kris,

Good Morning.

This is to acknowledge receipt of your email, kindly see attached signed Notice of Decision for your reference.

Thank you very much.

Best Regards,

**PATRICIA GAEL R. LOPEZ**

Key Account Manager, SKYBIZ  
SKY Cable Corporation

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**From:** Krisbert S. Malanay [mailto:Krisbert.Malanay@pagcor.ph]  
**Sent:** Tuesday, 23 November 2021 8:04 AM  
**To:** Angela G. Cabrera <agcabrera@skycable.com>; Patricia Gael R. Lopez <PRLopez@skycable.com>; Angela G. Cabrera <agcabrera@skycable.com>  
**Cc:** Alfonso Jr. L. Velez <AlfonsoJr.Velez@pagcor.ph>; Cesar M. Causaren <Cesar.Causaren@pagcor.ph>; Arnulfo R. Caliste <Arnulfo.Caliste@pagcor.ph>; Catalina F. Villaflor <Catalina.Villaflor@pagcor.ph>; Michelle E. Dig <Michelle.Dig@pagcor.ph>; Mary Ann J. Chavez <MaryAnn.Chavez@pagcor.ph>  
**Subject:** Notice of Decision - SV18-01-007COR