

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. **4245**

Introduced by Hon. Teodoro L. Locsin, Jr.

EXPLANATORY NOTE

This bill seeks to repeal Republic Act No. 7924 which created the Metropolitan Manila Development Authority ("MMDA").

Among the fundamental principles of the 1987 Philippine Constitution is the decentralization and devolution of governance. Being so, local government units ("LGUs") are given more recognition in the role of nation building under our present system of government. In consonance with such constitutional recognition, the legislature, through the Local Government Code, had granted broader police powers to the LGUs. Unfortunately, the congress which had given the LGUs such powers had also unwittingly taken it away by the creation of the MMDA.

By reason of the lack of legislative guidelines or a too general grant of supervisory powers, the MMDA had, on several instances, unlawfully exercised police powers which were exclusively reserved to LGUs. The Supreme Court itself had struck down previous MMDA resolutions and acts for an undue exercise of legislative power. As categorically stated by the Supreme Court in the landmark case of *MMDA v. Bel-Air Village Association*:

"It is thus beyond doubt that the MMDA is not a local government unit or a public corporation endowed with legislative power. Xxxx. This emphasizes the administrative character of the MMDA. Xxxx. It is the local government units, acting through their respective legislative councils, that possess legislative power and police power."

In view of the persistent controversies involving the MMDA and the LGUs, and the possibly flawed law creating the MMDA (which can only lead to further confusion and/or abuses in the future), this bill is being filed for deliberation by the House of Representatives.


TEODORO L. LOCSIN, JR.



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AN ACT
REPEALING REPUBLIC ACT NO. 7924, OTHERWISE KNOWN AS THE ACT
CREATING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY,
AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. The Metropolitan Manila Development Authority (MMDA) is hereby abolished within three (3) months after approval of this Act.

SECTION 2. The powers and functions of the defunct MMDA shall devolve upon the different Local Government Units (LGUs). For this purpose, all records and documents shall be turned over to the LGUs concerned.

SECTION 3. All real and personal properties of the MMDA shall be ceded equitably to the LGUs and shall be used for the same purposes as they were held.

SECTION 4. All agreements and contracts entered into by the MMDA shall remain in full force and effect unless otherwise terminated, modified, or amended for lawful cause by the concerned Local Government Unit.

SECTION 5. The officials and employees under the Metropolitan Manila Development Authority may be absorbed by the different Local Government Units on the basis of qualification, merit, and fitness: Provided, that officers and employees who shall be laid off as a result of the abolition of the said agency shall be entitled to such separation pay as provided for under existing laws.

SECTION 6. R.A. No. 7924 otherwise known as "AN ACT CREATING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES", is hereby repealed and all other laws, orders, proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 7. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspaper of general circulation.

Approved,