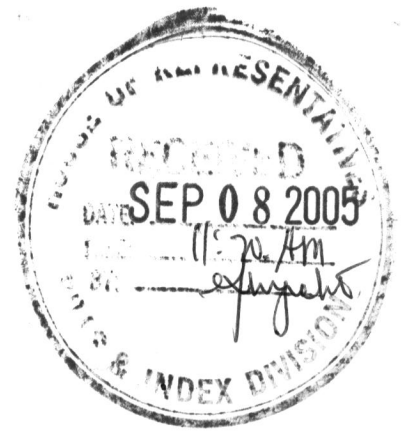


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 4695



Introduced by HON. FRANCIS 'BLUEBOY' L. NEPOMUCENO

EXPLANATORY NOTE

The attached bill seeks to create a special political subdivision to be known as Metropolitan Clark whose affairs shall be managed by a Metropolitan Clark Development Authority, which is likewise created to coordinate and administer the effective delivery of basic services in the cities and municipalities comprising the Metropolitan Clark area.

The basic rationale is that Clark's accelerated development program must be matched by an efficient, effective and comprehensive system of delivery of basic services such as transport and traffic management; fire and flood control management; health and sanitation system including pollution control and solid waste disposal; zonification; calamities and emergencies control and management; water and sewerage service; and housing and urban renewal. It is easy to see that any inadequacy or inefficiency in these areas can disrupt implementation of economic programs, slow down economic activities, and even discourage and diminish inflow of domestic and foreign investments.

Particularly because these services, by their very nature, are equally crucial to any economic program, there is a need for an entity to specifically address these basic concerns. With the consequent pooling of efforts and resources and the pinpointing of primary authority and responsibility, what the bill seeks to put in place, far from duplicating and complicating existing functions, will help assure a rational and well-coordinated delivery of basic government services. Further, there are certain projects that transcend political boundaries or which entail costs beyond the capacity of individual local government units. These projects can only be effectively implemented through a system of pooled efforts and resources or capacities, as envisioned by this proposed legislation.

In view hereof, approval of the bill is recommended.

HON. FRANCIS 'BLUEBOY' L. NEPOMUCENO
Congressman, First District, Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

House Bill No. 4695

Introduced by HON. FRANCIS 'BLUEBOY' L. NEPOMUCENO

AN ACT
CREATING THE METROPOLITAN CLARK DEVELOPMENT AUTHORITY, DEFINING
ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFORE AND FOR
OTHER PURPOSES.

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

SECTION 1. Declaration of Policy - It hereby declared to be the policy of the State to
treat Metropolitan Clark as a special development and administrative region and certain
basic services affecting or involving Metro Clark as metro-wide services more efficiently
and effectively planned. Supervised and coordinated by a development authority as
created herein, without prejudice to the autonomy of the affected local government
units.

Metropolitan Clark, embracing all the cities and municipalities of Pampanga and Tarlac,
is hereby constituted into a special development and administrative region subject to
direct supervision of the President of the Philippines.

SECTION 2. Creation of the Metropolitan Clark Development Authority. - The affairs of
the Metropolitan Clark shall be administered by the Metropolitan Clark Development
Authority, hereinafter referred to as the MCDA

The MCDA shall perform planning, monitoring and coordinative functions, and in the
process exercise regulatory and supervisory authority over the delivery of metro-wide
services within Metro Clark without diminution of the autonomy of the local government
units concerning purely real matters.

SECTION 3. Scope of MCDA Services . - Metro-wide services under the jurisdiction of
the MCDA are those services which have metro-wide impact and transcend local
political boundaries or entail huge expenditures such that it would not be viable for said
services to be provided by the individual local government units (LGUs) comprising
Metropolitan Clark. These services shall include:

Development planning which includes the preparation of medium and long-term development plans; the development, evaluation and packaging of projects; investments programming; and coordination and monitoring of plan, program and project implementation.

Transport and traffic management which include the formulation, coordination, and monitoring policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotions of safe and convenient movement of persons and goods; provision for the mass transport system and the institution of a system to regulate road users; administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs, including the institution of a single ticketing system in Metropolitan Clark.

Solid waste disposal and management, which include formulation and implementation of policies, standards, programs and projects for proper and sanitary waste disposal. It shall likewise include the establishment and operation of sanitary land fill and related facilities and the implementation of other alternative programs intended to reduce, reuse and recycle solid waste.

Flood control and sewerage management, which include the formulation and implementation of policies, standards, programs, and projects for an integrated flood control, drainage and sewerage system.

Urban renewal, zoning, and land use planning, and shelter services which include the formulation, adoption and implementation of policies, standards, rules and regulations programs and project to rationalize and optimize urban land use and provide direction to urban growth and expansion, the rehabilitation and development of slum and blighted areas, the development of shelter and housing facilities and the provisions of necessary social services thereof.

Health and sanitation, urban protection and pollution control which include the formulation and implementation of policies, rules and regulations, standards, programs and projects for the promotion and safeguarding of the health and sanitation of the region and for the enhancement of ecological balance and the prevention, control and abatement of environmental pollution.

Public safety which includes the formulation and implementation of programs and policies and procedures to achieve public safety, especially [the prevention and control of criminality and public disturbances;] preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations, earthquakes, flood and tidal waves, and coordination and mobilization of resources and the implementation of contingency plans for the rehabilitation and relief operations in coordination with national agencies concerned.

SEC. 4. Metro Clark Advisory Council (MCAC). – The governing board and policy making body of the MCDA shall be the Metro Clark Advisory Council (MCAC), composed of the city and municipal mayors enumerated in Section 1 hereof, THE PRESIDENT OF THE METRO CLARK VICE-MAYORS LEAGUE AND THE PRESIDENT OF THE METRO CLARK COUNCILORS LEAGUE. [and two (2) representatives from the private sector to be appointed by the President.]

The heads of the Department of Transportation and Communications (DOTC), Department of Public Works and Highways (DPWH), Department of Tourism (DOT), Department of Budget and Management (DBM), Housing and Urban Development Coordinating Committee (HUDCC), and Philippine National Police (PNP) or their duly authorized representatives, shall attend meetings of the council as non-voting members.

The Council shall be headed by a chairman, who shall be appointed by the President and who shall continue to hold office at the discretion of the appointing authority. He shall be vested with the rank, rights, privileges, disqualifications, and prohibitions of a cabinet member.

The Chairman shall be assisted by general manager, an assistant general manager for finance and administration, an assistant general manager for planning and assistant general manager for operations, all of whom shall be appointed by the President with the consent and concurrence of the majority of the Council, subject to civil service laws, rules and regulations. They shall enjoy security of tenure and may be removed for cause in accordance with law.

The assistant general manager for planning must have not less than five (5) years extensive experience in development and planning or must hold a master's degree in urban planning or similar disciplines.

The chairman and members of the Council shall be entitled to allowance and per diems in accordance with existing policies, rules and regulations on the matter.

SECTION 5. Functions and Power of the Metro Clark Development Authority. – The MCDA shall:

Formulate, coordinate and regulate the implementation of medium and long-term plans and programs for the delivery of metro-wide services, land use and physical development within Metropolitan Clark, consistent with national development objectives and priorities;

Prepare, coordinate and regulate the implementation of medium-term investment programs for metro-wide services which shall indicate sources and uses of funds for priority programs and projects, and which shall include the packaging of projects and presentation to funding institutions;

Undertake and manage on its own metro-wise programs and projects for the delivery of specific services under its jurisdiction, subject to the approval of the Council. For this purpose, MCDA can create appropriate project management offices;

Coordinate and monitor the implementation of such plans, programs and projects in Metro Clark; identify bottlenecks and adopt solutions to problems of implementation;

The MCDA shall set the policies concerning traffic in Metro Clark, and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request it shall be extended assistance and cooperation, including but not limited to assignment personnel by all other government agencies and offices concerned;

Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke driver's licenses in the enforcement of such traffic laws and regulations, the provisions of R.A. 4136 and P.D. 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Clark, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose; and

Perform other related functions required to achieve the objectives of the MCDA, including the undertaking of delivery of basic services to the local government units, when deemed necessary subject to prior coordination with and consent of the local government unit concerned.

SECTION 6. Functions of the Metro Clark Advisory Council (MCAC). –

The Council shall be the policy-making body of the MCDA.

It shall approve metro-wide plans, programs and projects and issue rules and regulations and resolutions deemed necessary by the MCDA to carry out the purposes of this Act.

It may increase the rate of allowances and per diems of the members of the Council to be effective during the term of the succeeding Council. It shall fix the compensation of the officers and personnel of the MCDA, and approve the annual budget thereof for submission to the Department of Budget and Management (DBM).

It shall promulgate rules and regulations and set policies and standards for metro-wide application governing the delivery of basic services, prescribe and collect service and regulatory fees, and impose and collect fine and penalties.

SECTION 7. Functions of the Chairman. – The Chairman shall:

Appoint, subject to civil service laws, rules and regulations, all subordinate officers and employees, who shall enjoy security of tenure and may be removed only for cause in accordance with law. The chairman is hereby authorized to engage the services of excerpts/consultants either on full time or part-time basis, as may be required in the performance of his functions and duties as may be determined by him;

Execute the policies and measures approved by the Council and be responsible for the efficient and effective-day-to-day management of the operations of the MCDA;

Prepare the annual budget for the operations of the MCDA for submission to the Council;

Submit for consideration of the Council such other policies and measures as he may deem necessary to carry out the purposes and provisions of this Act;

Subject to the guidelines and policies set by the Council, prepare the staffing pattern and fix the number of subordinate officials and employees of the MCDA; and exercise the power to discipline subordinate officials and employees under the provisions of law;

Prepare an annual report on the accomplishments of the MCDA at the close of each calendar year of submission to the Council and to the President of the Philippines; and

Perform such other duties as may be assigned to him by the President or by the Council.

SECTION 8. Functions of the General Manager. – The general manager shall:

Assist the Chairman in the administration of the MCDA and supervision of subordinate personnel;

Assist the chairman in the supervision of the operation of the various operating centers and units of MCDA;

Assist the chairman in the review of plans and programs for the MCDA and for Metro Clark in the preparations of the annual report of activities and accomplishments of the MCDA; and

Perform such other duties and functions as may be lawfully delegated or assigned by the chairman from time to time.

SECTION 9. Institutional Linkages of the MCDA. – The MCDA shall, in carrying out its functions, consult, coordinate and work closely with the LGUs, the National Economic and Development Authority (NEDA) and other national government agencies mentioned in Section 4 hereof, and accredited People's Organizations (POs), non-governmental organizations (NGOs), and the private sector operating in Metro Clark. The MCDA

chairman or his authorized representative from among the Council members, shall be ex officio member of the boards of government corporations and committees of the departments and offices of government whose activities are relevant to the objectives and responsibilities of the MCDA which shall include but not be limited to water districts, DOTC, DPWH, HUDCC and Department of Interior and Local Government (DILG).

The MCDA shall have a master plan that shall serve as the framework for the local development plans of the component LGUs.

The MCDA shall submit its development plans and investment programs to the NEDA for integration into the Medium- Term Philippine Development Plan (MTPDD) and public investment program.

The implementation of the MCDA's plans, programs, and projects shall be undertaken by the LGUs, the concerned national government agencies, the POs, NGOs and the private sector and the MCDA itself where appropriate. For this purpose, the MCDA may enter into contracts, memoranda of agreement and other cooperative arrangements with these bodies for the delivery of the required services within Metropolitan Clark.

The MCDA shall, in coordination with the NEDA and the Department of Finance, interface with the foreign assistance agencies for purposes of obtaining financing support, grants and donations in support of its programs and projects.

SECTION 10. Sources of Funds and the Operating Budget of MCDA:

To carry out the purposes of this Act, the amount of One Billion Pesos (P1,000,000,000) is hereby AUTHORIZED TO BE appropriated for the initial operation of the MCDA. Thereafter, the annual expenditures including capital outlays of the MCDA shall be provided in the General Appropriations Act.

The MCDA is likewise empowered to levy fines, and impose fees and charges for various services rendered.

Five percent (5%) of the total annual gross revenue of the preceding year, net of the internal revenue allotment, or each local government unit mentioned in Section 2 hereof, shall accrue and become payable monthly to the MCDA by each city or municipality. In case of failure to remit the said fixed contribution, the DBM shall cause the disbursement of the same to the MCDA chargeable against the IRA allotment of the city or municipality concerned, the provisions of Sections 286 of RA 7160 to the contrary notwithstanding.

SECTION 11. Separability Clause – If any part or provision of this Act is held unconstitutional or invalid, other parts of provisions thereof, which are not affected shall continue to remain in full force and effect.

SECTION 12. Effectivity – This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,