



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS

First Regular Session

House Bill No. 4028

Introduced by Representative Enrique T. Garcia Jr

EXPLANATORY NOTE

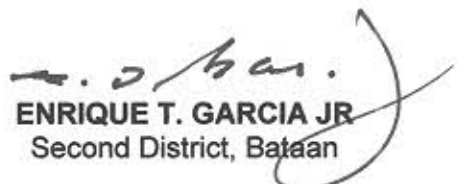
It has been the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable the local governments to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals.

This measure seeks to implement the above State policy through the creation of the Metro Bataan Development Authority (MBDA) so as to integrate and coordinate the delivery of certain basic services as well as enforcement of laws, rules and regulations between and among the cities and municipalities in the Province of Bataan.

The MBDA will be under the Office of the Governor to which the implementing arm will be the Council composed of the mayors of all the member city and municipalities chaired by the Provincial Governor. Some of its powers and functions were focused on the formulation, coordination and regulation of the implementation of approved medium and long term plans and programs of the Province, setting the policies concerning traffic in the Province, deputization of its personnel by the Land Transportation Office (LTO) or other government agency concerned, and performance of basic services.

Assistance to medium and long-term development plans of the Bataan Provincial Planning and Development (PPDO), transport and traffic management, zoning and land use planning, and shelter services, health and sanitation protection and pollution control, public safety, peace and order were among the primary and basic services to be catered.

The passage of this bill is earnestly sought.


ENRIQUE T. GARCIA JR
Second District, Bataan



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House Bill No. **4028**

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AN ACT
CREATING THE METRO BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS
POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

SECTION 1. Title. – This Act shall be known as the “Metro Bataan Development Authority Act of 2014.”

SEC. 2. Declaration of Policy. – Consonant with the declaration of policy of the State as provided in the Constitution, the Local Government Code and other pertinent national laws, it is hereby declared to be the policy of the State to encourage its city and municipalities to group themselves to coordinate their efforts, services and resources for purposes commonly beneficial to them. It is also declared to be the policy of the State to integrate and coordinate the delivery of certain basic services as well as enforcement of laws, rules and regulations among its different local government units through the Metro Bataan Development Council composed of the chief executives of the member city/municipalities with its implementing arm, the Metro Bataan Development Authority as created herein.

SEC 3. Creation of the Metro Bataan Development Authority. - The Metro Bataan Development Authority, hereinafter referred to as the MBDA, is hereby created under the Office of the Governor as the implementing arm of the Metro Bataan Development Council, hereinafter referred to as the Council. The Council shall be composed of the chief executives of the city/municipalities and chaired by the Provincial Governor in the Province of Bataan based on the Memoranda of Agreement executed among the member local government units.

The MBDA shall perform planning and implementation of policies approved by the Council, monitoring and coordinative functions, and in the process exercise regulatory and supervisory authority over the delivery of province-wide services in the Province of Bataan without diminution of the autonomy of the local government units concerning purely local matters.

SEC. 4 Scope of MBDA Services. – Province-wide services under the jurisdiction of the MBDA are those services which have province-wide impact and transcend legal 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) in the Province of Bataan. These services shall include:

- (a) Assist the Bataan Provincial Planning and Development Office (PPDO) in development planning which includes the preparation of medium and long-term development plans; the development evaluation and packaging of projects; investment programming and coordination and monitoring of plan, program and project implementation;
- (b) Transport and traffic management which include the formulation, coordination and monitoring of 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 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 services and traffic education programs, including the institution of a single ticketing system in the Province of Bataan;
- (c) Zoning and land use planning, and shelter services which include the formulation, adoption and implementation of policies, standards, rules and regulations, programs and projects to rationalize and optimize land use and provide direction to growth and expansion, the rehabilitation and development of slum and blighted areas, the development of shelter and housing facilities and the provision of necessary social services thereof;
- (d) Health and sanitation 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 province and for the enhancement of ecological balance and the prevention, control and abatement of environmental pollution, in coordination with the Department of Health (DOH) and the DENR;
- (e) Public safety which includes the formulation and implementation of programs and policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations earthquake, flood and tidal wave; and coordination and mobilization and resources and the implementation for rehabilitation and relief operations in coordination with national agencies concerned;
- (f) Peace and order including the formulation and implementation of programs and policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations, earthquake, flood and tidal waves; and coordination and mobilization of resources and the implementation for rehabilitation and relief operations in coordination with national agencies concerned;
- (g) Such other province-wide services and functions as the Council may order the MBDA to perform.

SEC. 5. Metro Bataan Development Authority. – The Metro Bataan Development Authority herein created under the Office of the Governor shall be headed by a General Manager, who shall have the rank and privileges of head of a department of the Provincial Government of Bataan, to be appointed by the Provincial Governor. The term of the General Manager shall be co-terminous with that of the Provincial Governor.

The General Manager shall be assisted by an Assistant General Manager, who shall have the rank and privileges of an assistant head of a department of the Provincial Government of Bataan.

SEC. 6. *Metro Bataan Development Council.* – In accordance with the Memoranda of Agreement executed among the member city/municipalities, the Metro Batan Development Council shall form and approve the policy and programs to be implemented by the MBDA in coordination with other agencies of the national and local government. The Council shall be composed of the mayors of all the member city and municipalities headed and chaired by the Provincial Governor. The directors of the DPWH, Department of the Interior and Local Government (DILG) and the Philippine National Police (PNP) or their duly authorized representatives, shall also attend the meetings of the Council.

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

SEC. 7. *Functions and powers of the Metro Bataan Development Authority.* – The MBDA shall:

- (a) Formulate, coordinate and regulate the implementation of approved medium and long term plans and programs for the delivery of province-wide services, land use and physical development within the Province of Bataan, consistent with national development objectives and priorities;
- (b) Undertake and manage on its own approved plans and projects for the delivery of specific services under its jurisdiction;
- (c) Coordinate, monitor and adopt solutions to problems of implementation of such plans, programs and projects in the Province;
- (d) The MBDA shall set the policies concerning traffic in the Province, coordinate and regulate the implementation of all approved 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 of personnel by local government units and other government agencies and offices concerned;
- (e) Upon the deputization of its personnel by the Land Transportation Office or other government agency concerned, the personnel of the MBDA shall enforce, impose and collect fines and penalties for all kinds of violations of traffic laws, ordinances, 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;
- (f) Perform other related functions assigned by the Chairman and the Council that may be necessary to achieve the objectives of the MBDA, 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.

SEC. 8. *Functions of the General Manager.* – The General Manager shall:

- (a) Execute the policies and programs of the MBDA and be responsible for the efficient and effective day-to-day management of the operations of the MBDA;

- (b) Supervise subordinate personnel;
- (c) Supervise the operation of various operating centers and units of the MBDA;
- (d) Formulate and recommend policies and programs to the Council for the efficient delivery of province-wide services;
- (e) Review of plans and programs of the MBDA, in the preparation of the annual report of the activities and accomplishments of the MBDA; and
- (f) Perform such other duties and functions as may be lawfully delegated or assigned by the Council from time to time.

SEC. 9. Institutional Linkages of the MBDA. - The MBDA shall, in carrying out its functions, consult, coordinate and work closely with the LGUs, the DPWH, Department of Transportation and Communication (DOTC) and other national government agencies; accredited people's organizations (POs); non-government organizations (NGOs), and the private sector operating in the Province of Bataan.

The MBDA shall have an approved master plan that shall serve as the framework for the local development plans of the component LGUs.

The implementation of the MBDA's plans, programs and project shall be undertaken by the LGUs, the concerned national government agencies, the POs, NGOs and the private sector and MBDA itself where appropriate.

SEC. 10. Sources of Funds and the Operating Budget of MBDA. - The annual expenditures, including capital outlays, of the MBDA shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

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

The MBDA, subject to the approval of the Council, may hereafter resolve to require all its member city and municipalities to contribute a portion of its annual revenue for its operation and the implementation of projects.

SEC. 11. Repealing Clause. - All laws, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

SEC. 12. Separability Clause. - In case 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 full force and effect.

SEC. 13. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,