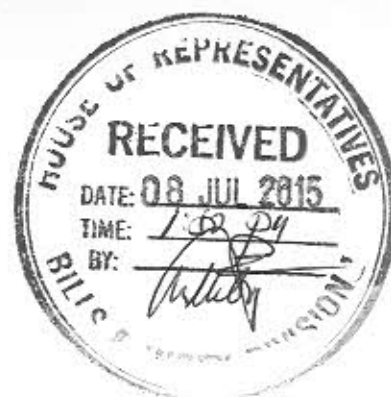


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
SIXTEENTH CONGRESS
Third Regular Session
House Bill No. **5918**



Introduced by **Rep. EVELIO R. LEONARDIA**

EXPLANATORY NOTE

The Philippine Constitution advocates the autonomy of the Local Government Units (LGUs) and this ideal and practical manner of governance is further encouraged by the Local Government Code for improved efficiency in the provision of public services.

By both political and social views, the integration and coalition of the LGUs especially when they are geographically contiguous with each other coupled by their common share of social, political and civic responsibilities to their neighboring constituents in terms of public needs and services, like the matters of regulating and managing waste and garbage, traffic, zoning, land use, and the like, the creation and legal installation of a compact agency for the common management of such public needs and services will further enhance their efficiency if not rendering effective the mutual benefits that each LGU aspires.

Thus, the Metropolitan Bacolod Development Authority (MBDA) can be a key to such goal of both enhancing and hastening the growth of the cities of Bacolod, Silay, Bago, Talisay, and the municipality of Murcia among the fast developing areas towards high urbanization in Western Visayas.

As such, the approval of this bill is earnestly sought.


REP. EVELIO R. LEONARDIA
Lone District, Bacolod City

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

SIXTEENTH CONGRESS
THIRD REGULAR SESSION

HOUSE BILL NO. **5918**

INTRODUCED BY REP. EVELIO R. LEONARDIA

AN ACT
CREATING THE METROPOLITAN BACOLOD DEVELOPMENT AUTHORITY, DEFINING ITS POWERS
AND FUNCTIONS, PROVIDING FUNDING THEREFOR AND FOR OTHER PURPOSES

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

Sec. 1 Declaration of Policy – It is hereby declared to be the policy of the State to treat the Cities of Bacolod, Silay, Bago, Talisay, and the Municipality of Murcia as a Special Development and Administrative Unit (SDAU) and certain basic services affecting or involving the SDAU as metro-wide services more efficiently and effectively planned, supervised and coordinated by a development authority as created therein, without prejudice to the autonomy of the affected local government units.

Pursuant to this policy, the group of local government units comprising of the Cities of Bacolod, Bago, Talisay, Silay, and the Municipality of Murcia, is hereby constituted into a Special Development and Administrative Unit .

Sec. 2 Creation of Metropolitan Bacolod Development Authority. – The affairs of the SDAU shall be administered by the Metropolitan Bacolod Development Authority, hereinafter referred to as the MBDA.

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

Sec. 3 Scope of MBDA Services. – Metro-wide services under the jurisdiction of the MBDA are those services which have metro-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) comprising SDAU. These services shall include:

a. 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 includes 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 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 the SDAU.

(c) 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 among the SDAU and the implementation of other alternative programs intended to reduce, reuse and recycle solid waste.

(d) 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.

(e) 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 projects 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 provision of necessary social services thereof.

(f) 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 SDAU and for the enhancement of ecological balance and the prevention, control and abatement of environmental pollution.

(g) 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, 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. *SDAU Council.* – The governing board and policy making body of the MBDA shall be SDAU Council, composed of the mayors of the four (4) cities and the lone municipality enumerated in Section 1 hereof. The regional 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 (HUDC), and Philippine National Police (PNP) or their duly authorized representatives,

will attend meetings of the council as non-voting members. The council shall be headed by a chairman, a mayor who is a member of the SDAU Council and duly elected by a majority vote, whose tenure shall be at the pleasure of the SDAU Council. The term of office of the chairman shall be coterminous with his elective office as mayor.

The chairman shall be assisted by a general manager, an assistant general manager for finance and administration, an assistant general manager for planning and assistant general manager operations, all of whom shall be elected in the same manner of electing the chairman, subject to civil service laws, rules and regulations. They will 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 experience in development and planning or must hold a master's degree in urban planning or public administration.

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

Sec. 5. Functions and Powers of the Metro Bacolod Development Authority. – The MBDA shall:

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

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

(c) Undertake and manage on its own SDAU programs and projects for the delivery of specific services under its jurisdiction, subject to the approval of the SDAU Council. For this purpose, MBDA can create appropriate project management offices;

(d) Coordinate and monitor the implementation of such plans, programs and projects in the SDAU; identify bottlenecks and adopt solutions to problems of implementation;

(e) The MBDA shall set policies concerning traffic in the SDAU, 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 of personnel, by all other government agencies and offices concerned;

(f) 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 RA 4136 to the contrary notwithstanding. For this purpose, The Authority shall enforce all traffic laws and regulations within SDAU, 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 organization to whom may be

delegated certain authority, subject to such conditions and requirements as the Authority may impose; and

(g) Perform other related functions required 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. 6. Functions of the SDAU Council. –

(a) The Council shall be the policy-making body of the MBDA.

(b) It shall approve plans, programs and projects and issue rules and regulations deemed necessary by the MBDA to carry out the purposes of this Act.

(c) 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 MBDA, and approve the annual budget thereof for submission to the Department of Budget and Management (DBM).

(d) It shall promulgate rules and regulations and set policies and standards governing the delivery of basic services, prescribe and collect service and regulatory fees, and impose and collect fines and penalties.

Sec. 7. Functions of the Chairman. - The Chairman shall:

(a) 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 experts/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;

(b) Execute the policies and measures approved by the SDAU Council and be responsible for the efficient and effective day-to-day management of the operations of the MBDA;

(c) Prepare the annual budget for the operations of the MBDA for the submission to the SDAU Council;

(d) Submit for consideration of the Council such other duties and measures as he may deemed necessary to carry out the purposes and provisions of this Act;

(e) Subject to the guidelines and policies set by the Council, are the staffing pattern and fix the number of subordinate officials and employees of the MBDA; and exercise the power to discipline subordinate officials and employees under the provisions of law;

(f) Prepare an annual report on the accomplishments of the MBDA at the close of each calendar year for submission to the Council and to the President of the Philippines; and

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

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

- (a) Assist the chairman in the administration of the MBDA and supervision of subordinate personnel;
- (b) Assist the chairman in the supervision of the operation of the various operating centers and units of MBDA;
- (c) Assist the chairman in the review of plans and programs for the MBDA and for Metro Bacolod in the preparation of the annual report of activities and accomplishments of the MBDA; and
- (d) Perform such other duties and functions as may be lawfully delegated or assigned by the chairman 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 National Economic and Development Authority (NEDA) and other national government agencies mentioned in Section 4 hereof, and accredited people's organization (Pos), nongovernmental organizations (NGOs), and the private sector operating in the SDAU. The MBDA shall have a master plan that shall serve as the framework for the local development plans of the component cities and municipality in the SDAU. The MBDA shall submit its development plans and investments programs to the NEDA for integration into any public investment program. The implementation of the MBDA's plans, programs, and projects shall be undertaken by the SDAU, the concerned national governments agencies, the Pos, NGOs and the private sector and the MBDA itself where appropriate. For this purpose, the MBDA may enter into contracts, memoranda of agreement and other cooperative agreements with these bodies for the delivery of the required services within the SDAU. The MBDA 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.

Sec. 10. Sources of Funds and the Operating Budget of MBDA:

- (a) To carry out the purposes of this Act, the amount of One Billion Pesos (P1,000,000,000.00) is hereby authorized to be appropriated for the initial operation of the MBDA and as its operating budget for the first five (5) years of its existence. Thereafter, the annual expenditures including capital outlays of the MBDA shall be provided by the component cities and municipality of the SDAU proportionate to their total annual budget of the immediately preceding year. Provided, that the annual budget of the MBDA shall be subject for review by the SDAU Council once every three (3) years.
- (b) The concerned LGUs shall continue to receive the Internal Revenue Allotment (IRA) currently allocated to them.
- (c) The MBDA is likewise empowered by levy fines, and impose fees and charges for various services rendered.

Sec. 11. *Transitory Provisions.* – To prevent disruption in the delivery of basic urban services pending the full implementation of the MBDA's organizational structure and staffing pattern, all officials and employees affected by the creation of the MBDA shall continue to exercise their duties and functions and receive their salaries and allowances until they shall have been given notice of change of duties and functions, and of being transferred to another office or position. The civil service laws, rules and regulations pertinent to the displacement of personnel affected by this Act shall be strictly enforced. The LGUs concerned shall provide such amounts as may be necessary to pay the benefits accruing to displaced employees at the rate of one and one-fourth (1 ¼) month's salary for every year of service: *Provided*, That if qualified for retirement under existing retirement laws, said employees may opt to receive the benefits thereunder.

Sec. 12. *Repealing Clause.* – All other laws, decrees executive order, rules and regulations, or parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Sec. 13. *Separability Clause.* – If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Sec. 14. *Effectivity.* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,