

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

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

House Bill No. **6174**



INTRODUCED BY **Rep. GREG G. GASATAYA**

EXPLANATORY NOTE

This is a refile of a Bill of the same nature and intent by Lone District of Bacolod Representative Evelio R. Leonardia of the 16th Congress which was filed on July 2016 and referred to the Committee on Local Government.

The Philippine Constitution promotes 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 further decentralization of powers, functions, and responsibilities and improved efficiency in the provision of public services.

By both political and social views, the integration of the LGUs especially when they are geographically adjoining, coupled by their share of social, political, economic, and civic responsibilities to their neighboring constituents in terms of public needs and services, such as waste regulation and management, transport and traffic management, zoning, land use, development planning, health, sanitation, and other related services, the formation and legal installation of an agency integrating the neighboring LGUs of the 8th most populous and 6th most densely populated metropolitan area out of the 12 Metropolitan Areas in the Philippines 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.

In this light, the Metropolitan Bacolod Development Authority (MBDA) can be the key to attaining the collective goals of the LGUs 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 while circumventing possible urban mismanagement through integrated urban planning.

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

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REP. GREG G. GASATAYA
Lone District of Bacolod City

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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:

SECTION 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 herein, without prejudice to the autonomy of the affected local government units.

Pursuant to this policy, the group of Local Government Units (LGUs) of the cities Bacolod, Bago, Talisay, and the Municipality of Murcia are hereby constituted into a Special Development and Administrative Unit under the direct supervision of the Secretary of Interior and Local Government.

SECTION 2. Creation of the 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 the SDAU without diminution of the autonomy of the local government units concerning purely local matters.

SECTION 3. Scope of MBDA Services. – SDAU services under the jurisdiction of the MBDA are those services which have impact to the SDAU 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 the 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, investments 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 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 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.

SECTION 4. SDAU Council.— The governing board and policy making body of the MBDA shall be the SDAU Council, composed of the mayors of the four (4) cities and the lone municipality enumerated in Section 1 hereof.

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 (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 who shall be elected by a majority vote of the SDAU Council. The Chairman must be an elected mayor of one of the comprising LGUs of the SDAU and shall continue to hold office at the discretion of the SDAU Council but 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 selected in the same manner as 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 extensive experience in development and planning or must hold a master's degree in urban planning or public administration.

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

SECTION 5. *Functions and Powers of the Metro Bacolod Development Authority.*— The MBDA shall:

(a) Formulate, coordinate and regulate the implementation medium and longterm 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 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 MMDA 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 and PD 1605 to the contrary notwithstanding. For this purpose, The Authority shall enforce all traffic laws and regulations within the 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.

SECTION 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 MMDA, 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 for wide application governing the delivery of basic services, prescribe and collect service and regulatory fees, and impose and collect fines and penalties.

SECTION 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 SDAU Council such other duties and measures as he may deem necessary to carry out the purposes and provisions of this Act;

(e) Subject to the guidelines and policies set by the SDAU 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 SDAU Council and to the Department of the Interior and Local Government (DILG); and

(g) Perform such other duties as may be assigned to him by the Secretary of DILG or the SDAU Council.

SECTION 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 the SDAU in the preparation of the annual report of activities and accomplishments of the MMDA; and

SECTION 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 government agencies as mentioned hereof, 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 services in the SDAU as may be necessary. The MBDA shall, in coordination with the NEDA and the Department of Finance, interface with the foreign assistance agencies for the purposes of obtaining financial support, grants, and donations in aid of its programs, projects, and policies.

SECTION 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) is hereby authorized to be appropriated for the initial operation of the MBDA and as its operating budget for the first five (5) years. Thereafter, the annual expenditures including capital outlays of the MBDA shall be provided by the component cities and municipality of the SDAU equal to their total annual budget of the immediately preceding year. The annual budget of the MBDA shall be subject for review by the SDAU Council once every three (3) years.

(b) The 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.

SECTION 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 national government 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.

SECTION 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.

SECTION 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.

SECTION 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,

A handwritten signature in black ink, appearing to read 'Greg G. Gasataya', with a long, sweeping horizontal stroke extending to the right.

REP. GREG G. GASATAYA
Lone District of Bacolod City