



Republic of the Philippines
House of Representatives
Quezon City

NINETEENTH CONGRESS

First Regular Session

House Bill No. 1613



Introduced by Representative Albert Raymond S. Garcia

EXPLANATORY NOTE

It is 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 policy through the creation of the Metro Bataan Development Authority (MBDA) so as to integrate, coordinate and promote socio-economic growth and sustainable development between and among interdependent cities and municipalities in the Province of Bataan and adjacent local government territories.

The MBDA is a government instrumentality proposed to under the Office of the President of the Philippines. It will primarily address developmental concerns which are beyond the individual capacities of the member local government units. With the approval of the construction of the Bataan-Cavite Interlink Bridge, Metro Bataan stands to become the center of the soon to be interconnected National Capital Region, Region IV and Region III – localities that serve as major engines of growth in Luzon with approximately 42.3 million people and a combined GDP of roughly PhP10.225 trillion or about 53% of the country's GDP of PhP19.387 trillion. Rapid urbanization is expected to occur in the area.

Capitalizing on the cooperation and shared use of resources as well as the financial support of the national government, the MBDA envisions a more efficient and cost-effective implementation of development initiatives, programs and services while seeking to avert the economically and environmentally costly effects of rapid urbanization due to poor planning and non-compliance with relevant laws, rules and regulations.

Support for this bill is earnestly requested from my colleagues.

REP. ALBERT RAYMOND S. GARCIA
Second District, Bataan



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

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

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

3 **SEC. 2. Declaration of Policy.** – It is the declared policy of the State to
4 adopt a national dispersion through local agglomeration strategy to revitalize large
5 cities, coordinate their efforts and resources, and capacitate them for urban
6 service delivery.

7 Considering the rapid development and urbanization of the Province of
8 Bataan and the spatial, functional and economic interdependence of the province
9 with Olongapo City and the municipality of Subic, Zambales, it is likewise hereby
10 declared the policy of the State to consider these local government units (LGUs)
11 as special development and administrative zone, to be known as Metro Bataan.

12 **SEC. 3. Creation of the Metro Bataan Development Authority.** – There
13 is hereby created a government instrumentality under the Office of the President of
14 the Philippines to be known as the Metro Bataan Development Authority,
15 hereinafter referred to as “MBDA”, which shall be organized within thirty (30) days
16 after the approval of this Act, to coordinate and promote socio-economic growth
17 and sustainable development of Metro Bataan.

18 The MBDA shall execute the powers and functions herein vested: *Provided,*
19 That said powers and functions shall in no way diminish the autonomy of the LGUs
20 of Metro Bataan concerning purely local matter, within the framework and subject
21 to the mandate and limitations of the Constitution and the pertinent provisions of

1 Republic Act No. 7160, otherwise known as the "Local Government Code of
2 1991."

3 **SEC. 4. Jurisdiction of the Metro Bataan Development Authority.** – The
4 MBDA shall have jurisdiction over the City of Balanga and the municipalities of
5 Abucay, Bagac, Dinalupihan, Hermosa, Limay, Mariveles, Morong, Orani, Orion,
6 Pilar, and Samal, in Bataan; Olongapo City; and the municipality of Subic, in
7 Zambales, and such other cities and municipalities as shall be created in the future
8 within these LGUs as provided by law.

9 **SEC. 5. Scope of Metro Bataan Development Authority Services.** – The
10 services of the MBDA are delivered across boundaries to multiple and often
11 interdependent political entities whose activities impact each other significantly,
12 and entail huge expenditures such that it would not be viable for said services to
13 be provided by the individual LGUs. These services shall include:

14 (a) Development planning, which includes preparing medium and long-
15 term development plans; developing, evaluating and packaging of projects;
16 investment programming; and coordinating and monitoring plans, program and
17 project implementation;

18 (b) Transport management, which includes formulating, coordinating
19 and monitoring policies, standards, programs, and projects to rationalize the
20 existing transport operations, infrastructure requirements, and promotion of safe
21 and convenient movement of persons and goods; providing a mass transport
22 system and instituting a system to regulate road users; administering and
23 implementing all traffic enforcement operations, traffic engineering services and
24 traffic education programs, including instituting a single ticketing system within the
25 MBDA jurisdiction;

26 (c) Solid waste disposal and management, which includes formulating
27 and implementing policies, standards, programs and projects for proper and
28 sanitary waste disposal; establishing and operating a sanitary landfill, such as
29 waste-to-energy technologies and implementing other alternative programs
30 intended to reduce, reuse and recycle solid waste;

31 (d) Flood control and sewerage management, which include formulating
32 and implementing policies, standards, programs and projects for an integrated
33 flood control, drainage and sewerage system;

34 (e) Urban renewal, zoning, land use planning and shelter services,
35 which includes formulating, adopting and implementing policies, standards, rules
36 and regulations, programs and projects to rationalize and optimize urban land
37 use and provide direction to urban growth and expansion, rehabilitating and
38 developing slums and blighted areas, developing shelter and housing facilities,
39 and providing necessary social services thereof;

40 (f) Health and sanitation, urban protection, and pollution control, which
41 include formulating and implementing policies, rules and regulations, standards,
42 programs, and projects for promoting and safeguarding health and sanitation to
43 enhance ecological balance and prevent, control and abate environmental
44 pollution; and

(g) Public safety, which includes formulating and implementing programs, policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamity and disaster such as conflagration, earthquakes, flood; and coordinating and mobilizing resources and implementing contingency plans for rehabilitation and relief operations in coordination with national agencies concerned.

SEC. 6. Functions of the Metro Bataan Development Authority. – The MBDA shall exercise the following functions:

(a) Formulate plans aligned to the regional and national development objectives and priorities;

(b) Set policies concerning traffic, waste management, and public safety and security for Metro Bataan and coordinate, regulate, and enforce the implementation of these programs and projects with concerned national government agencies and LGUs;

(c) Prepare and implement or manage metro-wide programs and projects for the delivery of specific services under its jurisdiction, subject to the approval of the Metro Bataan Development Council;

(d) Review and recommend to the Metro Bataan Development Council policies regarding development permits for residential, commercial, or industrial purposes and other major land development that have metro-wide impact on transportation and traffic, proposed to be implemented by or in the LGUs within Metro Bataan;

(e) Monitor the implementation of metro-wide programs and projects and identify implementation issues and appropriate solutions to address them;

(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 license in the enforcement of such traffic laws and regulations within the MBDA jurisdiction;

(g) Prescribe and collect services and regulatory fees, and impose and collect fines and penalties within the MBDA jurisdiction; and

(h) Perform other functions consistent with this Act, subject to approval by the Metro Bataan Development Council.

SEC. 7. Metro Bataan Development Authority Administrator. – The MBDA shall be headed by an Administrator, to be appointed by the President of the Philippines and chosen from a list of at least three (3) nominees submitted by the Metro Bataan Development Council. The Administrator shall have a term of three (3) years unless otherwise removed for cause in accordance with law, and have the rights, rank, disqualifications, and prohibitions of an Undersecretary under existing civil service rules and regulations. The Administrator shall not be related to any member of the Council within the fourth civil degree of consanguinity or affinity.

1 The Administrator shall be assisted by a Deputy Administrator for Finance
2 and Administration and a Deputy Administrator for Planning and Operations, both
3 of whom shall be appointed by the Administrator with the concurrence of the
4 Council, subject to civil service laws, rules and regulations. They shall enjoy
5 security of tenure unless otherwise removed for cause in accordance with law. The
6 Deputy Administrator for Finance and Administration and the Deputy Administrator
7 for Planning and Operations shall not be related to the Administrator or any
8 member of the Council within the fourth civil degree of consanguinity or affinity.

9 **SEC. 8. Functions of the Administrator.** – The Administrator shall:

10 (a) Appoint, subject to civil service laws, rules and regulations, all
11 subordinate officers and employees, who shall enjoy security of tenure and may
12 be removed only for cause in accordance with law. The Administrator is authorized
13 to engage the services of experts or consultants either on full-time or part-time
14 basis, as may be required in the performance of his functions and duties;

15 (b) Execute the policies, measures, and programs approved by the
16 Metro Bataan Development Council and be responsible for the efficient and
17 effective day-to-day management of the operations of the MBDA;

18 (c) Prepare the annual budget for the operations of the MBDA for the
19 consideration and approval of the Metro Bataan Development Council;

20 (d) Submit for consideration of the Metro Bataan Development Council
21 such other duties and measures as may be deemed necessary to carry out the
22 purposes and provisions of this Act;

23 (e) Subject to the guidelines and policies set by the Metro Bataan
24 Development Council, prepare the staffing pattern and fix the number of
25 subordinate officials and employees of the MBDA in accordance with civil service
26 laws, rules and regulations, and evaluation and approval of the Department of
27 Budget and Management (DBM) and exercise the power to discipline subordinate
28 officials and employees under the provisions of law;

29 (f) Supervise the operation of various operating centers and units of the
30 MBDA;

31 (g) Formulate and recommend policies and programs to the Council for
32 the efficient delivery of metro-wide services;

33 (h) Prepare an annual report on the accomplishments of the MBDA at
34 the close of each calendar year for submission to the Metro Bataan Development
35 Council and the President of the Philippines;

36 (i) Perform such other duties and functions as may be assigned by the
37 President of the Philippines or by the Metro Bataan Development Council.

38 **SEC. 9. Metro Bataan Development Council.** – The governing board and
39 policy-making body of the MBDA shall be the Metro Bataan Development Council,
40 herein referred to as the Council, which shall be composed of the Governor of the
41 Province of Bataan as *ex-officio* Chairperson, the congressional representatives of
42 the Province of Bataan and the First Legislative District of the Province of

1 Zambales, the mayors of the City of Balanga and the municipalities of Abucay,
2 Bagac, Dinalupihan, Hermosa, Limay, Mariveles, Morong, Orani, Orion, Pilar,
3 Samal, in Bataan and the mayors of Olongapo City and the municipality of Subic,
4 Zambales, as *ex-officio* members.

5 The Region III regional directors of the National Economic and
6 Development Authority (NEDA), Department of the Interior and Local Government
7 (DILG), Department of Environment and Natural Resources (DENR), Department
8 of Public Works and Highways (DPWH), Office of Civil Defense (OCD), and
9 Philippine National Police (PNP), and the administrators of the Authority of the
10 Freeport Area of Bataan (AFAB) and Subic Bay Metropolitan Authority (SBMA)
11 shall be *ex-officio* members of the Council without voting rights.

12 **SEC. 10. Functions of the Metro Bataan Development Council.** – The
13 Council, as the policy-making body of the MBDA, shall exercise the following
14 functions:

15 (a) Approve development plans, investment programs, and projects after
16 consultation and coordination with the LGUs, Regional Development Council
17 (RDC) of Region III, and other stakeholders operating in the Metro Bataan area;

18 (b) Formulate and issue ordinances, resolutions, rules and regulations
19 deemed necessary by the MBDA to carry out the purposes of this Act;

20 (c) Fix the compensation of the officers and personnel of the MBDA in
21 accordance with the Salary Standardization Law;

22 (d) Recommend investment programming for its plans and programs, as
23 well as supervise the implementation of plans and programs which include the
24 formulation and coordination of its related activities;

25 (e) Coordinate and work closely with the Department of Transportation
26 (DoTR) and its attached agencies on the grant of franchises to safe, reliable and
27 environmentally-friendly public utility vehicles within the MBDA jurisdiction;

28 (f) Approve the annual budget of the MBDA for submission to the
29 Department of Budget and Management (DBM), and endorse the annual as well
30 as the supplemental budgets of MBDA; and

31 (g) Perform such other acts and assume such other functions as may be
32 consistent and necessary to carry out the provisions of this Act.

33 **SEC. 11. Effectivity of Ordinances and Resolutions.** –

34 (a) An ordinance or resolution passed by the Council, in the exercise of
35 its rule-making power as provided in Section 10 hereof, shall be posted in a
36 bulletin board at the entrance of the MBDA building and in at least two (2) other
37 conspicuous places in the office of the MBDA within ten (10) days from its
38 approval and shall take effect fifteen (15) days after such posting.

39

(b) Ordinance with penal sanctions shall be published in a newspaper of general circulation within Metro Bataan and shall take effect fifteen (15) days thereafter.

SEC. 12. Institutional Linkages of the MBDA. – The MBDA shall, in carrying out its functions, consult, coordinate and work closely with the LGUs, the RDC of Region III, DPWH, DoTR and other national government agencies, accredited people's organizations (POs), nongovernment organizations (NGOs), and the private sector operating in Metro Bataan.

The MBDA shall adopt a master plan to be approved by the Council that shall serve as the framework for the local development plans of the component LGUs. For this purpose, the Council, through the MBDA, may require its *ex-officio* non-voting members as well as other national government agencies and instrumentalities to submit development plans and projects to be implemented within its jurisdiction.

The implementation of the MBDA's plans, programs and projects shall be undertaken by the LGUs, the concerned national agencies, the POs, NGOs, and the private sector and MBDA itself where appropriate. The MBDA may enter into contracts or memoranda of agreement with these bodies for the delivery of required services within Metro Bataan.

The MBDA shall, in coordination with the NEDA and the Department of Finance (DOF) interface with foreign assistance agencies for the purpose of obtaining financing support, grants and donations in support of its programs and projects.

SEC. 13. Sources of Funds and Operating Budget of the MBDA. – The amount necessary for the operations of the MBDA shall be included in the annual General Appropriations Act.

The operations of the MBDA may likewise be supported through financial contributions and technical assistance from members LGUs, national government agencies and government-owned and controlled corporations (GOCCs) and the private sector, and other local and international organizations in the form of grants, donations, contributions, payments, penalties and charges.

In case of grants, in cash or in kind, from foreign government or their agencies or instrumentalities, or multilateral institutions or organization, acceptance thereof shall be subject to prior clearance and approval of the Council and the President of the Philippines or the authorized representative based on the recommendations of the Secretary of Finance. In case of donation, in cash or in kind, from foreign governments, acceptance thereof shall require prior clearance and approval by the Council and the President of the Philippines, or the authorized representative based on the recommendation of the Secretary of Foreign Affairs.

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

The Council shall undertake continuing negotiations among the member LGUs and GOCCs to commit annual financial contributions for the operations of the MBDA.

1 **SEC. 14. *Implementing Rules and Regulations.*** – Within ninety (90) days
2 from the approval of this Act, the Council shall promulgate the necessary rules and
3 regulations for the implementation of this Act.

4 **SEC. 15. *Separability Clause.*** – In case any part or provision of this Act is
5 held unconstitutional or invalid, other parts or provisions thereof which are not
6 affected shall continue to remain in full force and effect.

7 **SEC. 16. *Repealing Clause.*** – All laws, executive orders, rules and
8 regulations or parts thereof inconsistent with or contrary to the provisions of this
9 Act are hereby repealed or modified accordingly.

10 **SEC. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in a newspaper of general circulation.

Approved,