



Republic of the Philippines
House of Representatives
Quezon City

NINETEENTH CONGRESS

First Regular Session

House Bill No. 2961



Introduced by Representatives
Albert Raymond S. Garcia and Maria Angela S. Garcia

EXPLANATORY NOTE

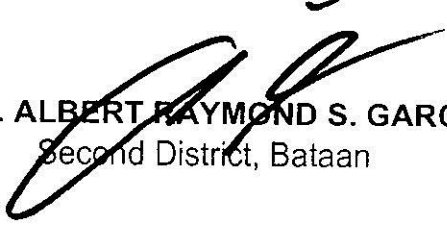
It is the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable the local governments to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national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

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 our colleagues.


REP. ALBERT RAYMOND S. GARCIA

Second District, Bataan


REP. MARIA ANGELA S. GARCIA

Third District, Bataan



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

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

3 **SEC. 2. Declaration of Policy.** – Consonant with the declaration of the
4 policy of the State as provided in the Constitution, Republic Act No. 7160,
5 otherwise known as the Local Government Code of 1991, as amended, and other
6 pertinent national laws, it is hereby declared to be the policy of the State to
7 encourage local government units (LGUs) to group themselves to coordinate
8 efforts, services and resources for purposes commonly beneficial to their
9 respective constituencies. It is also declared to be the policy of the State to
10 integrate and coordinate the delivery of certain basic services as well as
11 enforcement of laws, rules and regulations in the Province of Bataan through (a)
12 the Metro Bataan Development Council hereinafter referred to as Council, and (b)
13 the Metro Bataan Development Authority (MBDA), as created herein.

14 **SEC. 3. Creation of the MBDA.** – A government instrumentality under the
15 Office of the President of the Philippines to be known as the MBDA, is hereby
16 created as the implementing arm of the Council with purely administrative
17 functions to promote the rational development and ensure the efficient delivery of
18 basic services in the Province of Bataan.

19 **SEC. 4. Metro Bataan Development Council.** – The Council shall be the
20 governing board and policymaking body of the MBDA and shall be composed of
21 the Governor as *ex-officio* Co-Chairperson of the Council, and THE congressional
22 representatives of the Province of Bataan who shall sit as *ex-officio* Co-
23 Chairperson of the Council, and the Mayors of the City of Balanga and the
24 Municipalities of Abucay, Bagac, Dinalupihan, Hermosa, Limay, Mariveles,
25 Morong, Orani, Orion, Pilar, and Samal as *ex-officio* members. The provincial
26 directors of the Department of the Interior and Local Government (DILG),

1 Department of Environment and Natural Resources (DENR), Office of Civil
2 Defense (OCD), and Philippine National Police (PNP), shall be *ex-officio* members
3 of the Council without voting rights. The unanimous vote of the Council shall be
4 necessary for any decision or action taken by the Council. However, any Mayor
5 may opt out prior to voting, in which case the unanimous approval of the Council
6 shall be necessary. The decision or action approved by the Council shall not apply
7 to municipalities that opted out. The Council shall only address province-wide,
8 multi-municipality, or inter-municipality concerns.

9 **SEC. 5. Scope of MBDA Services.** – The MBDA shall have the authority to
10 provide services to the entire province or to multiple LGUs for areas that are socio-
11 economically interdependent or which entail expenditure beyond the capacity of
12 any single LGU in the Province of Bataan.

13 Subject to the limitations set forth in Sections 15 and 16 hereof and when
14 requested by concerned LGUs, in coordination with appropriate national
15 government agencies, the MBDA shall perform the following services:

- 16 (a) Assistance to the Bataan Provincial Planning and Development Office
17 (PPDO) in development planning, which includes the preparation of
18 proposed medium and long-term development plans, the
19 development, evaluation and packaging of proposed projects,
20 investment programming, and coordination and monitoring of plans,
21 programs and projects required by the provincial development plan as
22 approved by the *Sangguniang Panlalawigan*: *Provided*, that the PPDO
23 shall have primary jurisdiction over development planning in the
24 Province of Bataan;
- 25 (b) With respect solely to provincial and national roads, transportation and
26 traffic management, which include the coordination and monitoring of
27 policies, standards, programs and projects approved by the Council to
28 rationalize the existing transport operations in coordination with the
29 Department of Transportation (DOTr); the determination, planning,
30 procurement, and provision of infrastructure requirements in
31 coordination with the DPWH; the enhancement of the safe use of
32 thoroughfares; the promotion of safe and convenient movement of
33 persons and goods; the provision of transport systems and the
34 establishment of a system to regulate road users; the administration
35 and implementation of all traffic enforcement operations; the provision
36 of traffic engineering services and the provision of traffic services and
37 traffic education programs;
- 38 (c) Solid waste disposal and management which includes the formulation
39 and implementation of policies, standards, programs and projects for
40 proper and sanitary waste disposal; the establishment and operation
41 of sanitary landfill and other related facilities; and the implementation
42 of other alternative programs intended to reduce, reuse and recycle
43 solid waste. This is without prejudice to the authority and right of LGUs
44 to perform these services or enter into agreements providing such
45 services in coordination with the DENR;

- 1 (d) Assistance in flood control and sewerage management which include
2 the formulation and implementation of policies, standards, programs
3 and projects for an integrated flood control, drainage and sewerage
4 system. This is without prejudice to the authority and right of LGUs to
5 perform these services or enter into agreements providing such
6 services in coordination with the DPWH;
- 7 (e) Assistance in the formulation, adoption and implementation of policies
8 on standards, rules and regulations, programs and projects pertaining
9 to the rationalization and optimization of land use, and assistance in
10 the formulation of growth and expansion plans, the rehabilitation and
11 development of slum and blighted areas, the development of shelter
12 and housing facilities, and the provision of necessary social services
13 thereof. This is without prejudice to the authority and right of LGUs to
14 perform these services or enter into agreements providing such
15 services in coordination with the appropriate national agency;
- 16 (f) Assistance in health and sanitation protection and pollution control
17 which includes the implementation of policies, rules and regulations,
18 standards, programs and projects for the promotion and safeguarding
19 of health and sanitation of the province and the enhancement of
20 ecological balance and the prevention, control and abatement of
21 environmental pollution; and
- 22 (g) Ensuring disaster resilience through the implementation of programs,
23 policies and procedures to achieve preparedness for preventive or
24 rescue operations during times of calamities and disasters such as
25 conflagrations earthquakes, flood and tidal waves; and coordination
26 and mobilization of resources and the implementation of contingency
27 plans for rehabilitation and relief operations.

28 **SEC. 6. Functions and Powers of the Metro Bataan Development**
29 **Authority.** – The MBDA shall:

- 30 (a) Coordinate and monitor the implementation of approved medium and
31 long-term plans and programs for the delivery of province-wide
32 services, consistent with the national development objectives and
33 priorities;
- 34 (b) Undertake and manage approved plans and projects for the delivery of
35 specific services under its jurisdiction, subject to the approval of the
36 Council;
- 37 (c) Coordinate, monitor and adopt solutions to problems of
38 implementation of such plans, programs and projects in the province,
39 identify bottlenecks and adopt solutions to the problems of
40 implementation;
- 41 (d) Implement existing and approved traffic policies on provincial and
42 national roads, coordinate and regulate the implementation of all
43 approved programs and projects concerning traffic management on
44 provincial and national roads specifically pertaining to enforcement,

1 engineering and education; *Provided*, That upon request by LGUs and
2 other government agencies and with the approval of the Council, it
3 shall extend assistance and cooperation including the assignment of
4 personnel to such LGUs and other government agencies and offices;

5 (e) When deputized by the Land Transportation Office (LTO), concerned
6 LGUs and other government authorities, shall issue tickets, citations
7 and collect fines and penalties for violations of traffic rules and
8 regulations on provincial and national roads, whether moving or non-
9 moving in nature;

10 (f) Enter into contracts, approved by the Council to enable it to carry out
11 its purpose and functions under this Act; and

12 (g) Perform other related functions to achieve the objectives of the MBDA
13 and provide the services in Section 5 of this Act, including the
14 undertaking of delivery of basic services to the LGUs not otherwise
15 provided by in Section 5 of this Act, when deemed necessary subject
16 to prior coordination with and consent of the LGU concerned and the
17 Council.

18 **SEC. 7. Official Misconduct.** – The MBDA shall exercise its functions and
19 powers impartially, without regard to the political interests or affiliations of the
20 members of the Council. Failure to do so shall constitute official misconduct
21 punishable by law, in particular, Section 3 of Republic Act No. 3019, otherwise
22 known as the “Anti-Graft and Corrupt Practices Act”, and shall, following
23 observance of due process, result in the immediate termination of the erring
24 MBDA officer or personnel.

25 **SEC. 8. Metro Bataan Development Authority Administrator.** – The
26 MBDA shall be headed by an Administrator, to be appointed by the President of
27 the Philippines and chosen from a list of at least three (3) nominees submitted by
28 the Council. The Administrator shall have a term of three (3) years unless
29 otherwise removed for cause in accordance with law, and have the rights, rank,
30 disqualifications, and prohibitions of an Undersecretary under existing civil service
31 rules and regulations. The Administrator shall not be related to any member of the
32 Council within the fourth civil degree of consanguinity or affinity.

33 The Administrator shall be assisted by a Deputy Administrator for Finance
34 and Administration and a Deputy Administrator for Planning and Operations, both
35 of whom shall be appointed by the Administrator with the concurrence of the
36 Council, subject to civil service laws, rules and regulations. They shall enjoy
37 security of tenure unless otherwise removed for cause in accordance with law. The
38 Deputy Administrator for Finance and Administration and the Deputy Administrator
39 for Planning and Operations shall not be related to the Administrator or any
40 member of the Council within the fourth civil degree of consanguinity or affinity.

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

42 (a) Appoint, subject to Civil Service laws, rules and regulations, all
43 subordinate officers and employees, who shall enjoy security of tenure
44 and may be removed only for cause in accordance with law. The

1 Administrator is hereby authorized to engage the services of experts
2 or consultants either in full-time or part-time basis, as may be required
3 in the performance of his functions and duties as may be determined
4 by him;

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

8 (c) Prepare the annual budget for the operations of the MBDA for the
9 consideration and approval of the Council;

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

13 (e) Subject to the Civil Service Decree, rules and regulations, and the
14 approval of the Council, determine the staffing pattern, fix the
15 compensation of the officers and personnel of the MBDA in
16 accordance with the Salary Standardization Law, and fix the number of
17 subordinate officials and employees of the MBDA and exercise the
18 power to discipline subordinate officials and employees under the
19 provisions of law;

20 (f) Supervise the operation of various operating centers and units of the
21 MBDA;

22 (g) Formulate and recommend policies and programs to the Council for
23 the efficient delivery of province-wide services;

24 (h) Prepare an annual report on the activities and accomplishments of the
25 MBDA at the close of each year for submission to the Council and the
26 Office of the President;

27 (i) Ensure that all information, official records, documents and papers
28 pertaining to official acts, transactions or decisions of the Council and
29 the MBDA, including research data used by the Council and the MBDA
30 as basis for policy development, are preserved and made available to
31 the public when requested; and

32 (j) Perform other duties and functions as may be lawfully delegated or
33 assigned by the Council from time to time.

34 **SEC. 10. Institutional Linkages of the MBDA.** – The MBDA shall, in
35 carrying out its functions, consult, coordinate and work closely with the LGUs, the
36 DPWH, DOTr and other national government agencies; accredited people's
37 organizations (POs); nongovernment organizations (NGOs), and the private sector
38 operating in Bataan.

39 The MBDA shall prepare a master plan to be approved by the Council and
40 the PPDO that shall serve as the framework for the local development plans of the
41 component LGUs.

1 The implementation of the MBDA's plans, programs and projects shall be
2 undertaken by the LGUs, the concerned national agencies, the POs, NGOs, and
3 the private sector and MBDA itself, as necessary and where appropriate, to meet
4 the objectives of this Act. For this purpose, the MBDA may enter into contracts
5 approved by the Council with such entities for the achievement of such purposes.

6 **SEC. 11. Sources of Funds and Operating Budget of the MBDA.** – The
7 amount necessary for the operating budget of MBDA shall be included in the
8 annual General Appropriations Act.

9 The MBDA is likewise empowered to impose administrative fees and
10 charges on such rates and amounts approved by the Council for various services
11 rendered.

12 The MBDA, through the Council, and subject to the approval of the LGUs
13 and their respective *sanggunians*, may call on its member city and municipalities
14 to contribute such amount as may later on be determined for its operation and the
15 implementation of projects.

16 The MBDA may accept donations and grants from foreign and local
17 sources. In case of grants, in cash or kind, from governments of foreign countries
18 or their agencies and instrumentalities, or from multilateral institutions or
19 organizations, acceptance thereof shall be subject to the prior clearance and
20 approval by the Council and the President of the Philippines or the authorized
21 representative based on the recommendation of the Secretary of Finance. On the
22 other hand, other donations, in cash or in kind, from foreign government shall
23 require prior clearance and approval by the Council and the President, or the
24 authorized representative based on the recommendation of the Secretary of
25 Foreign Affairs.

26 The MBDA may, subject to the approval of the Department of Finance
27 (DOF), the *Bangko Sentral ng Pilipinas* (BSP), the National Economic and
28 Development Authority (NEDA), and the Council, obtain financing support from
29 local and foreign sources.

30 **SEC. 12. Transparency Clause.** – Pursuant to Executive Order No. 2, s.
31 2016, the public shall have access to information, official records, documents and
32 papers pertaining to official acts, transactions or decisions of the Council and the
33 MBDA, as well as to research data used by the Council and the MBDA as basis for
34 policy development. The Council and the MBDA shall preserve and make readily
35 accessible all such information, official records, documents, and papers. As
36 provided by E.O. No. 2, failure to do so shall be a ground for the imposition of
37 administrative and disciplinary sanctions on the erring officers or employees,
38 without prejudice to prosecution for violation of other laws.

39 **SEC. 13. Non-Diminution Clause.** – The Council cannot modify, overrule
40 or disregard resolutions passed by the *Sangguniang Barangay*, *Sangguniang*
41 *Bayan*, *Sangguniang Panlungsod* and *Sanggunian Panlalawigan* within the
42 Province of Bataan. It cannot also modify, overrule, or disregard ordinances
43 enacted and ratified by the local *sanggunians* and executive orders of local chief
44 executives.

1 In discharging its functions and performing its services under Sections 4
2 and 5 herein, the MBDA shall, in no case, diminish or undermine the autonomy of
3 the LGUs. The member LGUs shall continue to have control and be responsible
4 for their respective local projects and services. No MBDA service shall be
5 implemented in a locality unless the LGU and congressional representative
6 concerned concurs thereto.

7 Moreover, under no circumstances shall the Council or MBDA diminish,
8 limit, undermine, or overrule the authority, capacity, duty, and prerogative of
9 national agencies to identify, sponsor, approve, and supervise the implementation
10 of infrastructure and other projects in the Province of Bataan in coordination with
11 concerned congressional representatives or local chief executives.

12 **SEC. 14. Preemption Clause.** – Nothing in this Act shall preempt the
13 President of the Philippines and other heads of national agencies, including the
14 DPWH, DILG, DENR, Department of National Defense (DND), OCD, DOH, PNP,
15 and NEDA from reviewing, modifying and overruling any decision of the Council or
16 enjoining any action to be taken or being undertaken by the MBDA in case of
17 potential or actual conflict or overlap with planned or ongoing initiatives, programs
18 and projects of the national agencies. Moreover, nothing in this law shall prevent
19 LGUs from exercising their functions and powers as defined by the Local
20 Government Code of 1991. In case of conflict between the exercise of functions
21 and powers by the MBDA and the LGUs, the exercise of functions and powers by
22 the LGUs shall prevail.

23 **SEC. 15. Internal Audit.** – Notwithstanding the provisions of Republic Act
24 No. 4177, amending certain sections of Republic Act No. 3456, otherwise known
25 as the "Internal Auditing Act of 1962", the Council shall appoint the members of the
26 independent internal audit service of the MBDA.

27 **SEC. 16. Separability Clause.** – In case any part or provision of this Act is
28 held unconstitutional or invalid, other parts or provisions thereof which are not
29 affected shall continue to remain in full force and effect.

30 **SEC. 17. Repealing Clause.** – All laws, executive orders, rules and
31 regulations or parts thereof inconsistent with or contrary to the provisions of this
32 Act are hereby repealed or modified accordingly.

33 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its
34 publication in the Official Gazette or in a newspaper of general circulation.

35 **Approved,**
36