

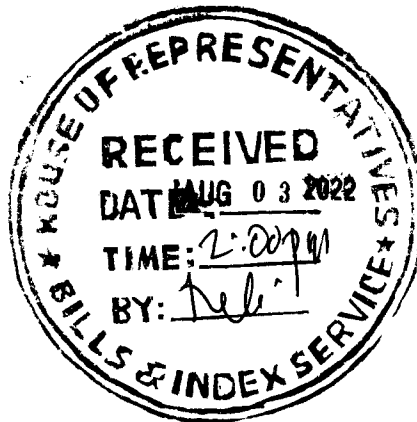


Republic of the Philippines  
House of Representatives  
Quezon City

**NINETEENTH CONGRESS**

*First Regular Session*

House Bill No. 3127



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**Introduced by Representative Jernie Jett V. Nisay**

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### **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 my colleagues.

  
**REP. JERNIE JETT V. NISAY**  
Pusong Pinoy Partylist



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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),  
27 Department of Environment and Natural Resources (DENR), Office of Civil

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

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

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

15 (a) Assistance to the Bataan Provincial Planning and Development Office  
16 (PPDO) in development planning, which includes the preparation of  
17 proposed medium and long-term development plans, the  
18 development, evaluation and packaging of proposed projects,  
19 investment programming, and coordination and monitoring of plans,  
20 programs and projects required by the provincial development plan as  
21 approved by the *Sangguniang Panlalawigan: Provided*, that the PPDO  
22 shall have primary jurisdiction over development planning in the  
23 Province of Bataan;

24 (b) With respect solely to provincial and national roads, transportation and  
25 traffic management, which include the coordination and monitoring of  
26 policies, standards, programs and projects approved by the Council to  
27 rationalize the existing transport operations in coordination with the  
28 Department of Transportation (DOTr); the determination, planning,  
29 procurement, and provision of infrastructure requirements in  
30 coordination with the DPWH; the enhancement of the safe use of  
31 thoroughfares; the promotion of safe and convenient movement of  
32 persons and goods; the provision of transport systems and the  
33 establishment of a system to regulate road users; the administration  
34 and implementation of all traffic enforcement operations; the provision  
35 of traffic engineering services and the provision of traffic services and  
36 traffic education programs;

37 (c) Solid waste disposal and management which includes the formulation  
38 and implementation of policies, standards, programs and projects for  
39 proper and sanitary waste disposal; the establishment and operation  
40 of sanitary landfill and other related facilities; and the implementation  
41 of other alternative programs intended to reduce, reuse and recycle  
42 solid waste. This is without prejudice to the authority and right of LGUs  
43 to perform these services or enter into agreements providing such  
44 services in coordination with the DENR;

45 (d) Assistance in flood control and sewerage management which include  
46 the formulation and implementation of policies, standards, programs

1 and projects for an integrated flood control, drainage and sewerage  
2 system. This is without prejudice to the authority and right of LGUs to  
3 perform these services or enter into agreements providing such  
4 services in coordination with the DPWH;

5 (e) Assistance in the formulation, adoption and implementation of policies  
6 on standards, rules and regulations, programs and projects pertaining  
7 to the rationalization and optimization of land use, and assistance in  
8 the formulation of growth and expansion plans, the rehabilitation and  
9 development of slum and blighted areas, the development of shelter  
10 and housing facilities, and the provision of necessary social services  
11 thereof. This is without prejudice to the authority and right of LGUs to  
12 perform these services or enter into agreements providing such  
13 services in coordination with the appropriate national agency;

14 (f) Assistance in health and sanitation protection and pollution control  
15 which includes the implementation of policies, rules and regulations,  
16 standards, programs and projects for the promotion and safeguarding  
17 of health and sanitation of the province and the enhancement of  
18 ecological balance and the prevention, control and abatement of  
19 environmental pollution; and

20 (g) Ensuring disaster resilience through the implementation of programs,  
21 policies and procedures to achieve preparedness for preventive or  
22 rescue operations during times of calamities and disasters such as  
23 conflagrations earthquakes, flood and tidal waves; and coordination  
24 and mobilization of resources and the implementation of contingency  
25 plans for rehabilitation and relief operations.

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

28 (a) Coordinate and monitor the implementation of approved medium and  
29 long-term plans and programs for the delivery of province-wide  
30 services, consistent with the national development objectives and  
31 priorities;

32 (b) Undertake and manage approved plans and projects for the delivery of  
33 specific services under its jurisdiction, subject to the approval of the  
34 Council;

35 (c) Coordinate, monitor and adopt solutions to problems of  
36 implementation of such plans, programs and projects in the province,  
37 identify bottlenecks and adopt solutions to the problems of  
38 implementation;

39 (d) Implement existing and approved traffic policies on provincial and  
40 national roads, coordinate and regulate the implementation of all  
41 approved programs and projects concerning traffic management on  
42 provincial and national roads specifically pertaining to enforcement,  
43 engineering and education; *Provided*, That upon request by LGUs and  
44 other government agencies and with the approval of the Council, it

1 shall extend assistance and cooperation including the assignment of  
2 personnel to such LGUs and other government agencies and offices;

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

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

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

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

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

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

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

40 (a) Appoint, subject to Civil Service laws, rules and regulations, all  
41 subordinate officers and employees, who shall enjoy security of tenure  
42 and may be removed only for cause in accordance with law. The  
43 Administrator is hereby authorized to engage the services of experts  
44 or consultants either in full-time or part-time basis, as may be required

- 1 in the performance of his functions and duties as may be determined  
2 by him;
- 3 (b) Execute the policies, measures, and programs approved by the  
4 Council and be responsible for the efficient and effective day-to-day  
5 management of the operations of the MBDA;
- 6 (c) Prepare the annual budget for the operations of the MBDA for the  
7 consideration and approval of the Council;
- 8 (d) Submit for consideration of the Council such other duties and  
9 measures as may be deemed necessary to carry out the purposes and  
10 provisions of this Act;
- 11 (e) Subject to the Civil Service Decree, rules and regulations, and the  
12 approval of the Council, determine the staffing pattern, fix the  
13 compensation of the officers and personnel of the MBDA in  
14 accordance with the Salary Standardization Law, and fix the number of  
15 subordinate officials and employees of the MBDA and exercise the  
16 power to discipline subordinate officials and employees under the  
17 provisions of law;
- 18 (f) Supervise the operation of various operating centers and units of the  
19 MBDA;
- 20 (g) Formulate and recommend policies and programs to the Council for  
21 the efficient delivery of province-wide services;
- 22 (h) Prepare an annual report on the activities and accomplishments of the  
23 MBDA at the close of each year for submission to the Council and the  
24 Office of the President;
- 25 (i) Ensure that all information, official records, documents and papers  
26 pertaining to official acts, transactions or decisions of the Council and  
27 the MBDA, including research data used by the Council and the MBDA  
28 as basis for policy development, are preserved and made available to  
29 the public when requested; and
- 30 (j) Perform other duties and functions as may be lawfully delegated or  
31 assigned by the Council from time to time.

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

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

40 The implementation of the MBDA's plans, programs and projects shall be  
41 undertaken by the LGUs, the concerned national agencies, the POs, NGOs, and

1 the private sector and MBDA itself, as necessary and where appropriate, to meet  
2 the objectives of this Act. For this purpose, the MBDA may enter into contracts  
3 approved by the Council with such entities for the achievement of such purposes.

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

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

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

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

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

28 **SEC. 12. Transparency Clause.** – Pursuant to Executive Order No. 2, s.  
29 2016, the public shall have access to information, official records, documents and  
30 papers pertaining to official acts, transactions or decisions of the Council and the  
31 MBDA, as well as to research data used by the Council and the MBDA as basis for  
32 policy development. The Council and the MBDA shall preserve and make readily  
33 accessible all such information, official records, documents, and papers. As  
34 provided by E.O. No. 2, failure to do so shall be a ground for the imposition of  
35 administrative and disciplinary sanctions on the erring officers or employees,  
36 without prejudice to prosecution for violation of other laws.

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

43 In discharging its functions and performing its services under Sections 4  
44 and 5 herein, the MBDA shall, in no case, diminish or undermine the autonomy of

1 the LGUs. The member LGUs shall continue to have control and be responsible  
2 for their respective local projects and services. No MBDA service shall be  
3 implemented in a locality unless the LGU and congressional representative  
4 concerned concurs thereto.

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

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

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

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

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

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

33 **Approved,**

34