EXPLANATORY NOTE

It has been 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 State policy through the creation of the Metro Bataan Development Authority (MBDA) so as to integrate and coordinate the delivery of certain basic services as well as enforcement of laws, rules and regulations between and among the cities and municipalities in the Province of Bataan.

The MBDA will be under the Office of the Governor to which the implementing arm will be the Council composed of the mayors of all the member city and municipalities chaired by the Provincial Governor. Some of its powers and functions were focused on the formulation coordination and regulation of the implementation of approved medium and long term plans and programs of the Province, setting the policies concerning traffic in the Province, deputization of its personnel by the Land Transportation Office (LTO) or other government agency concerned, and performance of basic services.

Assistance to medium and long-term development plans of the Bataan Provincial Planning and Development (PPDO), transport and traffic management, zoning and land use planning, and shelter services, health and sanitation protection and pollution control, public safety, peace and order were among the primary and basic services to be catered.

The passage of this bill is earnestly sought.

REP. JOSE ENRIQUE S. GARCIA III
Second District, Bataan
Republic of the Philippines

House of Representatives

Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 201

Introduced by Representative Jose Enrique S. Garcia III

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

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

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

SEC. 2. Declaration of Policy. — Consonant with the declaration of the policy
of the State as provided in the Constitution, Republic Act No. 7160, otherwise known
as the Local Government Code of 1991, as amended, and other pertinent national
laws, it is hereby declared to be the policy of the State to encourage Local
Government Units to group themselves to coordinate efforts, services and resources
for purposes commonly beneficial to their respective constituencies. It is also
declared to be the policy of the State to integrate and coordinate the delivery of
certain basic services as well as enforcement of laws, rules and regulations in the
Province of Bataan through (a) the Metro Bataan Development Council hereinafter
referred to as Council, composed of the Chief Executives of the Local Government
Units of the Province of Bataan, and (b) the Metro Bataan Development
Authority(MBDA), the implementing arm of the Council, as created herein.

SEC. 3. Metro Bataan Development Council. — The Council shall be the
governing board and policymaking body of the MBDA and shall be composed of the
Governor of Bataan who shall sit as ex-officio Chairperson of the Council and the
Mayors of the City of Balanga, Abucay, Bagac, Dinalupihan, Hermosa, Limay
Mariveles, Morong, Orani, Orion, Pilar, and Samal, as ex-officio members. The
provincial directors of the Department of Public Works and Highways (DPWH),
Department of Interior and Local Government (DILG), Department Environmental
and Natural Resources (DENR), Office of the Civil Defense (OCD), and the
Philippine National Police (PNP) shall be *ex-officio* members of the Council without voting rights.

**SEC. 4. Creation of the Metro Bataan Development Authority (MBDA).** – The MBDA is hereby created under the Office of the President of the Philippines as the implementing arm of the Council.

The MBDA shall perform the planning and implementation of policies, monitoring, and co-ordinating functions, and shall exercise regulatory and supervisory authority over the delivery of services in accordance with Section 5 of this Act, but without diminution of the autonomy of the Local Government Units concerning purely local matters.

**SEC. 5. Scope of MBDA Services.** – The MBDA shall have authority to provide services to the entire province, or to multiple local government units for areas that are socio-economically interdependent, or which entail expenditure beyond the capacity of any single local government unit in the Province of Bataan.

These services shall include the following:

(a) Assistance to the Bataan Provincial Planning and Development Office (PPDO) in development planning which include the preparation of medium and long-term development plans, the development, evaluation and packaging of projects, investment programming and coordination and monitoring of plans, programs and projects implemented; *Provided*, that the PPDO shall have primary jurisdiction over development planning in the Province of Bataan;

(b) Transportation and traffic management which includes the formulation, coordination and monitoring of policies, standards, programs and projects to rationalize the existing transport operations; the determination, planning, procurement and provision of infrastructure requirements; the enhancement of the safe use of thoroughfares; the promotion of safe and convenient movement of persons and goods: the provision of transport systems and the establishment of a system to regulate road users; the administration and implementation of all traffic enforcement operations; the provision of traffic engineering services and the provision of traffic services and traffic education programs;

(c) Solid waste disposal and management which includes the formulation and implementation of policies, standards, programs and projects for proper and sanitary waste disposal, the establishment and operation of sanitary landfill and other 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 polices, standards, programs and projects for an integrated flood control, drainage and sewerage system;
(e) Assistance to local government units in the formulation, and adoption and implementation of policies on standards, rules and regulations, programs and projects pertaining to the rationalization and optimization of land use, and the formulation of growth and expansion plans, the rehabilitation and development of slum and blighted areas, the development of shelter and housing facilities and the provision of necessary social services thereof, in coordination with other appropriate local government units;

(f) Health and sanitation 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 province and the enhancement of ecological balance and the prevention, control and abatement of environmental pollution, in coordination with the Department of Health (DOH) and the Department of Environment and Natural Resources (DENR);

(g) Ensuring public safety, peace and order which include the formulation and implementation of programs, policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations earthquake, flood and tidal waves; and coordination and mobilization of resources and the implementation of contingency plans for rehabilitation and relief operations in coordination with national agencies concerned; and

(h) Other services and functions, as the Council may determine and which do not contravene existing laws.

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

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

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

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

(d) Set the policies concerning traffic in the province, coordinate and regulate the implementation of all approved programs and projects concerning traffic management specifically pertaining to enforcement, engineering and education; Provided, that, upon
request, it shall extend assistance and cooperation, including the
assignment of personnel by local government units and other
government agencies and offices concerned;

(e) As duly deputized by the Land Transportation Office (LTO), local
government units and other government authorities, issue tickets,
citations and collect fines and penalties for 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 all traffic laws and regulations in the Province of
Bataan;

(f) Enter into contracts to enable it to carry out its purpose and
functions under this Act; and

(g) Perform other related functions to achieve the objectives of the
MBDA and provide the services in Section 5 of this Act, including
the undertaking of delivery of basic services to the local government
units not otherwise provided by in Section 5 of this Act, when
deemed necessary subject to prior coordination with and consent of
the local government unit concerned.

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
Council. The Administrator shall have a term of six (6) years unless otherwise
removed for cause in accordance with law.

The Administrator shall be assisted by a Deputy Administrator for Finance and
Administration and a Deputy Administrator for Planning and Operations, both of
whom shall be appointed by the Administrator with the concurrence of the Council,
subject to civil service laws, rules and regulations. They will enjoy security of tenure
unless otherwise removed for cause in accordance with law.

SEC. 8. Functions of the Administrator. – The Administrator 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 Administrator is hereby authorized to engage the services of
experts or consultants either in 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, measures, and programs approved by the
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
consideration and approval of the Council;
(d) Submit for consideration of the Council such other duties and
measures as may be deemed necessary to carry out the purposes
and provisions of this Act;

(e) Subject to the Civil Service Decree, rules and regulations, and the
approval of the Council, determine the staffing pattern, fix the
compensation of the officers and personnel of the MBDA in
accordance with the Salary Standardization Law, 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) Supervise the operation of various operating centers and units of
the MBDA;

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

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

(i) Perform such duties and functions as may be lawfully delegated or
assigned by the Council 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 local government
units, the DPWH, DOTr and other national government agencies; accredited
people's organizations (POs); non-government organizations (NGOs), and the
private sector operating in Bataan.

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

The implementation of the MBDA's plans, programs and project shall be
undertaken by the local government units, the concerned national agencies, the
POs, NGOs, and the private sector and MBDA itself, as necessary and where
appropriate, to meet the objectives of this Act. For this purpose, the MBDA may
enter into contracts with such entities for the achievement of such purposes.

SEC. 10. Sources of Funds and Operating Budget of MBDA. - The amount
necessary for the operating budget of MBDA shall be included in the annual General
Appropriations Act.

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

The MBDA, through the Council, and subject to the approval of the local
government units and their respective Sanggunians, may call on its member city and
municipalities to contribute such amount as may later on be determined for its
operation and the implementation of projects.
The MBDA may accept donations and grants from foreign and local sources
and, subject to the approval of the Department of Finance and the Bangko Sentral
ng Pilipinas, obtain financing support from local and foreign sources. In case of
grants, in cash or kind, from governments of foreign countries, their agencies and
instrumentalities or multilateral institutions or organizations, acceptance thereof shall
be subject to the prior clearance and approval by the President of the Philippines or
the authorized representative based on the recommendation of the Secretary of
Finance. On the other hand, other donations, in cash or in kind, from foreign
government shall require prior clearance and approval by the President or the
authorized representative based on the recommendation of the Secretary of Foreign
Affairs.

SEC. 11. Separability Clause. – In case 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. 12. Repealing Clause. – All laws, executive orders, rules and
regulations or parts thereof inconsistent with or contrary to the provisions of this Act
are hereby repealed or modified accordingly.

SEC. 13. Effectivity. – This Act shall take effect fifteen (15) days after its
publication in the Official Gazette or in a newspaper of general circulation.

Approved,