



HOUSE OF REPRESENTATIVES

H. No. 8423

BY REPRESENTATIVES GARCIA (J.E.), BATAOIL, SY-ALVARADO, UY (J.), CO, BELARO, SALO, VELASCO, MERCADO, DE VERA, PLAZA, SACDALAN, NOGRALES (K.A.), ANDAYA, GONZALES (A.D.), CUARESMA, SAMBAR, CAMINERO, MANGAOANG, ESCUDERO, DIMAPORO (A.), UNGAB, ROQUE, LIMKAICHONG, UYBARRETA, CHAVEZ, BATOCABE, MARINO, TINIO, VILLARIN AND ROMAN, PER COMMITTEE REPORT NO. 896

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
2 Bataan Development Authority Act”.

3 SEC. 2. *Declaration of Policy.* – Consonant with the
4 declaration of policy of the State as provided in the Constitution,
5 Republic Act No. 7160, otherwise known as the “Local Government
6 Code of 1991”, as amended, and other pertinent national laws, it is
7 hereby declared to be the policy of the State to encourage local
8 government units (LGUs) to group themselves to coordinate their
9 efforts, services, and resources for purposes commonly beneficial to
10 their respective constituencies. It is also declared to be the policy of

1 the State to integrate and coordinate the delivery of certain basic
2 services as well as the enforcement of laws, rules and regulations in
3 the Province of Bataan through: (a) the Metro Bataan Development
4 Council, hereinafter referred to as the Council, composed of the
5 chief executives of the LGUs of the Province of Bataan; and (b) the
6 Metro Bataan Development Authority (MBDA), the implementing
7 arm of the Council, as created herein.

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

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

24 The MBDA shall perform the planning and implementation of
25 policies, monitoring, and coordinative functions, and shall exercise
26 regulatory and supervisory authority over the delivery of services in

1 accordance with Section 5 of this Act, but without diminution of the
2 autonomy of the LGUs concerning purely local matters.

3 SEC. 5. *Scope of MBDA Services.* – The MBDA shall have
4 the authority to provide services to the entire province, or to
5 multiple LGUs for areas that are socioeconomically interdependent,
6 or which entail expenditure beyond the capacity of any single LGU
7 in the Province of Bataan. These services shall include the
8 following:

9 (a) Assistance to the Bataan Provincial Planning and
10 Development Office (BPPDO) in development planning which
11 include the preparation of medium and long-term development
12 plans, the development, evaluation and packaging of projects,
13 investment programming and coordination and monitoring of plans,
14 programs and projects implemented: *Provided*, That the BPPDO
15 shall have primary jurisdiction over development planning in the
16 Province of Bataan;

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

1 (c) Solid waste disposal and management which includes the
2 formulation and implementation of policies, standards, programs
3 and projects for proper and sanitary waste disposal, the
4 establishment and operation of sanitary landfill and other related
5 facilities, and the implementation of other alternative programs
6 intended to reduce, reuse and recycle solid waste;

7 (d) Flood control and sewerage management which include
8 the formulation and implementation of policies, standards,
9 programs and projects for an integrated flood control, drainage and
10 sewerage system;

11 (e) Assistance to LGUs in the formulation, adoption and
12 implementation of policies on standards, rules and regulations,
13 programs and projects pertaining to the rationalization and
14 optimization of land use, and the formulation of growth and
15 expansion plans, the rehabilitation and development of slum and
16 blighted areas, the development of shelter and housing facilities and
17 the provision of necessary social services thereof, in coordination
18 with other appropriate LGUs;

19 (f) Health and sanitation protection and pollution control
20 which include the formulation and implementation of policies, rules
21 and regulations, standards, programs and projects for the promotion
22 and safeguarding of the health and sanitation of the province and
23 for the enhancement of ecological balance and the prevention,
24 control and abatement of environmental pollution, in coordination
25 with the Department of Health (DOH) and the DENR;

26 (g) Ensuring public safety, peace and order which include the
27 formulation and implementation of programs, policies and

1 procedures to achieve public safety, especially preparedness for
2 preventive or rescue operations during times of calamities and
3 disasters such as conflagrations, earthquake, flood and tidal waves,
4 and coordination and mobilization of resources and the
5 implementation of contingency plans for the rehabilitation and
6 relief operations in coordination with national agencies concerned;
7 and

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

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

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

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

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

24 (d) Set the policies concerning traffic in the province,
25 coordinate and regulate the implementation of all approved
26 programs and projects concerning traffic management specifically
27 pertaining to enforcement, engineering and education: *Provided,*

1 That upon request, it shall extend assistance and cooperation,
2 including the assignment of personnel by LGUs and other
3 government agencies and offices concerned;

4 (e) As duly deputized by the Land Transportation Office
5 (LTO), LGUs and other government authorities, issue tickets,
6 citations and collect fines and penalties for violations of traffic rules
7 and regulations whether moving or nonmoving in nature, and
8 confiscate and suspend or revoke driver's licenses in the
9 enforcement of all traffic laws and regulations in the Province of
10 Bataan;

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

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

19 *SEC. 7. Metro Bataan Development Authority Administrator.*

20 – The MBDA shall be headed by an Administrator to be appointed
21 by the President of the Philippines, and chosen from a list of at least
22 three (3) nominees submitted by the Council. The Administrator
23 shall have a term of six (6) years unless otherwise removed for
24 cause in accordance with law.

25 The Administrator shall be assisted by a Deputy
26 Administrator for Finance and Administration and a Deputy
27 Administrator for Planning and Operations, both of whom shall be

1 appointed by the Administrator with the concurrence of the Council,
2 subject to Civil Service Decree, rules and regulations. They will
3 enjoy security of tenure unless otherwise removed for cause in
4 accordance with law.

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

7 (a) Appoint, subject to Civil Service Decree, rules and
8 regulations, all subordinate officers and employees, who shall enjoy
9 security of tenure and may be removed only for cause in accordance
10 with law. The Administrator is hereby authorized to engage the
11 services of experts or consultants either in full-time or part-time
12 basis, as may be required in the performance of his functions and
13 duties as may be determined by him;

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

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

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

22 (e) Subject to the Civil Service Decree, rules and regulations,
23 and the approval of the Council, determine the staffing pattern, fix
24 the compensation of the officers and personnel of the MBDA in
25 accordance with the Salary Standardization Law, as well as the
26 number of subordinate officials and employees of the MBDA, and

1 exercise the power to discipline subordinate officials and employees
2 under the provisions of law;

3 (f) Supervise the operation of various operating centers and
4 units of the MBDA;

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

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

10 (i) Perform such other duties and functions as may be
11 lawfully delegated or assigned by the Council from time to time.

12 SEC. 9. *Institutional Linkages of the MBDA.* – The MBDA
13 shall, in carrying out its functions, consult, coordinate and work
14 closely with the LGUs, the DPWH, the Department of
15 Transportation (DOTr) and other national government agencies;
16 accredited people's organizations (POs); nongovernment
17 organizations (NGOs), and the private sector operating in Bataan.

18 The MBDA shall prepare a master plan to be approved by the
19 Council and the BPPDO that shall serve as the framework for the
20 local development plans of the component LGUs.

21 The implementation of the MBDA's plans, programs and
22 projects shall be undertaken by the LGUs, the concerned national
23 agencies, the POs, NGOs, the private sector and the MBDA itself, as
24 necessary and where appropriate, to meet the objectives of this Act.
25 For this purpose, the MBDA may enter into contracts with such
26 entities for the achievement of such purposes.

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

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

6 The MBDA, through the Council, and subject to the approval
7 of the LGUs and their respective *Sanggunians*, may call on its
8 member city and municipalities to contribute such amount as may
9 later on be determined for its operation and the implementation of
10 projects.

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

24 SEC. 11. *Separability Clause.* – In case any part or provision
25 of this Act is held unconstitutional or invalid, other parts or
26 provisions thereof which are not affected shall continue to remain in
27 full force and effect.

1 SEC. 12. *Repealing Clause.* – All laws, executive orders,
2 rules and regulations or parts thereof inconsistent with or contrary
3 to the provisions of this Act are hereby repealed or modified
4 accordingly.

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

Approved,

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