



HOUSE OF REPRESENTATIVES

H. No. 7752

BY REPRESENTATIVES GARCIA (A.), GARCIA (M.A.), NISAY, OLIVAREZ, CO (E.), KHO (W.), LARA, SOLON, BOSITA, TIENG, ONGCHUAN, KHONGHUN, ESTRELLA, SALCEDA, LEE, ESPARES, YAP (C.), YAP (C.T.), CARI AND VELOSO-TUAZON, PER COMMITTEE REPORT NO. 471

AN ACT
CREATING THE METROPOLITAN 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 “Metropolitan
2 Bataan 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
6 other pertinent national laws, it is hereby declared 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 the policy of the State to integrate
10 and coordinate the delivery of certain basic services as well as enforcement of
11 laws, rules, and regulations in the Province of Bataan through: (a) the
12 Metropolitan Bataan Development Council, hereinafter referred to as the

1 Council, and (b) the Metropolitan Bataan Development Authority (MBDA) as
2 created herein.

3 **SEC. 3. *Creation of the MBDA.*** – A government instrumentality under
4 the supervision of the Office of the President of the Philippines to be known as
5 the MBDA is hereby created as the implementing arm of the Council with purely
6 administrative functions to promote the rational development and ensure the
7 efficient delivery of basic services in the Province of Bataan.

8 **SEC. 4. *Metropolitan Bataan Development Council.*** – The Council
9 shall be the governing board and policymaking body of the MBDA and shall be
10 composed of the Governor of the Province of Bataan as *ex officio* co-chairperson
11 of the Council, the congressional representatives of the Province of Bataan who
12 shall sit as *ex officio* co-chairpersons of the Council, and the Mayors of the city
13 of Balanga and the municipalities of Abucay, Bagac, Dinalupihan, Hermosa,
14 Limay, Mariveles, Morong, Orani, Orion, Pilar, and Samal as *ex officio*
15 members. The provincial directors of the Department of the Interior and Local
16 Government (DILG), Department of Environment and Natural Resources
17 (DENR), Office of Civil Defense (OCD), and Philippine National Police (PNP),
18 shall be *ex officio* members of the Council without voting rights. The unanimous
19 vote of the Council shall be necessary for any decision or action taken by the
20 Council. However, any Mayor may opt out prior to voting, in which case the
21 unanimous approval of the remaining members of the Council shall be
22 necessary. The decision or action approved by the Council shall not apply to
23 LGUs that opted out. The Council shall only address province-wide, multi-
24 municipality, or inter-municipality concerns.

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

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

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

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

30 **SEC. 6. *Functions and Powers of the Metropolitan Bataan***
31 ***Development Authority.*** – The MBDA shall:

- 1 (a) Coordinate and monitor the implementation of approved medium and
2 long-term plans and programs for the delivery of province-wide
3 services, consistent with the national development objectives and
4 priorities;
- 5 (b) Undertake and manage approved plans and projects for the delivery
6 of specific services under its jurisdiction, subject to the approval of
7 the Council;
- 8 (c) Coordinate, monitor, and adopt solutions to problems of
9 implementation of such plans, programs, and projects in the
10 province, identify bottlenecks and adopt solutions to the problems of
11 implementation;
- 12 (d) Implement existing and approved traffic policies on provincial and
13 national roads, coordinate and regulate the implementation of all
14 approved programs and projects concerning traffic management on
15 provincial and national roads specifically pertaining to enforcement,
16 engineering, and education: *Provided, That* upon request by LGUs
17 and other government agencies and with the approval of the Council,
18 it shall extend assistance and cooperation including the assignment
19 of personnel to such LGUs and other government agencies and
20 offices;
- 21 (e) When deputized by the Land Transportation Office (LTO), concerned
22 LGUs and other government authorities, issue tickets, citations and
23 collect fines and penalties for violations of traffic rules and
24 regulations on provincial and national roads, whether moving or non-
25 moving in nature;
- 26 (f) Enter into contracts approved by the Council to enable it to carry out
27 its purpose and functions under this Act; and
- 28 (g) Perform other related functions to achieve the objectives of the MBDA
29 and provide the services in Section 5 of this Act, including the
30 undertaking of the delivery of basic services to the LGUs not
31 otherwise provided in Section 5 of this Act, when deemed necessary,

1 subject to prior coordination with and consent of the LGU concerned
2 and the Council.

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

10 **SEC. 8. *Metropolitan Bataan Development Authority***
11 ***Administrator.*** – The MBDA shall be headed by an Administrator, to be
12 appointed by the President of the Philippines and chosen from a list of at least
13 three (3) nominees submitted by the Council. The Administrator shall have a
14 term of three (3) years unless otherwise removed for cause in accordance with
15 law, and shall have the rank, rights, disqualifications, and prohibitions of an
16 Undersecretary under existing civil service rules and regulations. The
17 Administrator shall not be related to any member of the Council within the
18 fourth civil degree of consanguinity or affinity.

19 The Administrator shall be assisted by a Deputy Administrator for
20 Finance and Administration and a Deputy Administrator for Planning and
21 Operations, both of whom shall be appointed by the Administrator with the
22 concurrence of the Council, subject to civil service laws, rules and regulations.
23 They shall enjoy security of tenure unless otherwise removed for cause in
24 accordance with law. The Deputy Administrator for Finance and
25 Administration and the Deputy Administrator for Planning and Operations
26 shall not be related to the Administrator or any member of the Council within
27 the fourth civil degree of consanguinity or affinity.

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

- 29 (a) Appoint, subject to civil service laws, rules and regulations, all
30 subordinate officers and employees, who shall enjoy security of
31 tenure and may be removed only for cause in accordance with law.

32 The Administrator is hereby authorized to engage the services of

- 1 experts or consultants, on full-time or part-time basis, as may be
2 required in the performance of the Administrator's functions and
3 duties.
- 4 (b) Execute the policies, measures, and programs approved by the
5 Council and be responsible for the efficient and effective day-to-day
6 management of the operations of the MBDA;
- 7 (c) Prepare the annual budget for the operations of the MBDA for the
8 consideration and approval of the Council;
- 9 (d) Submit for consideration of the Council such other duties and
10 measures as may be deemed necessary to carry out the purposes and
11 provisions of this Act;
- 12 (e) Determine the organizational structure and staffing pattern of the
13 MBDA in accordance with the Revised Compensation and Position
14 Classification System upon the recommendation of the Council,
15 subject to the evaluation and approval of the Department of Budget
16 and Management, and exercise the power to discipline subordinate
17 officials and employees in accordance with Civil Service laws, rules,
18 and regulations;
- 19 (f) Supervise the operation of various operating centers and units of the
20 MBDA;
- 21 (g) Formulate and recommend policies and programs to the Council for
22 the efficient delivery of province-wide services;
- 23 (h) Prepare an annual report on the activities and accomplishments of
24 the MBDA at the close of each year for submission to the Council
25 and the Office of the President of the Philippines;
- 26 (i) Ensure that all information, official records, documents and papers
27 pertaining to official acts, transactions or decisions of the Council
28 and the MBDA, including research data used by the Council and the
29 MBDA as basis for policy development, are preserved and made
30 available to the public when requested; and
- 31 (j) Perform other duties and functions as may be lawfully delegated or
32 assigned by the Council from time to time.

1 **SEC. 10. *Institutional Linkages of the MBDA.*** – The MBDA shall, in
2 carrying out its functions, consult, coordinate and work closely with the LGUs,
3 the DPWH, DOTr, and other national government agencies; accredited people’s
4 organizations (POs); non-government organizations (NGOs); and the private
5 sector operating in Bataan.

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

9 The implementation of the MBDA’s plans, programs, and projects shall
10 be undertaken by the LGUs, the concerned national agencies, the POs, NGOs
11 and the private sector, and the MBDA, as necessary and where appropriate, to
12 meet the objectives of this Act. For this purpose, the MBDA may enter into
13 contracts approved by the Council with such entities for the achievement of such
14 purposes.

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

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

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

25 The MBDA may accept donations and grants from local and foreign
26 sources. In case of grants, in cash or kind, from governments of foreign countries
27 or their agencies and instrumentalities, or from multilateral institutions or
28 organizations, acceptance thereof shall be subject to the prior clearance and
29 approval by the Council and the President of the Philippines or the authorized
30 representative based on the recommendation of the Secretary of Finance. On
31 the other hand, other donations, in cash or in kind, from foreign governments
32 shall require prior clearance and approval by the Council and the President of

1 the Philippines, or the authorized representative based on the recommendation
2 of the Secretary of Foreign Affairs.

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

7 **SEC. 12. *Transparency Clause.*** – Pursuant to Executive Order No. 2,
8 Series of 2016, the public shall have access to information, official records,
9 documents and papers pertaining to official acts, transactions or decisions of the
10 Council and the MBDA, as well as to research data used by the Council and
11 MBDA as basis for policy development. The Council and the MBDA shall
12 preserve and make readily accessible all such information, official records,
13 documents, and papers. As provided by E.O. No. 2, failure to do so shall be a
14 ground for the imposition of administrative and disciplinary sanctions on the
15 erring officers or employees, without prejudice to prosecution for violation of
16 other laws.

17 **SEC. 13. *Non-Diminution Clause.*** – The Council cannot modify,
18 overrule or disregard resolutions passed by the *Sangguniang Barangay*,
19 *Sangguniang Bayan*, *Sangguniang Panlungsod*, and *Sangguniang*
20 *Panlalawigan* within the Province of Bataan. It cannot also modify, overrule, or
21 disregard ordinances enacted and ratified by the local *sanggunians* and
22 executive orders of local chief executives.

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

29 Moreover, under no circumstances shall the Council or MBDA diminish,
30 disregard, limit, undermine, or overrule the authority, capacity, duty, and
31 prerogative of national agencies to identify, sponsor, approve, and supervise the
32 implementation of infrastructure and other projects in the Province of Bataan

1 in coordination with concerned congressional representatives or local chief
2 executives.

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

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

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

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

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

Approved,