



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service

The Bureau Directors
Environmental Management Bureau
Land Management Bureau

The OIC Director
Mines and Geosciences Bureau

The Regional Executive Director
DENR – Region III

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **INVITATION TO THE PUBLING HEARING AND REQUEST FOR COMMENTS ON METRO BATAAN DEVELOPMENT AUTHORITY (MBDA) FROM THE SENATE COMMITTEE ON LOCAL GOVERNMENT**

DATE : 09 August 2023

In reference to the electronic mail received by our Office, the Senate Committee on Local Government will be conducting a Public Hearing on **14 August 2023, Monday 10:00 AM**, at **Sen. Padilla Room, 2nd floor, Senate of the Philippines, Pasay City**, to discuss the following measures:

- **SBN 2106** – AN ACT CREATING THE METRO BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR by Senator Tolentino
- **SBN 2373** – AN ACT CREATING THE METRO BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR by Senator Ejercito;
- **HBN 7752** – AN ACT CREATING THE METROPOLITAN BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR by Representatives A. Garcia, et. al;

In this regard, this is to respectfully request your attendance to the aforementioned public hearing, as well as to submit your

comments/recommendations, as requested by the Committee. Kindly submit your comments on or before 11 August 2023, 5:00 PM via email at denrlo@denr.gov.ph. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s.

Attached herewith are copies of the Letter Invitation and of the bills for your reference.


ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs



Republic of the Philippines
SENATE
COMMITTEE ON LOCAL GOVERNMENT

August 7, 2023

HON. MARIA ANTONIA YULO LOYZAGA

Secretary

Department of Environment and Natural Resources (DENR)

Dear **Sec. Loyzaga**:

The Committee on Local Government joint with the Committees on Government Corporations and Public Enterprises; Finance, Civil Service, Government Re-organization and Professional Regulation; Ways and Means; and Health and Demography, would like to respectfully invite your Honor or your duly authorized representative as resource person to a Public Hearing on **August 14, 2023, Monday 10:00 a.m. at the Sen. Padilla Room, 2nd Floor, Senate of the Philippines**, Pasay City on the following legislative measures:

Metro Bataan Development Authority (MBDA)

1. **SBN 2106** – AN ACT CREATING THE METRO BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR by Senator Tolentino;
2. **SBN 2373** – AN ACT CREATING THE METRO BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR by Senator Ejercito;
3. **HBN 7752** – AN ACT CREATING THE METROPOLITAN BATAAN DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FUNDS THEREFOR by Representatives A. Garcia et. Al;

May we also request the **submission of position papers or any other supporting documents** to this electronic mail address on or before the above-mentioned hearing date.

You may access the electronic copies of said bills through this link:

https://drive.google.com/drive/folders/1DFjAibCEVmd6BmuSFS4II5L-r8pcUXs0?usp=share_link

Please note that **names of resource persons must be submitted** to the Committee Secretariat at least one (1) day before the Public Hearing for proper endorsement to the Office of the Senate Sergeant-at-Arms. Those who are not on the list will be denied entry.

For confirmation of attendance, queries, and other concerns, your good office may **reply to this electronic mail** at senatelocgov@gmail.com and attyjayequerubin@gmail.com or contact the Committee Secretary, Atty. Jaye Querubin-Fernandez at 09778595293.

Your physical presence and participation will be highly appreciated.

Thank you very much.

Respectfully,

For the Chairperson:

SENATOR JOSEPH VICTOR G. EJERCITO
Committee on Local Government



ATTY. JOVY ANNE QUERUBIN-FERNANDEZ
Committee Secretary

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Senate
Office of the Secretary

23 MAY -2 P2:08

SENATE
S. No. 2106

RECEIVED



Introduced by Senator Francis "Tol" N. Tolentino

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

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. Under Republic Act No. 7150 or the Local Government Code of 1991, Local Government Units (LGUs) are encouraged to group themselves to coordinate efforts, services, and resources for purposes commonly beneficial to their respective constituencies.


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 which will be organized to coordinate and promote the socioeconomic growth and sustainable

development of Metropolitan Bataan. It will primarily address developmental concerns which are beyond the individual capacities of the member LGUs. 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.

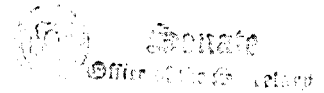
Capitalizing on the cooperation and shared use of resources as well as the financial support of the national government, the MBDA envisions a more efficient and cost-effective implementation of development initiatives, programs and services while seeking to avert the economically and environmentally costly effects of rapid urbanization due to poor planning and non-compliance with relevant laws, rules and regulations.

In view of the foregoing, the passage of this bill is earnestly sought.



FRANCIS "TOL" N. TOLENTINO

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



23 MAY -2 P2:08

SENATE
S. No. 2106

Introduced by Senator Francis "Tol" N. Tolentino

**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 Bataan
2 Development Authority Act."

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

13 **SEC. 3. Creation of the Metropolitan Bataan Development Authority.**
14 – There is hereby created a special body to be known as the Metropolitan Bataan
15 Development Authority, hereinafter referred to as "MBDA", which shall be organized

1 within thirty (30) days after the approval of this Act, to coordinate and promote
2 socioeconomic growth and sustainable development of Metropolitan Bataan.

3 The MBDA shall execute the powers and functions herein vested which shall,
4 however, in no way diminish the autonomy of the LGUs of Metropolitan Bataan
5 concerning purely local matters, within the framework and subject to the mandate
6 and limitations of the Constitution and the pertinent provisions of Republic Act No.
7 7160, otherwise known as the "Local Government Code of 1991".

8 **SEC. 4. *Scope of MBDA Services.*** – The MBDA shall have the authority to
9 provide services to the entire province of Bataan and to areas including the road
10 networks or expressways directly connected to or covered by the territorial jurisdiction
11 of Bataan, such as, but not limited to, multiple LGUs for areas that are socio-
12 economically interdependent or which entail expenditure beyond the capacity of any
13 single LGU in the Province of Bataan.

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

17 (a) Assistance to the Planning Offices of the LGUs in Bataan and the
18 freeport and special zone authorities of Subic Bay Metropolitan
19 Authority (SBMA) in development planning, in case the need arises,
20 which includes the preparation of proposed medium and long-term
21 development plans, the development, evaluation and packaging of
22 proposed projects, investment programming, and coordination and
23 monitoring of plans, programs and projects required by the provincial
24 development plan as approved by the *Sanggunian* or Board of
25 Directors concerned. *Provided, That*, the LGU Planning Offices shall
26 have primary jurisdiction over development planning in said provinces,
27 city, municipality or freeport/ecozone authority, as the case may be.

28 (b) With respect solely to provincial and national roads, transportation
29 and traffic management, the coordination and monitoring of policies,

1 standards, programs and projects approved by the Council to
2 rationalize the existing transport operations in coordination with the
3 Department of Transportation (DOTr); the determination, planning,
4 procurement, and provision of infrastructure requirements in
5 coordination with the DPWH; the enhancement of the safe use of
6 thoroughfares; the promotion of safe and convenient movement of
7 persons and goods: the provision of transport systems and the
8 establishment of a system to regulate road users; the administration
9 and implementation of all traffic enforcement operations; the
10 provision of traffic engineering services and the provision of traffic
11 services and traffic education programs;

12 (c) Solid waste disposal and management which includes the formulation
13 and implementation of policies, standards, programs and projects for
14 proper and sanitary waste disposal; the establishment and operation
15 of sanitary landfill and other related facilities; and the implementation
16 of other alternative programs intended to reduce, reuse and recycle
17 solid waste. This is without prejudice to the authority and right of
18 LGUs to perform these services or enter into agreements providing
19 such services in coordination with the DENR;

20 (d) Assistance in flood control and sewerage management which include
21 the formulation and implementation of policies, standards, programs
22 and projects for an integrated flood control, drainage and sewerage
23 system. This is without prejudice to the authority and right of LGUs to
24 perform these services or enter into agreements providing such
25 services in coordination with the DPWH;

26 (e) Assistance in urban renewal, zoning, land use planning, and shelter
27 services, which includes the formulation, adoption and
28 implementation of policies on standards, rules and regulations,
29 programs and projects pertaining to the rationalization and
30 optimization of land use, and assistance in the formulation of growth

1 and expansion plans, the rehabilitation and development of slum and
2 blighted areas, the development of shelter and housing facilities, and
3 the provision of necessary social services thereof. This is without
4 prejudice to the authority and right of LGUs to perform these services
5 or enter into agreements providing such services in coordination with
6 the appropriate national agency;

7 (f) Assistance in health and sanitation protection and pollution control
8 which includes the implementation of policies, rules and regulations,
9 standards, programs and projects for the promotion and safeguarding
10 of health and sanitation of the province and the enhancement of
11 ecological balance and the prevention, control and abatement of
12 environmental pollution;

13 (g) Ensuring disaster resilience through the implementation of programs,
14 policies and procedures to achieve preparedness for preventive or
15 rescue operations during times of calamities and disasters such as
16 conflagrations earthquakes, flood and tidal waves; and coordination
17 and mobilization of resources and the implementation of contingency
18 plans for rehabilitation and relief operations;

19 (h) Public safety, which includes formulating and implementing programs,
20 policies and procedures to achieve public safety, especially
21 preparedness for preventive or rescue operations during times of
22 calamity and disaster such as conflagration, earthquakes, flood; and
23 coordinating and mobilizing resources and implementing contingency
24 plans for rehabilitation and relief operations in coordination with
25 national agencies concerned; and

26 (i) Assistance in formulating a comprehensive educational development
27 program, in coordination with the Department of Education (DepEd)
28 and the Commission on Higher Education (CHED), to ensure that
29 adequate total human capital grants and human resources
30 development would be achieved.

1 **SEC. 5. Functions and Powers of the Metro Bataan Development**

2 **Authority.** – The MBDA shall:

3 (a) Coordinate and monitor the implementation of approved medium and long-
4 term plans and programs for the delivery of province-wide or inter-province-wide
5 services, consistent with the national development objectives and priorities;

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

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

11 (d) Implement existing and approved traffic policies on provincial and national
12 roads, coordinate and regulate the implementation of all approved programs and
13 projects concerning traffic management on provincial and national roads specifically
14 pertaining to enforcement, engineering and education; Provided, That upon request
15 by LGUs and other government agencies and with the approval of the Council, it shall
16 extend assistance and cooperation including the assignment of personnel to such LGUs
17 and other government agencies and offices;

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

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

24 (g) Perform other related functions to achieve the objectives of the MBDA and
25 provide the services in Section 5 of this Act, including the undertaking of delivery of
26 basic services to the LGUs not otherwise provided by in Section 5 of this Act, when
27 deemed necessary subject to prior coordination with and consent of the LGU
28 concerned and the Council.

1 **SEC. 6. Metro Bataan Development Council.** – The governing board and
2 the policy-making body of the MBDA shall be the Metropolitan Bataan Development
3 Council, herein referred to as the Council, which shall be composed of the Governor
4 as *ex-officio* Chairperson of the Council, the Mayors of the City of Balanga, the
5 Municipalities of Abucay, Bagac, Dinalupihan, Hermosa, Limay, Mariveles, Morong,
6 Orani, Orion, Pilar, and Samal, the Administrator of the SBMA, as *ex-officio* members.
7 The Region-III regional directors of the Department of the Interior and Local
8 Government (DILG), Department of Environment and Natural Resources (DENR),
9 Department of Public Works and Highways, Office of Civil Defense (OCD), and
10 Philippine National Police (PNP), shall be *ex-officio* members of the Council without
11 voting rights.

12 **SEC. 7. Functions of the Metro Bataan Development Council.** - The MBD
13 Council as the policy making body of the MBDA, shall exercise the following functions:

- 14 (a) Approve the development plans, investment programs, and projects
15 after consultation and coordination with the LGUs and other
16 stakeholders operating in the Metro Bataan Area;
- 17 (b) Formulate and issue ordinances, resolutions, rules and regulations
18 deemed necessary by the MBDA to carry out the purposes of this Act;
- 19 (c) Recommend Investment programming for its plans and programs as well
20 as supervise the implementation of plans and programs which will
21 include the formulation and coordination of its related activities;
- 22 (d) Coordinate and work closely with the DOTR and its attached agencies
23 on the grant of franchises to safe, reliable, and environment-friendly
24 public utility vehicles within the MBDA jurisdiction;
- 25 (e) Approve the annual budget of the MBDA for submission to the
26 Department of Budget and Management (DBM), and endorse the annual
27 as well as the supplemental budgets of the MMDA; and
- 28 (f) Perform such other acts and assume such other functions as may be
29 consistent and necessary to carry out the provisions of this Act.

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

7 **SEC. 9. Metro Bataan Development Authority Administrator.** –

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

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

23 **SEC. 10. Functions of the Administrator.** – The Administrator shall:

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

- 1 be required in the performance of his functions and duties as may
2 be determined 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
10 and 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
15 of 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 or inter-province wide
22 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 and
25 the Office of the President;
- 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

1 MBDA as basis for policy development, are preserved and made
2 available to the public when requested; and

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

5 **SEC. 11. *Institutional Linkages of the MBDA.*** – The MBDA shall, in
6 carrying out its functions, consult, coordinate and work closely with the LGUs, the
7 DPWH, DOTr and other national government agencies; accredited people’s
8 organizations (POs); non-government organizations (NGOs), and the private sector
9 operating in Bataan.

10 The MBDA shall prepare a master plan to be approved by the Council and the
11 PPDO that shall serve as the framework for the local development plans of the
12 component LGUs. For this purpose, the council, through the MBDA, may require its
13 ex-officio non-voting members as well as other national government agencies and
14 instrumentalities to submit development plans and projects to be implemented within
15 its jurisdiction.

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

21 **SEC. 12. MBDA School Board.** – The MBDA School Board is hereby created
22 which is tasked, among others, to:

23 (a) Determine, together with DepEd and CHED, the direction for public schools
24 in the community to ensure that a long-term vision is established for the
25 school system within the territorial jurisdiction of the MBDA;

26 (b) Establish an effective and efficient organizational structure. The MBDA
27 School Board shall in coordination with the DepEd and CHED:

28 i. Provide consultation on the appointment of division superintendents,
29 district supervisors, school principals, and other officials;

- 1 ii. Oversee the development and adoption of by-laws and policies of
2 public schools in the area;
- 3 iii. Set a direction, together with DepEd and CHED, for the adoption of
4 curriculum of public schools in the area;
- 5 iv. Establish budget priorities and adopting a budget and local control
6 and accountability plan for schools within the territorial jurisdiction
7 of the MBDA;
- 8 (c) Determine, in accordance with the criteria set by the DepEd and CHED, the
9 annual supplementary budgetary needs for the operation and maintenance
10 of public schools within the jurisdiction of the MBDA, and the supplementary
11 local cost of meeting such needs, which shall be reflected in the form of an
12 annual school board budget corresponding to its share of the proceeds of
13 the special levy on real property consisting the Special Education Fund and
14 such other sources of revenue as Republic Act No. 7160 or the Local
15 Government Code of 1991 and other laws or ordinances may provide;
- 16 (d) Authorize the Deputy Administrator for Finance and Administration to
17 disburse the funds from the Special Education Fund pursuant to the budget
18 prepared and in accordance with existing rules and regulations;
- 19 (e) Establish systems and processes to monitor results, evaluate the school
20 system's progress. The MBDA School Board shall be responsible for:
- 21 i. Ensure that policies for evaluation based on the criteria set by DepEd
22 and CHED are employed at all times;
- 23 ii. Monitoring the implementation of standards and policies;
- 24 iii. Monitoring student achievement, program effectiveness, and
25 recommend to DepEd, CHED, or the respective *sanggunians*, as the
26 case may be, program changes, if any;
- 27 iv. Monitoring and adjusting finances of public schools in the territorial
28 jurisdiction of the MBDA; and
- 29 v. Evaluating its own effectiveness through board self-evaluation.
- 30 (f) Serve as an advisory committee to the respective *sanggunians* on
31 educational matters such as, but not limited to, the necessity for and the
32 uses of local appropriations for educational purposes; and

1 (g) Recommend changes in the name of public schools within the territorial
2 jurisdiction of MBDA for enactment by the *sanggunian* concerned.

3 **SEC. 13. Sources of Funds and Operating Budget of the MBDA.** – The
4 amount necessary for the operating budget of MBDA shall be included in the annual
5 General Appropriations Act.

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

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

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

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

25 **SEC. 14. Transparency Clause.** – Pursuant to Executive Order No. 2, s. 2016,
26 the public shall have access to information, official records, documents and papers
27 pertaining to official acts, transactions or decisions of the Council and the MBDA, as
28 well as to research data used by the Council and the MBDA as basis for policy
29 development. The Council and the MBDA shall preserve and make readily accessible

1 all such information, official records, documents, and papers. As provided by E.O. No.
2 2, failure to do so shall be a ground for the imposition of administrative and disciplinary
3 sanctions on the erring officers or employees, without prejudice to prosecution for
4 violation of other laws.

5 **SEC. 15. *Non-Diminution Clause.*** – The Council cannot modify, overrule or
6 disregard resolutions passed by the *Sangguniang Barangay, Sangguniang Bayan,*
7 *Sangguniang Panlungsod* and *Sanggunian Panlalawigan,* within the Province of
8 Bataan. It cannot also modify, overrule, or disregard ordinances enacted and ratified
9 by the local *sanggunian* and executive orders of local chief executives.

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

15 **SEC. 16. *Amicable Resolution Clause*** – In the formulation and
16 implementation of development initiatives, programs and projects, the MBDA shall
17 solicit and consider the inputs of relevant national government agencies. In like
18 manner, concerned national government agencies shall consult the MBDA and its
19 member LGUs before the implementation of development projects funded by the
20 national government. Potential or actual conflicts or disputes arising from policy
21 matters or overlap in initiatives, programs and projects shall be amicably resolved to
22 the mutual satisfaction of all concerned. Otherwise, the dispute shall be resolved in
23 favor of local autonomy.

24 Potential or actual conflicts in the policies, plans, initiatives or program
25 implementation of the MBDC or MBDA shall be resolved in favor of the SBMA as the
26 case may be, in areas within their respective operational jurisdictions.

27 **SEC. 17. *Internal Audit.*** – Notwithstanding the provisions of Republic Act
28 No. 4177, amending certain sections of Republic Act No. 3456, otherwise known as

1 the "Internal Auditing Act of 1962", the Council shall appoint the members of the
2 independent internal audit service of the MBDA.

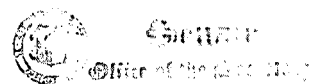
3 **SEC. 18. *Separability Clause.*** – In case any part or provision of this Act is
4 held unconstitutional or invalid, other parts or provisions thereof which are not
5 affected shall continue to remain in full force and effect.

6 **SEC. 19. *Repealing Clause.*** – All laws, executive orders, rules and
7 regulations or parts thereof inconsistent with or contrary to the provisions of this Act
8 are hereby repealed or modified accordingly.

9 **SEC. 20. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in a newspaper of general circulation.

Approved,

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 AUG -1 AMO :14

SENATE

S. No. 2373

RECEIVED

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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

EXPLANATORY NOTE

The Province of Bataan, a region situated along the western coast of Luzon, boasts a unique geographical location. As a peninsula, it is embraced by the waters of the West Philippine Sea to the west and the of Manila Bay to the east. Towards its northeastern boundaries, it shares borders with the provinces of Bulacan and Pampanga, while its northern border is marked by the province of Zambales.

Among the developments on the horizon for Bataan is the forthcoming construction of the Bataan-Cavite Interlink Bridge, described by the Asian Development Bank as the pivotal missing link in the road network connecting the National Capital Region, Central Luzon, and the Calabarzon region. The government's unwavering commitment to infrastructure investment promises to spur economic activities in the province, thus stirring a surge in regional growth and prosperity.

To facilitate the holistic development of the province, the creation of the Metro Bataan Development Authority (MBDA) is proposed through this measure. The authority aims to seamlessly integrate and coordinate efforts while fostering the socio-economic advancement of the region. Emphasizing collaboration, shared resources, and bolstered by the financial backing of the national government, the MBDA is poised to elevate Bataan to unprecedented heights of progress and sustainable development.

In view of the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'JVE', with a horizontal line extending to the left from the first letter.

JOSEPH VICTOR G. EJERCITO

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 AUG -1 AIO :14

SENATE

S. No. 2373

RECEIVED BY

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

**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 Bataan Development
2 Authority Act.”

3 Sec. 2. *Declaration of Policy.* – Consistent with the declaration of the policy of
4 the State as provided in the Constitution, the Local Government and other pertinent
5 national laws, it is hereby declared to be the policy of the State to encourage local
6 government units (LGUs) to group themselves to coordinate efforts, services and
7 resources for purposes commonly beneficial to their respective constituencies. It is
8 also declared to be the policy of the State to integrate and coordinate the delivery of
9 certain basic services as well as enforcement of laws, rules and regulations in the
10 Province of Bataan and adjacent areas through (a) the Metro Bataan Development
11 Council hereinafter referred to as Council, and (b) the Metro Bataan Development
12 Authority (MBDA), as created herein.

13 Sec. 3. *Creation of the MBDA.* – There is hereby created a special body to be
14 known as the Metropolitan Bataan Development Authority, hereinafter referred to as
15 “MBDA”, which shall be organized within thirty (30) days after the approval of this Act,
16 to coordinate and promote socioeconomic growth and sustainable development of
17 Metropolitan Bataan.

18 The MBDA shall execute the powers and functions herein vested which shall,
19 however, in no way diminish the autonomy of the LGUs of Metropolitan Bataan

1 concerning purely local matters, within the framework and subject to the mandate
2 and limitations of the Constitution and the pertinent provisions of Republic Act No.
3 7160, otherwise known as the "Local Government Code of 1991".

4 *Sec. 4. Scope of MBDA Services.* – The MBDA shall have the authority to provide
5 services to the entire province of Bataan and to areas including the road networks or
6 expressways directly connected to or covered by the territorial jurisdiction of Bataan,
7 such as, but not limited to, multiple LGUs for areas that are socio-economically
8 interdependent or which entail expenditure beyond the capacity of any single LGU in
9 the Province of Bataan.

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

13 (a) Assistance to the Planning Offices of the LGUs in Bataan and the freeport
14 and special zone authorities of Subic Bay Metropolitan Authority (SBMA) in
15 the development planning, in case the need arises, which includes the
16 preparation of proposed medium and long-term development plans, the
17 development, evaluation and packaging of proposed projects, investment
18 programming, and coordination and monitoring of plans, programs and
19 projects required by the provincial development plan as approved by the
20 *Sanggunian or Board of Directors* concerned. *Provided,* that the Planning
21 Offices shall have primary jurisdiction over development planning in said
22 provinces, city, municipality or freeport/ecozone authority, as the case may
23 be.

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

- 1 administration and implementation of all traffic enforcement operations; the
2 provision of traffic engineering services and the provision of traffic services
3 and traffic education programs;
- 4 (c) Solid waste disposal and management which includes the formulation and
5 implementation of policies, standards, programs and projects for proper and
6 sanitary waste disposal; the establishment and operation of sanitary landfill
7 and other related facilities; and the implementation of other alternative
8 programs intended to reduce, reuse and recycle solid waste. This is without
9 prejudice to the authority and right of LGUs to perform these services or
10 enter into agreements providing such services in coordination with the
11 DENR;
- 12 (d) Assistance in flood control and sewerage management which include the
13 formulation and implementation of polices, standards, programs and
14 projects for an integrated flood control, drainage and sewerage system. This
15 is without prejudice to the authority and right of LGUs to perform these
16 services or enter into agreements providing such services in coordination
17 with the DPWH;
- 18 (e) Assistance in urban renewal, zoning, land use planning, and shelter services,
19 which includes the formulation, adoption and implementation of policies on
20 standards, rules and regulations, programs and projects pertaining to the
21 rationalization and optimization of land use, and assistance in the
22 formulation of growth and expansion plans, the rehabilitation and
23 development of slum and blighted areas, the development of shelter and
24 housing facilities, and the provision of necessary social services thereof. This
25 is without prejudice to the authority and right of LGUs to perform these
26 services or enter into agreements providing such services in coordination
27 with the appropriate national agency;
- 28 (f) Assistance in health and sanitation protection and pollution control which
29 includes the implementation of policies, rules and regulations, standards,
30 programs and projects for the promotion and safeguarding of health and
31 sanitation of the province and the enhancement of ecological balance and
32 the prevention, control and abatement of environmental pollution; and

1 (g) Ensuring disaster resilience through the implementation of programs,
2 policies and procedures to achieve preparedness for preventive or rescue
3 operations during times of calamities and disasters such as conflagrations
4 earthquakes, flood and tidal waves; and coordination and mobilization of
5 resources and the implementation of contingency plans for rehabilitation
6 and relief operations.

7 (h) Public safety, which includes formulating and implementing programs,
8 policies and procedures to achieve public safety, especially preparedness
9 for preventive or rescue operations during times of calamity and disaster
10 such as conflagration, earthquakes, flood; and coordinating and mobilizing
11 resources and implementing contingency plans for rehabilitation and relief
12 operations in coordination with national agencies concerned; and

13 (i) Assistance in formulating a comprehensive educational development
14 program, in coordination with the Department of Education (DepEd) and
15 the Commission on Higher Education (CHED), to ensure that adequate total
16 human capital grants and human resources development would be achieved

17 *Sec. 5. Functions and Powers of the Metro Bataan Development Authority. –*

18 The MBDA shall:

19 (a) Coordinate and monitor the implementation of approved medium and long-
20 term plans and programs for the delivery of province-wide or inter-
21 province-wide services, consistent with the national development objectives
22 and priorities;

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

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

28 (d) Implement existing and approved traffic policies on provincial and national
29 roads, coordinate and regulate the implementation of all approved programs
30 and projects concerning traffic management on provincial and national
31 roads specifically pertaining to enforcement, engineering and education;
32 *Provided, That upon request by LGUs and other government agencies and*

1 with the approval of the Council, it shall extend assistance and cooperation
2 including the assignment of personnel to such LGUs and other government
3 agencies and offices;

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

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

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

15 *Sec. 6. Metro Bataan Development Council.* – The governing board and
16 policymaking body of the MBDA shall be the Metropolitan Bataan Development
17 Council, which shall be composed of the Governor as *ex-officio* Chairperson of the
18 Council, the Mayors of the City of Balanga, the Municipalities of Abucay, Bagac,
19 Dinalupihan, Hermosa, Limay, Mariveles, Morong, Orani, Orion, Pilar, and Samal, the
20 Administrator of the Subic Bay Metropolitan Authority (SBMA), as *ex-officio* members.
21 The Region-III regional directors of the Department of the Interior and Local
22 Government (DILG), Department of Environment and Natural Resources (DENR),
23 Department of Public Works and Highways, Office of Civil Defense (OCD), and
24 Philippine National Police (PNP), shall be *ex-officio* members of the Council without
25 voting rights.

26 *Sec. 7. Functions and Powers of the Metro Bataan Development Council.* – The
27 MBD Council as the policy making body of the MBDA, shall exercise the following
28 functions:

29 (a) Approve the development plans, investment programs, and projects after
30 consultation and coordination with the LGUs and other stakeholders
31 operating in the Metro Bataan Area;

- 1 (b) Formulate and issue ordinances, resolutions, rules and regulations deemed
2 necessary by the MBDA to carry out the purposes of this Act;
- 3 (c) Recommend Investment programming for its plans and programs as well as
4 supervise the implementation of plans and programs which will include the
5 formulation and coordination of its related activities;
- 6 (d) Coordinate and work closely with the DOT and its attached agencies on the
7 grant of franchises to safe, reliable, and environment-friendly public utility
8 vehicles within the MBDA jurisdiction;
- 9 (e) Approve the annual budget of the MBDA for submission to the Department
10 of Budget and Management (DBM), and endorse the annual as well as the
11 supplemental budgets of the MMDA; and
- 12 (f) Perform such other acts and assume such other functions as may be
13 consistent and necessary to carry out the provisions of this Act.

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

20 **Sec. 9. *Metro Bataan Development Authority Administrator.*** – The MBDA shall
21 be headed by an Administrator, to be appointed by the President of the Philippines
22 and chosen from a list of at least three (3) nominees submitted by the Council. The
23 Administrator shall have a term of three (3) years unless otherwise removed for cause
24 in accordance with law, and have the rights, rank, disqualifications, and prohibitions
25 of an Undersecretary under existing civil service rules and regulations. The
26 Administrator shall not be related to any member of the Council within the fourth civil
27 degree of consanguinity or affinity.

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

1 Finance and Administration and the Deputy Administrator for Planning and Operations
2 shall not be related to the Administrator or any member of the Council within the
3 fourth civil degree of consanguinity or affinity.

4 Sec. 10. *Functions of the Administrator.* – The Administrator shall:

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

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

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

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

19 (e) Subject to the Civil Service Decree, rules and regulations, and the approval
20 of the Council, determine the staffing pattern, fix the compensation of the
21 officers and personnel of the MBDA in accordance with the Salary
22 Standardization Law, and fix the number of subordinate officials and
23 employees of the MBDA and exercise the power to discipline subordinate
24 officials and employees under the provisions of law;

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

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

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

31 (i) Ensure that all information, official records, documents and papers
32 pertaining to official acts, transactions or decisions of the Council and the

1 MBDA, including research data used by the Council and the MBDA as basis
2 for policy development, are preserved and made available to the public
3 when requested; and

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

6 Sec. 11. *MBDA Planning Office.* – There is hereby created a Planning Office in
7 the MBDA as its planning and policy coordinating body that will, in coordination with
8 or in assistance to, the LGUs and other members of the Metro Bataan Development
9 Council, formulate and implement comprehensive urban or regional development
10 plans within its area of jurisdiction. Its specific tasks include, but shall not be limited
11 to, zoning and land use management, transportation planning, development review,
12 project evaluation and monitoring, data and analysis research, socio-economic policy
13 formulation, environmental planning and public engagement and stakeholder
14 coordination, advocacy and capacity development.

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

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

24 Sec 12. *The Metro Bataan Development Master Plan* - The MBDA shall prepare
25 a master plan to be approved by the Council and the PPDO that shall serve as the
26 framework for the local development plans of the component LGUs. For this purpose,
27 the council, through the MBDA, may require its ex-officio non-voting members as well
28 as other national government agencies and instrumentalities to submit development
29 plans and projects to be implemented within its jurisdiction.

30 The master plan shall contain, but will not be limited to, the following
31 components: areas of industrial growth, planned infrastructure development, tourism
32 site development plan, planned energy facility development.

1 Sec. 13. *Metro Bataan Maritime Police* - There is hereby established a police
2 body to be known as the Metro Bataan Maritime Police (MBMP) that shall be under
3 the administrative control and operational supervision of the Philippine National Police
4 Region III. The MBMP shall assume and perform the following functions:

5 (a) Ensure that peace, order and safety within the immediate territorial waters
6 of Metro Bataan are maintained at all times;

7 (b) Coordinate with the Philippine Coast Guard, the SBMA, member LGUs of the
8 MBDA, the Regional Police Office, and other relevant agencies in fulfilling its
9 mandate within the territorial jurisdiction of the MBDA

10 Sec. 14. *MBDA School Board*. – The MBDA School Board is hereby created which
11 is tasked, among others, to:

12 (a) Determine, together with DepEd and CHED, the direction for public schools
13 in the community to ensure that a long-term vision is established for the
14 school system within the territorial jurisdiction of the MBDA;

15 (b) Establish an effective and efficient organizational structure. The MBDA
16 School Board shall in coordination with the DepEd and CHED:

17 i. Provide consultation on the appointment of division superintendents,
18 district supervisors, school principals, and other officials;

19 ii. Oversee the development and adoption of by-laws and policies of
20 public schools in the area;

21 iii. Set a direction, together with DepEd and CHED, for the adoption of
22 curriculum of public schools in the area;

23 iv. Establish budget priorities and adopting a budget and local control
24 and accountability plan for schools within the territorial jurisdiction
25 of the MBDA;

26 (c) Determine, in accordance with the criteria set by the DepEd and CHED, the
27 annual supplementary budgetary needs for the operation and maintenance
28 of public schools within the jurisdiction of the MBDA, and the supplementary
29 local cost of meeting such needs, which shall be reflected in the form of an
30 annual school board budget corresponding to its share of the proceeds of
31 the special levy on real property consisting the Special Education Fund and

1 such other sources of revenue as Republic Act No. 7160 or the Local
2 Government Code of 1991 and other laws or ordinances may provide;

3 (d) Authorize the Deputy Administrator for Finance and Administration to
4 disburse the funds from the Special Education Fund pursuant to the budget
5 prepared and in accordance with existing rules and regulations;

6 (e) Establish systems and processes to monitor results, evaluate the school
7 system's progress. The MBDA School Board shall be responsible for:

8 i. Ensure that policies for evaluation based on the criteria set by DepEd
9 and CHED are employed at all times;

10 ii. Monitoring the implementation of standards and policies;

11 iii. Monitoring student achievement, program effectiveness, and
12 recommend to DepEd, CHED, or the respective *sanggunians*, as the
13 case may be, program changes, if any;

14 iv. Monitoring and adjusting finances of public schools in the territorial
15 jurisdiction of the MBDA; and

16 v. Evaluating its own effectiveness through board self-evaluation.

17 (f) Serve as an advisory committee to the respective *sanggunians* on
18 educational matters such as, but not limited to, the necessity for and the
19 uses of local appropriations for educational purposes; and

20 (g) Recommend changes in the name of public schools within the territorial
21 jurisdiction of MBDA for enactment by the *sanggunian* concerned.

22 Sec. 15. *Sources of Funds and Operating Budget of the MBDA.* – The amount
23 necessary for the operating budget of MBDA shall be included in the annual General
24 Appropriations Act.

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

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

31 The MBDA may accept donations and grants from foreign and local sources. In
32 case of grants, in cash or kind, from governments of foreign countries or their agencies

1 and instrumentalities, or from multilateral institutions or organizations, acceptance
2 thereof shall be subject to the prior clearance and approval by the Council and the
3 President of the Philippines or the authorized representative based on the
4 recommendation of the Secretary of Finance. On the other hand, other donations, in
5 cash or in kind, from foreign government shall require prior clearance and approval
6 by the Council and the President, or the authorized representative based on the
7 recommendation of the Secretary of Foreign Affairs.

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

12 Sec. 16. *Transparency Clause.* – Pursuant to Executive Order No. 2, s. 2016,
13 the public shall have access to information, official records, documents and papers
14 pertaining to official acts, transactions or decisions of the Council and the MBDA, as
15 well as to research data used by the Council and the MBDA as basis for policy
16 development. The Council and the MBDA shall preserve and make readily accessible
17 all such information, official records, documents, and papers. As provided by E.O. No.
18 2, failure to do so shall be a ground for the imposition of administrative and disciplinary
19 sanctions on the erring officers or employees, without prejudice to prosecution for
20 violation of other laws.

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

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

31 Sec. 18. *Amicable Resolution Clause.* – In the formulation and implementation
32 of development initiatives, programs and projects, the MBDA shall solicit and consider

1 the inputs of relevant national government agencies. In like manner, concerned
2 national government agencies shall consult the MBDA and its member LGUs before
3 the implementation of development projects funded by the national government.
4 Potential or actual conflicts or disputes arising from policy matters or overlap in
5 initiatives, programs and projects shall be amicably resolved to the mutual satisfaction
6 of all concerned. Otherwise, the dispute shall be resolved in favor of local autonomy.
7 Potential or actual conflicts in the policies, plans, initiatives or program implementation
8 of the MBDC or MBDA shall be resolved in favor of the SBMA, as the case may be, in
9 areas within their respective operational jurisdictions.

10 Sec. 19. *Internal Audit.* – Notwithstanding the provisions of Republic Act No.
11 4177, amending certain sections of Republic Act No. 3456, otherwise known as the
12 “Internal Auditing Act of 1962”, the Council shall appoint the members of the
13 independent internal audit service of the MBDA.

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

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

20 Sec. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in a newspaper of general circulation.

Approved,



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,