

SENATE

COMMITTEE REPORT NO. 517

Submitted jointly by the Committees on Local Government; Economic Affairs; Government Corporations and Public Enterprises; and Finance on JAN 25 2022.

Re: House Bill No. 8218

Recommending the approval of House Bill No. 8218 with amendments, taking into consideration Senate Bill No. 544

Sponsor: Senator Francis "Tol" N. Tolentino

MR. PRESIDENT:

The Committees on Local Government; Economic Affairs; Government Corporations and Public Enterprises; and Finance, to which were referred **House Bill No. 8218**, introduced by Representatives Jose Enrique "Joet" S. Garcia III, Eric L. Olivarez, Noel L. Villanueva, Eric Go Yap, Geraldine B. Roman, et al. entitled:

"AN ACT

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

taking into consideration **Senate Bill No. 544**, introduced by Senator Juan Miguel F. Zubiri, entitled:

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

have considered the same and have the honor to report it back to the Senate with the recommendation that House Bill No. 8218, taking into consideration Senate Bill No. 544, be approved with the following amendments:

1. On page 2, lines 10 to 25, delete entire Section 4 and replace with a new Section 4, to read thus:

"SEC. 4. METRO BATAAN DEVELOPMENT COUNCIL. – THE METRO BATAAN DEVELOPMENT COUNCIL (COUNCIL) SHALL BE THE GOVERNING BOARD AND POLICY-MAKING BODY OF THE MBDA. THE COUNCIL SHALL BE COMPOSED OF THE GOVERNOR OF BATAAN AS *EX OFFICIO* CHAIRPERSON; THE CONGRESSIONAL REPRESENTATIVES OF THE PROVINCE OF BATAAN AND THE MAYORS OF THE CITY OF BALANGA AND THE MUNICIPALITIES OF ABUCAY, BAGAC, DINALUPIHAN, HERMOSA, LIMAY, MARIVELES, MORONG, ORANI, ORION, PILAR, AND SAMAL AS *EX OFFICIO* MEMBERS.

THE REGION III REGIONAL DIRECTORS OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG), DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH), LAND TRANSPORTATION OFFICE (LTO), OFFICE OF CIVIL DEFENSE (OCD), AND PHILIPPINE NATIONAL POLICE (PNP) SHALL SERVE AS *EX OFFICIO* MEMBERS OF THE COUNCIL WITHOUT VOTING RIGHTS.

ANY MAYOR MAY OPT OUT PRIOR TO VOTING SUCH THAT THE DECISION OR ACTION APPROVED BY THE COUNCIL SHALL NOT APPLY TO THE CITY OR MUNICIPALITIES THAT OPTED OUT: PROVIDED, THAT THE COUNCIL SHALL ONLY ADDRESS PROVINCE-WIDE, MULTI-MUNICIPALITY, OR INTER-MUNICIPALITY CONCERNS.

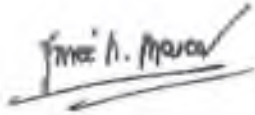
2. On page 2, line 30, delete the words "Sections 15 and 16" and replace with the words "**SECTIONS 13 AND 14**";
3. On page 9, line 2, delete the phrase "and congressional representative";
4. Still on page 9, delete lines 4 to 8;
5. Still on page 9, lines 9 to 19, delete the entire Section 14 and replace with a new Section 14, to read thus:

"SEC. 14. *AMICABLE RESOLUTION CLAUSE.* – IN THE FORMULATION AND IMPLEMENTATION OF DEVELOPMENT INITIATIVES, PROGRAMS, AND PROJECTS, THE MBDA SHALL SOLICIT AND CONSIDER THE INPUTS OF RELEVANT NATIONAL GOVERNMENT AGENCIES. CONCERNED NATIONAL GOVERNMENT AGENCIES SHALL LIKEWISE CONSULT THE MBDA AND ITS MEMBER LGUS PRIOR TO THE IMPLEMENTATION OF DEVELOPMENT PROJECTS FUNDED BY THE NATIONAL GOVERNMENT. POTENTIAL OR ACTUAL CONFLICTS OR DISPUTES ARISING FROM POLICY MATTERS, INITIATIVES, PROGRAMS, AND PROJECTS SHALL BE AMICABLY RESOLVED TO THE MUTUAL SATISFACTION OF ALL CONCERNED: PROVIDED, THAT ANY IMPASSE SHALL BE RESOLVED IN FAVOR OF LOCAL AUTONOMY."

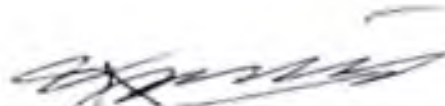
6. Finally, to renumber all Sections accordingly and subject to style.

Respectfully submitted:

Chairpersons



SEN. IMEE R. MARCOS
Committee on Economic Affairs
Vice Chairperson, Committees on Local
Government; and Finance



SEN. FRANCIS "TOL" N. TOLENTINO
Committee on Local Government
Member, Committees on Economic Affairs;
and Finance



SEN. SONNY ANGARA
Committee on Finance
Vice Chairperson, Committee on
Economic Affairs

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Committee on Government Corporations
and Public Enterprises
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Government Corporations and Public
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*Committee on Finance
Member, Committees on Local Government;
and Government Corporations and Public
Enterprises*



SEN. PIA S. CAYETANO
*Committee on Finance
Member, Committee on Economic Affairs*



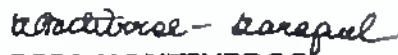
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*Committee on Finance
Member, Committees on Local Government;
and Government Corporations and Public
Enterprises*



SEN. RONALD "BATO" DELA ROSA
*Committee on Finance
Member, Committee on Local Government*



SEN. JOEL VILLANUEVA
*Committee on Finance
Member, Committees on Local Government;
and Government Corporations and Public
Enterprises*



SEN. GRACE POE
Committee on Finance

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*Committee on Finance
Member, Committees on Local Government;
Economic Affairs; and Government
Corporations and Public Enterprises*

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Committees on Economic Affairs; Local Government; and Finance




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Committees on Local Government; Government Corporations and Public Enterprises; and Finance



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Committees on Local Government; and Finance



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Committees on Local Government; and Finance



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Committees on Local Government; Economic Affairs; Government Corporations and Public Enterprises; and Finance



SEN. EMMANUEL D. PACQUIAO
Committees on Government Corporations and Public Enterprises; and Finance



SEN. MANUEL "LITO" M. LAPID
Committees on Economic Affairs; and Finance



SEN. LEILA M. DE LIMA
Committee on Finance

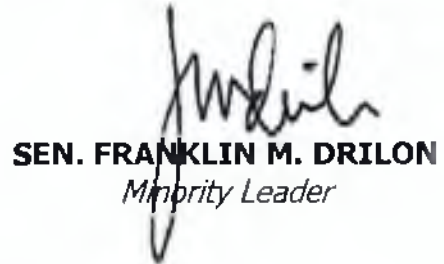
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SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader



SEN. FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President



HOUSE OF REPRESENTATIVES

H. No. 8218

BY REPRESENTATIVES GARCIA (J.E.), OLIVAREZ, VILLANUEVA (N.), YAP (E.), ROMAN, SINSUAT, DIMAPORO (A.), GATCHALIAN, BIAZON, PIMENTEL, ALBANO, CAMINERO, LIMKAICHONG, RODRIGUEZ, GO (M.), MOMO, REVILLA, ROQUE, HERNANDEZ, SALO, PALMA, SY-ALVARADO, ESTRELLA, FERNANDEZ, VILLAFUERTE, MANGAOANG, NOGRALES (J.J.), TAN (A.), DEL MAR, ALMARIO, ZAMORA (W.K.), GONZAGA, BAUTISTA-BANDIGAN, TAMBUNTING AND MALAPITAN, PER COMMITTEE REPORT NO. 667

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

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

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

6 The MBDA shall perform the planning and implementation of policies,
7 monitoring, and coordinative functions, and shall exercise regulatory and
8 supervisory authority over the delivery of services in accordance with Section 5 of
9 this Act.

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

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

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

- 33 (a) Assistance to the Bataan Provincial Planning and Development Office
34 (PPDO) in development planning, which includes the preparation of

1 proposed medium- and long-term development plans, the development,
2 evaluation and packaging of proposed projects, investment
3 programming, and coordination and monitoring of plans, programs, and
4 projects required by the provincial development plan as approved by the
5 *Sangguniang Panlalawigan: Provided, That the PPDO shall have*
6 *primary jurisdiction over development planning in the Province of*
7 *Bataan;*

8 (b) With respect solely to provincial and national roads, transportation and
9 traffic management, which include the coordination and monitoring of
10 policies, standards, programs, and projects approved by the Council to
11 rationalize the existing transport operations in coordination with the
12 Department of Transportation (DOTr); the determination, planning,
13 procurement, and provision of infrastructure requirements in
14 coordination with the DPWH; the enhancement of the safe use of
15 thoroughfares; the promotion of safe and convenient movement of
16 persons and goods; the provision of transport systems and the
17 establishment of a system to regulate road users; the administration and
18 implementation of all traffic enforcement operations; the provision of
19 traffic engineering services; and the provision of traffic services and
20 traffic education programs;

21 (c) Solid waste disposal and management which includes the formulation
22 and implementation of policies, standards, programs and projects for
23 proper and sanitary waste disposal; the establishment and operation of
24 sanitary landfill and other related facilities; and the implementation of
25 other alternative programs intended to reduce, reuse and recycle solid
26 waste. This is without prejudice to the authority and right of LGUs to
27 perform these services or enter into agreements providing such services
28 in coordination with the DENR;

29 (d) Assistance in flood control and sewerage management which includes
30 the formulation and implementation of policies, standards, programs
31 and projects for an integrated flood control, drainage and sewerage
32 system. This is without prejudice to the authority and right of LGUs to
33 perform these services or enter into agreements providing such services
34 in coordination with the DPWH;

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

22 **SEC. 6. *Functions and Powers of the Metro Bataan Development***

23 **Authority.** – The MBDA shall:

- 24 (a) Coordinate and monitor the implementation of approved medium- and
25 long-term plans and programs for the delivery of province-wide services,
26 consistent with the national development objectives and priorities;
- 27 (b) Undertake and manage approved plans and projects for the delivery of
28 specific services under its jurisdiction, subject to the approval of the
29 Council;
- 30 (c) Coordinate, monitor, and adopt solutions to problems of implementation
31 of such plans, programs, and projects in the province, identify
32 bottlenecks, and adopt solutions to the problems of implementation;
- 33 (d) Implement existing and approved traffic policies on provincial and national
34 roads, coordinate and regulate the implementation of all approved

1 programs and projects concerning traffic management on provincial and
2 national roads specifically pertaining to enforcement, engineering, and
3 education: *Provided*, That upon request by LGUs and other government
4 agencies and with the approval of the Council, it shall extend assistance
5 and cooperation including the assignment of personnel to such LGUs
6 and other government agencies and offices;

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

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

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

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

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

1 The Administrator shall be assisted by a Deputy Administrator for Finance
2 and Administration and a Deputy Administrator for Planning and Operations, both of
3 whom shall be appointed by the Administrator with the concurrence of the Council,
4 subject to civil service laws, rules and regulations. They shall enjoy security of
5 tenure unless otherwise removed for cause in accordance with law. The Deputy
6 Administrator for Finance and Administration and the Deputy Administrator for
7 Planning and Operations shall not be related to the Administrator or any member of
8 the Council within the fourth civil degree of consanguinity or affinity.

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

- 10 (a) Appoint, subject to civil service laws, rules and regulations, all
11 subordinate officers and employees, who shall enjoy security of tenure
12 and may be removed only for cause in accordance with law. The
13 Administrator is hereby authorized to engage the services of experts or
14 consultants, on full-time or part-time basis, as may be required in the
15 performance of the Administrator's functions and duties. No subordinate
16 officer or employee shall be related to the Administrator or any member
17 of the Council within the fourth civil degree of consanguinity or affinity.
18 The same prohibition shall apply to the engagement of experts or
19 consultants or to outsourced work;
- 20 (b) Execute the policies, measures, and programs approved by the Council
21 and be responsible for the efficient and effective day-to-day
22 management of the operations of the MBDA;
- 23 (c) Prepare the annual budget for the operations of the MBDA for the
24 consideration and approval of the Council;
- 25 (d) Submit for consideration of the Council such other duties and measures
26 as may be deemed necessary to carry out the purposes and provisions
27 of this Act;
- 28 (e) Subject to civil service laws, rules and regulations, and the approval of
29 the Council and the Department of Budget and Management (DBM),
30 determine the staffing pattern, fix the compensation of the officers and
31 personnel of the MBDA in accordance with Republic Act No. 11466,
32 otherwise known as the "Salary Standardization Law of 2019", fix the
33 number of subordinate officials and employees of the MBDA, and

1 exercise the power to discipline subordinate officials and employees in
2 accordance with law;

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

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

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

10 (i) Ensure that all information, official records, documents and papers
11 pertaining to official acts, transactions or decisions of the Council and
12 the MBDA, including research data used by the Council and the MBDA
13 as basis for policy development, are preserved and made available to
14 the public when requested; and

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

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

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

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

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

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

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

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

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

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

27 **SEC. 13. Non-Diminution Clause.** – The Council cannot modify, overrule or
28 disregard resolutions passed by the *Sangguniang Barangay*, *Sangguniang Bayan*,
29 *Sangguniang Panlungsod*, and *Sangguniang Panlalawigan* within the Province of
30 Bataan. It cannot also modify, overrule, or disregard ordinances enacted and ratified
31 by the local *sanggunians* and executive orders of local chief executives.

32 In discharging its functions and performing its services under Sections 4 and
33 5 herein, the MBDA shall, in no case, diminish or undermine the autonomy of the
34 LGUs. The member LGUs shall continue to have control and be responsible for

1 their respective local projects and services. No MBDA service shall be implemented
2 in a locality unless the LGU and congressional representative concerned concurs
3 thereto.

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

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

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

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

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

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

32 *Approved,*