

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



23 MAY -2 P2 :08

SENATE
S. No. 2106

RECEIVED BY:

A handwritten signature in black ink, appearing to be "F. Tolentino", written over a horizontal line.

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.

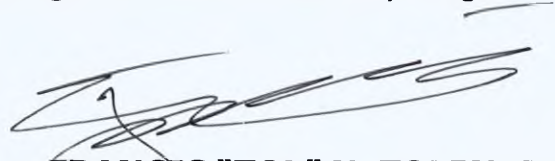
This measure seeks to implement the above policy through the creation of the Metro Bataan Development Authority (MBDA) so as to integrate, coordinate and promote socio-economic growth and sustainable development between and among interdependent cities and municipalities in the Province of Bataan.

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,