

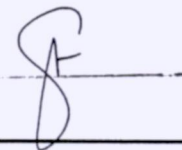
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SENATE

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Senate Bill No. 544

RECEIVED BY



Introduced by Senator Juan Miguel F. Zubiri

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

EXPLANATORY NOTE

It has been 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.

This measure seeks to implement the abovementioned State policy through the creation of the Metro Bataan Development Authority (MBDA) so as to integrate and coordinate the delivery of certain basic services as well as enforcement of laws, rules and regulations between and among the city and municipalities in the Province of Bataan.

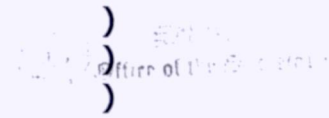
The MBDA will be under the Office of the Governor to which the implementing arm will be the Council composed of the mayors of all the member city and municipalities, with the Provincial Governor as Chairperson. Some of its powers and functions are focused on the formulation, coordination and regulation of the implementation of approved medium and long-term plans and programs of the Province, setting the policies concerning traffic in the Province, deputization of its personnel by the Land Transportation Office (LTO) or other government agencies concerned, and performance of basic services.

Assistance to medium and long-term development plans of the Bataan Provincial Planning and Development Office (PPDO), transport and traffic management, zoning and land use planning, and shelter services, health and sanitation protection and pollution control, public safety, and peace and order are among the primary and basic services to be catered.

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



JUAN MIGUEL F. ZUBIRI



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**AN ACT
CREATING THE METRO BATAAN DEVELOPMENT AUTHORITY, DEFINING
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FOR OTHER PURPOSES**

*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 of 2019.”

3
4 **SEC. 2. Declaration of Policy.** – Consonant with the declaration of
5 policy of the State as provided in the Constitution, the Local Government Code
6 and other pertinent national laws, it is hereby declared to be the policy of the
7 State to encourage its local government units (LGUs) to group themselves to
8 coordinate their efforts, services and resources for purposes commonly beneficial
9 to their respective constituencies. It is also declared to be the policy of the State
10 to integrate and coordinate the delivery of certain basic services as well as
11 enforcement of laws, rules and regulations among the different local government
12 units in the Province of Bataan through (a) the Metro Bataan Development
13 Council (MBDC or the “Council”) composed of the chief executives of the LGUs of
14 the Province of Bataan, and (b) the Metro Bataan Development Authority (the
15 “MBDA”), the implementing arm of the MBDC, as created herein.

16

1 **SEC. 3. Metro Bataan Development Council.** – The governing board
2 and policymaking body of the MBDA shall be the MBDC composed of the mayor
3 of the City of Balanga and mayors of the Municipalities of Abucay, Bagac,
4 Dinalupihan, Hermosa, Limay, Mariveles, Morong, Orani, Orion, Pilar, and Samal
5 in Bataan and chaired by the Provincial Governor. The provincial directors of the
6 DILG, Department of Public Works and Highways (DPWH), Department of
7 Environment and Natural Resources, Office of the Civil Defense and the Philippine
8 National Police (PNP) shall be ex-officio members of the Council without voting
9 rights.

10 The Chairman and members of the Council shall be entitled to allowances
11 and per diems in accordance with existing policies, rules and regulations.

12

13 **SEC. 4. Creation of the Metro Bataan Development Authority.** -

14 The MBDA is hereby created under the Office of the President as the
15 implementing arm of the Council.

16 The MBDA shall perform planning and implementation of policies approved
17 by the Council, monitoring and coordinative functions, and in the process of the
18 foregoing, exercise regulatory and supervisory authority over the delivery of
19 services in the Province of Bataan in accordance with Section 6 of this Act and
20 without diminution of the autonomy of the local government units concerning
21 purely local matters.

22

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

24 **Authority.** – The MBDA shall:

25 (a) Formulate, coordinate and regulate the implementation of approved
26 medium and long term plans and programs for the delivery of
27 province-wide services, land use and physical development within the

- 1 Province of Bataan, consistent with national development objectives
2 and priorities;
- 3 (b) Undertake and manage on its own approved plans and projects for the
4 delivery of specific services under its jurisdiction;
- 5 (c) Coordinate, monitor and adopt solutions to problems of
6 implementation of such plans, programs and projects in the Province of
7 Bataan, identify bottlenecks and adopt solutions to problems of
8 implementation;
- 9 (d) The MBDA shall set the policies concerning traffic in the Province,
10 coordinate and regulate the implementation of all approved programs
11 and projects concerning traffic management specifically pertaining to
12 enforcement, engineering and education: *Provided, That, upon*
13 *request, it shall be extended assistance and cooperation, including but*
14 *not limited to, assignment of personnel by local government units and*
15 *other government agencies and offices concerned;*
- 16 (e) Install and administer a single ticketing system, fix, impose and collect
17 fines and penalties for all kinds of violations of traffic rules and
18 regulations, whether moving or non-moving in nature, and confiscate
19 and suspend or revoke driver's licenses in the enforcement of such
20 traffic laws and regulations. For this purpose, the MBDA shall enforce
21 all traffic laws and regulations in the Province of Bataan through its
22 traffic operation center and may deputize members of the PNP, traffic
23 enforcers of local government units to whom may be delegated certain
24 authority, subject to such conditions and requirements as MBDA may
25 impose;
- 26 (f) Enter into contracts of any kind and description, to enable it to carry
27 out its purpose and functions under this Act;

- 1 (g) Exercise the right of eminent domain whenever the Authority deems it
2 necessary for the attainment of the objectives of the Authority under
3 this Act;
- 4 (h) Borrow funds from any local or foreign financial sources independent
5 of the bonds it may issue or may continue to issue to carry out the
6 purposes of the Authority under this Act; and
- 7 (i) Perform other related functions required to achieve the objectives of
8 the MBDA and provide the services in Section 6 of this Act, including
9 the undertaking of delivery of basic services to the local government
10 units not otherwise provided in Section 6 of this Act, when deemed
11 necessary, subject to prior coordination with and consent of the local
12 government unit concerned.

13

14 **SEC. 6. Scope of MBDA Services.** – The MBDA shall have the authority
15 to provide services which cover the province at large or multiple LGUs, and/or
16 transcend political boundaries as provided by law, and/or entail expenditures
17 beyond the capacity of any single LGU in the Province of Bataan. These services
18 shall include, but shall not be limited to the following:

- 19 (a) Assist the Bataan Provincial Planning and Development Office (the
20 “PPDO”) in development planning which includes the preparation of
21 medium and long-term development plans; the development
22 evaluation and packaging of projects; investment programming and
23 coordination and monitoring of plan, program and project
24 implementation: *Provided*, That the PPDO shall have primary
25 jurisdiction as to development planning in the Province of Bataan;
- 26 (b) Transportation and traffic management which include the formulation,
27 coordination and monitoring of policies, standards, programs and

1 projects to rationalize the existing transport operations, the
2 determination, planning, procurement and provision of infrastructure
3 requirements, the enhancement of the safe use of thoroughfares, the
4 promotion of safe and convenient movement of persons and goods,
5 the provision of transport systems and the establishment of a system
6 to regulate road users, the administration and implementation of all
7 traffic enforcement operations, the provision of traffic engineering
8 services, and the provision of traffic services and traffic education
9 programs, including but not limited to the institution of a single
10 ticketing system in the Province of Bataan;

11 (c) Solid waste disposal and management which include the formulation
12 and implementation of policies, standards, programs and projects for
13 proper and sanitary waste disposal, the establishment and operation of
14 sanitary landfill and other related facilities, and the implementation of
15 other alternative programs intended to reduce, reuse and recycle solid
16 waste;

17 (d) Flood control and sewerage management which include the
18 formulation and implementation of policies, standards, programs and
19 projects for an integrated flood control, drainage and sewerage
20 system;

21 (e) Zoning and land use planning, and shelter services which include the
22 formulation, adoption and implementation of policies, standards, rules
23 and regulations, programs and projects to rationalize and optimize
24 land use and provide direction to growth and expansion, the
25 rehabilitation and development of slum and blighted areas, the
26 development of shelter and housing facilities and the provision of
27 necessary social services thereof;

- 1 (f) Health and sanitation protection and pollution control which include
2 the formulation and implementation of policies, rules and regulations,
3 standards, programs and projects for the promotion and safeguarding
4 of the health and sanitation of the province and for the enhancement
5 of ecological balance and the prevention, control and abatement of
6 environmental pollution, in coordination with the Department of Health
7 (DOH) and the Department of Environment and Natural Resources
8 (DENR);
- 9 (g) Ensuring public safety, peace and order which include the formulation
10 and implementation of programs and policies and procedures to
11 achieve public safety, especially preparedness for preventive or rescue
12 operations during times of calamities and disasters such as
13 conflagrations, earthquake, flood and tidal waves, and coordination
14 and mobilization of resources and the implementation of contingency
15 plans for the rehabilitation and relief operations in coordination with
16 national and local agencies concerned; and
- 17 (h) Other services and functions, as the Council may determine and which
18 do not contravene existing laws.

19

20 **SEC. 7. Metro Bataan Development Authority Administrator.** – The
21 MBDA shall be headed by an Administrator to be appointed by the President from
22 a list of at least three (3) nominees submitted by the Metro Bataan Development
23 Council. The term of the Administrator shall be fixed for a period of six (6) years
24 unless otherwise removed for cause in accordance with law.

25 The Administrator shall be assisted by a Deputy Administrator for Finance
26 and Administration and a Deputy Administrator for Planning and Operation, both
27 of whom shall be appointed by the Administrator with the concurrence of the

1 Council, subject to civil service laws, rules and regulations. They will enjoy
2 security of tenure, unless otherwise removed for cause in accordance with law.

3

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

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

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

15 (c) Prepare the annual budget for the operations of the MBDA for the
16 consideration and approval of the Council. The annual budget of the
17 MBDA shall hereafter be under the annual appropriations of the DILG;

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

21 (e) Subject to civil service law, rules and regulations, determine the
22 staffing pattern and fix the number of subordinate officials and
23 employees of the MBDA and exercise the power to discipline
24 subordinate officials and employees under the provisions of law;

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

- 1 (g) Formulate and recommend policies and programs to the Council for the
2 efficient delivery of province-wide services;
- 3 (h) Prepare an annual report on the activities and accomplishments of the
4 MBDA at the close of each year for submission to the Council and the
5 Secretary of the DILG; and
- 6 (i) Perform such other duties and functions as may be lawfully delegated
7 or assigned by the Council from time to time.
- 8

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

14 The MBDA shall prepare a master plan to be approved by the MBDC that
15 shall serve as the framework for the local development plans of the component
16 LGUs.

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

22

23 **SEC. 10. Sources of Funds and the Operating Budget of MBDA.** –

24 To carry out the purposes of this Act, the amount of Fifty Million Pesos
25 (P50,000,000.00) is hereby appropriated for the initial operation of the MBDA.
26 Thereafter, the annual expenditures, including the capital outlay of the MBDA
27 shall be included in the General Appropriations Act.

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

3 The MBDA, subject to the approval of the Council, may hereafter resolve to
4 require all its member city and municipalities to contribute a portion of its annual
5 revenue for its operation and the implementation of projects.

6 The MBDA may accept donations and grants from foreign and local sources
7 and, subject to the approval of the Department of Finance and the Bangko
8 Sentral ng Pilipinas, obtain financing support from local and foreign sources.

9

10 **SEC. 11. Repealing Clause.** – All laws, executive orders, rules and
11 regulations or parts thereof inconsistent with or contrary to the provisions of this
12 Act are hereby repealed or modified accordingly.

13

14 **SEC. 12. Separability Clause.** – In case any part or provision of this Act
15 is held unconstitutional or invalid, other parts or provisions thereof which are not
16 affected shall continue to remain in full force and effect.

17

18 **SEC. 13. Effectivity.** – This Act shall take effect fifteen (15) days after its
19 publication in at least two (2) newspapers of general circulation.

Approved,