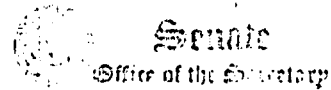



EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'21 MAY -4 P4 :03

SENATE

S. B. No. 2157

RECEIVED BY: 

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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

EXPLANATORY NOTE

In accordance with Section 13, Article X of the 1987 Constitution, "local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them in accordance with law."

The Philippine Development Plan (PDP) 2017-2022, adopts the policy of "national dispersion through regional agglomeration" to strengthen and equip cities to expand their physical areas for planning and service areas for urban service delivery. The objectives of the PDP 2017-2022 include identifying strengths and functional roles of different areas within Metro Davao, with the main goal of complementing and aligning policies, programs and projects; identifying solutions to shared challenges; and aiding national agencies, LGUs, and the private sector in planning and implementing development plans within Metro Davao and influence areas.

Considering the fast urbanization of the City of Davao, and the increasing population and the interdependence of the cities of Panabo, Tagum, and the Island Garden City of Samal (IGaCoS), in Davao del Norte; the City of Digos in Davao del

Sur; and the City of Mati in Davao Oriental, and the spatial, functional, and economic interdependence of these cities with the municipalities of Sta. Cruz in Davao del Sur, Carmen in Davao del Norte, Maco in Davao de Oro, and Malita in Davao Occidental, there is a demand for an efficient system of urban infrastructure of urban facilities and services to cope with the demands of increasing residential, commercial, industrial, and institutional activities.

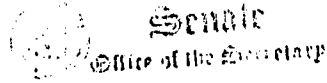
This bill seeks to create the Metropolitan Davao Development Authority to centralize and oversee the development efforts and initiatives that deal with the challenges faced by the City of Davao and other neighboring LGUs.

It shall also adopt a national dispersion through regional agglomeration strategy to revitalize large cities and eventually stir them to expand their physical areas for planning as well as their service areas for urban service delivery.

Hence, the passage of this bill is earnestly sought


SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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AN ACT
CREATING THE METROPOLITAN DAVAO 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. Short Title.** This Act shall be known as the "Metropolitan Davao
2 Development Authority Act".

3
4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State
5 to adopt a national dispersion through regional agglomeration strategy to revitalize
6 large cities and eventually stir them to expand their physical areas for planning as well
7 as their service areas for urban service delivery. Considering the rapid urbanization of
8 Davao City and increasing population of the cities of Panabo, Tagum, and the Island
9 Garden City of Samal (IGaCoS), in Davao del Norte; the City of Digos in Davao del
10 Sur; and the City of Mati in Davao Oriental, and the spatial, functional, and economic
11 interdependence of these cities with the municipalities of Sta. Cruz in Davao del Sur,
12 Carmen in Davao del Norte, Maco in Davao de Oro, and Malita in Davao Occidental, it
13 is likewise hereby declared the policy of the State to consider these local government
14 units (LGUs) as a special development and administrative region, to be known as
15 Metropolitan Davao.

16

1 **SEC. 3. Creation of the Metropolitan Davao Development Authority. -**

2 There is hereby created a special body to be known as the Metropolitan Davao
3 Development Authority, hereinafter referred to as "MDDA", which shall be organized
4 within thirty (30) days after the approval of this Act, to coordinate and promote socio-
5 economic growth and sustainable development of Metropolitan Davao. The MDDA
6 shall execute the powers and functions herein vested which shall, however, in no way
7 diminish the autonomy of the LGUs of Metropolitan Davao concerning purely local
8 matters, within the framework and subject to the mandate and limitations of the
9 Constitution and the pertinent provisions of Republic Act No. 7160, otherwise known
10 as the "Local Government Code of 1991."
11

12 **SEC. 4. Jurisdiction of the Metropolitan Davao Development**

13 **Authority. -** For the purposes of this Act, the MDDA shall have jurisdiction over Davao
14 City; the cities of Panabo, Tagum, and the Island Garden City of Samal (IGaCoS), in
15 Davao del Norte; the City of Digos in Davao del Sur; the City of Mati in Davao Oriental;
16 and the municipalities of Sta. Cruz in Davao del Sur, Carmen in Davao del Norte, Maco
17 in Davao de Oro, and Malita in Davao Occidental, and such other cities and
18 municipalities as shall be created in the future within these LGUs as provided by law.
19

20 **SEC. 5. Scope of MDDA Services. -** The services of the MDDA are delivered

21 across boundaries to multiple and often interdependent political entities whose
22 activities impact each other significantly, and entail huge expenditures such that it
23 would not be viable for said services to be provided by the individual LGUs. These
24 services shall include:

25 (a) Development planning, which includes preparing medium- and long-term
26 development plans; developing, evaluating and packaging of projects;
27 investments programming; and coordinating and monitoring plans, program
28 and project implementations;

29 (b) Transport management, which includes formulating, coordinating, and
30 monitoring policies, standards, programs, and projects to rationalize the
31 existing transport operations, infrastructure requirements, and promotion of
32 safe and convenient movement of persons and goods; providing a mass

1 transport system and instituting a system to regulate road users; administering
2 and implementing all traffic enforcement operations, traffic engineering
3 services and traffic education programs, including instituting a single ticketing
4 system;

5 (c) Solid waste disposal and management, which includes formulating and
6 implementing policies, standards, programs, and projects for proper and
7 sanitary waste disposal. It shall likewise include establishing and operating a
8 sanitary land fill and related facilities and implementing other alternative
9 programs intended to reduce, reuse, and recycle solid waste; Flood control and
10 sewerage management, which include formulating and implementing policies,
11 standards, programs, and projects for an integrated flood control, drainage,
12 and sewerage system;

13 (d) Urban renewal, zoning, land use planning, and shelter services, which include
14 formulating, adopting and implementing policies, standards, rules, and
15 regulations, programs, and projects to rationalize and optimize urban land use
16 and provide direction to urban, growth and expansion, rehabilitating and
17 developing slums and blighted areas, developing shelter and housing facilities,
18 and providing necessary social services thereof;

19 (e) Health and sanitation, urban protection, and pollution control, which include
20 formulating and implementing policies, rules and regulations, standards,
21 programs, and projects for promoting and safeguarding health and sanitation
22 to enhance ecological balance and prevent, control, and abate environmental
23 pollution; and

24 (f) Public safety, which includes formulating and implementing programs, policies
25 and procedure to achieve public safety, especially preparedness for preventive
26 or rescue operations during times of calamity and disaster such as
27 conflagration, earthquakes, flood, and coordinating and mobilizing resources
28 and implementing contingency plans for rehabilitation and relief operations in
29 coordination with national agencies concerned.

30
31 **SEC. 6. Functions of the Metropolitan Davao Development Authority.**

32 - The MDDA shall exercise the following functions:

- 1 (a) Formulate plans aligned to the Davao Region Development Plan (DRDP) and
2 Philippines Development Plan 2017-2022;
- 3 (b) Set policies concerning traffic, waste management, and public safety and
4 security for Metropolitan Davao and coordinate, regulate, and enforce the
5 implementation of these programs and projects with concerned national
6 government agencies and LGUs;
- 7 (c) Prepare and implement or manage metropolitan-wide programs and projects
8 for the delivery of specific services under its jurisdiction, subject to the approval
9 to the Metropolitan Davao Development Council;
- 10 (d) Review and recommend to the Metropolitan Davao Development Council
11 policies regarding development permits for residential, commercial, or industrial
12 purposes and other major land development that have metropolitan-wide
13 impact on transportation and traffic, proposed to be implemented by or in the
14 LGUs within Metropolitan Davao;
- 15 (e) Monitor the implementation of metropolitan-wide programs and projects and
16 identify implementation issues and appropriate solutions to address them;
- 17 (f) Install and administer a single ticketing system, fix, impose, and collect fines
18 and penalties for all kinds of violations of traffic rules and regulations, whether
19 moving or non-moving in nature, and confiscate and suspend or revoke driver's
20 licenses in the enforcement of such traffic laws and regulations;
- 21 (g) Prescribe and collect services and regulatory fees, and impose and collect fines
22 and penalties; and
- 23 (h) Perform other functions, subject to approval by the Metropolitan Davao
24 Development Council.

25
26 **SEC. 7. Metropolitan Davao Development Council.** - The governing board
27 and policy making body of the MDDA shall be the Metropolitan Davao Development
28 Council, herein referred to as the Council, which shall be composed of the Chairperson
29 of the Regional Development Council, Region XI; the governors of the provinces of
30 Davao Oriental, Davao de Oro, Davao del Norte, Davao del Sur, and Davao Occidental;
31 the city mayors of Davao, Mati, Tagum, Digos, IGACoS, and Panabo; and the municipal
32 mayors of Carmen, Sta Cruz, Maco, and Malita, who shall all serve in an ex officio

1 capacity. The Chairperson of the Council shall be elected from among its members to
2 serve for a term of three (3) years.

3
4 The heads of the following Davao regional offices of national government
5 agencies shall attend all meetings of the Council as non-voting members: National
6 Economic and Development Authority (NEDA); Department of Human Settlements and
7 Urban Development (DHSUD); Department of Public Works and Highways (DPWH),
8 Department of the Interior and Local Government (DILG), Department of Environment
9 and Natural Resources (DENR), Department of Health (DOH); Department of
10 Information and Communications Technology (DICT), Department of Energy (DoE),
11 Department of Tourism (DoT), Department of Transportation (DoTr); Land
12 Transaction Office (LTO), and Philippine National Police (PNP).

13
14 The Chairperson and members of the Council, except ex officio members, are
15 entitled to allowance and per diems in accordance with existing policies, rules, and
16 regulations on the matter.

17
18 **SEC. 8. Functions of the Metropolitan Davao Development Council. -**

19 The Council, as the policy-making body of the MDDA, shall exercise the following
20 functions:

- 21 (a) Approve plans, programs, and projects, and issue rules and regulations deemed
22 necessary by the MDDA to carry out the purposes of this Act;
- 23 (b) Subject to pertinent laws, policies, rules and regulations, increase the rate of
24 allowances and per diems of the members of the Council to be effective during
25 the term of the succeeding Council; fix the compensation of the officers and
26 personnel of the MDDA in accordance with the Salary Standardization Law; and
27 approve the annual budget of the MDDA for submission to the Department of
28 Budget and Management (DBM);
- 29 (c) Recommend investment programming for its plans and programs, as well as
30 supervise the implementation of plans and programs which includes the
31 formulation and coordination of its related activities;

- 1 (d) Promulgate rules and regulations and set policies and standards for application
2 governing the delivery of basic services, prescribe and collect service and
3 regulatory fees, and impose and collect fines and penalties;
4 (e) Endorse the annual as well as the supplemental budgets of the MDDA; and
5 (f) Perform such other acts and assume such other functions as may be necessary
6 to carry out the provisions of this Act.

7
8 **SEC. 9. Effectivity of Ordinances and Resolutions. –**

- 9 (a) An ordinance or resolution passed by the Council, in the exercise of its rule-
10 making power as provided in Section 8 hereof, shall be posted in a bulletin
11 board at the entrance of the MDDA building and in at least two (2) other
12 conspicuous places in the office of the MDDA within ten (10) days from its
13 approval and shall take effect fifteen (15) after such posting.
14 (b) Ordinances with penal sanctions shall be published in a newspaper of general
15 circulation within Metropolitan Davao and shall take effect fifteen (15) days
16 thereafter.

17
18 **SEC. 10. Functions of the Chairperson of the Council. -** The Chairperson
19 of the Council, herein referred to as the Chairperson, shall exercise the following
20 functions:

- 21 (a) Appoint, subject to civil service laws, rules and regulations, all subordinate
22 officers and employees, who shall enjoy security of tenure and may be removed
23 only for cause in accordance with law. The Chairperson is authorized to engage
24 the services of expert or consultants either on full time or part-time basis, as
25 may be required in the performance of the Chairperson's functions and duties;
26 (b) Execute the policies and measures approved by the Council and be responsible
27 for the efficient and effective day-to-day management of the operations of the
28 MDDA;
29 (c) Prepare the annual budget for the operations of the MDDA for the submission
30 to the Council;

- 1 (d) Submit for consideration of the Council such other duties and measures as the
2 chairperson may deem necessary to carry out the purposes and provisions of
3 this Act;
- 4 (e) Subject to the guidelines and policies set by the Council, prepare the staffing
5 pattern and fix the number of subordinate officials and employees of the MDDA
6 in accordance with Civil Service laws, rules and regulations, and evaluation and
7 approval of the DBM and exercise the power to discipline subordinate officials
8 and employees under the provisions of law;
- 9 (f) Prepare an annual report on the accomplishment of the MDDA at the close of
10 each calendar year for submission to the Council and to the President of the
11 Philippines; and
- 12 (g) Perform such other duties as may be assigned by the President of the
13 Philippines or by the Council.

14

15 The Chairperson, as head of the implementing arm of the MDDA, shall be
16 assisted by a General Manager, an Assistant General Manager for Finance and
17 Administration, an Assistant General Manager for Planning, and an Assistant General
18 Manager for Operations, all of whom shall be appointed by the President of the
19 Philippines upon the recommendation of majority of the Council, subject to civil service
20 laws, rules and regulation. These officials shall enjoy security of tenure and may be
21 removed only for cause in accordance with law.

22

23 The Assistant General Manager for Planning must have at least five (5) years n
24 extensive experience in development and planning or must hold a Master's degree in
25 urban planning or similar disciplines.

26

27 **SEC. 11. Functions of the General Manager.** - The General Manager shall
28 exercise the following functions:

- 29 (a) Assist the Chairperson in the administration of the MDDA and supervision of
30 subordinate personnel;
- 31 (b) Assist the Chairperson in the supervision of the operation of the various is
32 center and units of MDDA;

- 1 (c) Assist the Chairperson in the review of plans and program for the MDDA and
2 for the cities and municipalities in the preparation of the annual report of
3 activities and accomplishments of the MDDA; and
4 (d) Perform such other duties and functions as may be lawfully delegated or
5 assigned by the Chairperson from time to time.

6
7 **SEC. 12. Institution Linkages of the MDDA.** - The MDDA shall, in carrying
8 out its functions, consult, coordinate and work closely with the LGUs, the Regional
9 Development Council of Region XI, and other national government agencies, people's
10 organizations, non-government organizations, and the private sector operating in
11 Metropolitan Davao. The MDDA shall adopt a master plan that shall serve as the
12 framework for the local development plans of the component LGUs and aligned with
13 the Davao Regional Development Plan (DRDP).

14
15 The MDDA shall submit the Council's approved development plans and
16 investment programs to the Regional Development Council Region XI for integration
17 into the plans, programs, and projects that shall be undertaken by the LGUs,
18 concerned national government agencies, people's organizations, non-government
19 organizations, private sector, and the MDDA itself where appropriate. For this purpose,
20 the MDDA may enter into contracts or memoranda of agreement with these bodies
21 for the delivery of the required services within Metropolitan Davao.

22
23 The MDDA shall, in coordination with the NEDA and the Department of Finance
24 (DoF), interface with foreign assistance agencies for the purpose of obtaining
25 financing support, grants and donations in support of its programs and projects.

26
27 **SEC. 13. Sources of Funds and Operating Budget of MDDA.** - The
28 amount necessary for the operations of the MDDA shall be included in the annual
29 General Appropriations Act.

30
31 The operations of the MDDA shall likewise be supported through financial
32 contributions and technical assistance from member LGUs, national government

1 agencies and government-owned or controlled corporations (GOCCs) and the private
2 sector, and other local and international organizations in the form of grants, donations,
3 contributions, payments, penalties, fees and charges.

4
5 In case of grants, in cash or in kind, from foreign governments or their agencies
6 and instrumentalities, or multilateral institutions or organizations, acceptance thereof
7 shall be subject to prior clearance and approval of the Council and the President of
8 the Philippines or the authorized representative, based on the recommendation of the
9 Secretary of Finance. In case of donations, in cash or in kind, from foreign
10 governments, acceptance thereof shall require prior clearance and approval by the
11 Council and the President of the Philippines, or the authorized representative based
12 on the recommendation of the Secretary of Foreign Affairs.

13
14 The MDDA is likewise empowered to levy fines, and impose fees and charges
15 for various services rendered. The Council shall undertake continuing negotiations
16 among the member LGUs and GOCCs to commit annual financial contributions for the
17 operations of the MDDA.

18
19 **SEC. 14. Implementing Rules and Regulations.** - Within ninety (90) days
20 from the approval of this Act, the Council shall promulgate the necessary rules and
21 regulations for the implementation of this Act.

22
23 **SEC. 15. Separability Clause.** - If any part or provision of this Act is held
24 unconstitutional or invalid, the other parts or provisions not affected shall remain in
25 full force and effect.

26
27 **SEC. 16. Repealing Clause.** - All laws, decrees, executive orders, rules and
28 regulations, parts or provisions thereof that are contrary to or inconsistent with the
29 provisions of this Act are hereby repealed, amended, or modified accordingly.

30
31 **SEC. 17. Effectivity.** - This Act shall take effect fifteen (15) days after its
32 publication in the Official Gazette or in a newspaper of general circulation.

Approved,