

SENATE

S. No. 2799

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(In Substitution of S.B. Nos. 2373 and 2106, taking into consideration H.B. No. 7752)

Prepared and submitted jointly by the Committees on Local Government; Government Corporations and Public Enterprises; and Finance, with Senators Ejercito and Tolentino as authors thereof.

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

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Title.* – This Act shall be known as the “Metro Bataan Development
2 Authority Act.”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 pursue the acceleration of social, economic, and political development of local
5 government units (LGUs) and their communities through the creation of special
6 development and administrative areas that will ensure the efficient and effective
7 planning, supervision, and coordination of essential basic services, without prejudice
8 to the autonomy of the LGUs concerned. The State shall encourage LGUs to group
9 themselves to coordinate efforts, services and resources for purposes commonly
10 beneficial to their respective constituencies. Towards this end, the Metro Bataan
11 Development Authority (MBDA) is constituted - to integrate and coordinate the
12 delivery of certain basic services as well as enforcement of laws, rules and regulations
13 in the Province of Bataan and adjacent areas.

14 Sec. 3. *Creation of the MBDA.* – There is hereby created a special body to be
15 known as the Metropolitan Bataan Development Authority, 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 provide
9 services to the entire province of Bataan and to areas covering the road networks or
10 expressways connecting the territory of Bataan to other provinces and economic or
11 freeport zones.

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

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

27 (b) With respect solely to provincial and national roads, transportation and
28 traffic management, the coordination and monitoring of policies, standards,
29 programs and projects approved by the Council to rationalize the existing
30 transport operations in coordination with the Department of Transportation
31 (DOTr); the determination, planning, procurement, and provision of

1 infrastructure requirements in coordination with the DPWH; the
2 enhancement of the safe use of thoroughfares; the promotion of safe and
3 convenient movement of persons and goods; the provision of transport
4 systems and the establishment of a system to regulate road users; the
5 administration and implementation of all traffic enforcement operations; the
6 provision of traffic engineering services and the provision of traffic services
7 and traffic education programs;

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

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

22 (e) Assistance in urban renewal, zoning, land use planning, and shelter services,
23 which includes the formulation, adoption and implementation of policies on
24 standards, rules and regulations, programs and projects pertaining to the
25 rationalization and optimization of land use, and assistance in the
26 formulation of growth and expansion plans, the rehabilitation and
27 development of slum and blighted areas, the development of shelter and
28 housing facilities, and the provision of necessary social services thereof. This
29 is without prejudice to the authority and right of LGUs to perform these
30 services or enter into agreements providing such services in coordination
31 with the appropriate national agency;

- 1 (f) Assistance in health and sanitation protection and pollution control which
2 includes the implementation of policies, rules and regulations, standards,
3 programs and projects for the promotion and safeguarding of health and
4 sanitation of the province and the enhancement of ecological balance and
5 the prevention, control and abatement of environmental pollution;
- 6 (g) Ensuring disaster resilience through the implementation of programs,
7 policies and procedures to achieve preparedness for preventive or rescue
8 operations during times of calamities and disasters such as conflagrations
9 earthquakes, flood and tidal waves; and coordination and mobilization of
10 resources and the implementation of contingency plans for rehabilitation
11 and relief operations;
- 12 (h) Public safety, which includes formulating and implementing programs,
13 policies and procedures to achieve public safety, especially preparedness
14 for preventive or rescue operations during times of calamity and disaster
15 such as conflagration, earthquakes, flood; and coordinating and mobilizing
16 resources and implementing contingency plans for rehabilitation and relief
17 operations in coordination with national agencies concerned; and
- 18 (i) Digitalization of payments for government disbursements and collections,
19 as provided in Executive Order No. 170, series of 2022 and other relevant
20 laws.

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

22 The MBDA shall:

- 23 (a) Coordinate and monitor the implementation of approved medium and long-
24 term plans and programs for the delivery of province-wide or inter-province-
25 wide services, consistent with the national development objectives and
26 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 Council;
- 29 (c) Coordinate, monitor and adopt solutions to problems of implementation of
30 such plans, programs and projects in the province, identify bottlenecks and
31 adopt solutions to the problems of implementation;

- (d) Implement existing and approved traffic policies on provincial and national roads, coordinate and regulate the implementation of all approved programs and projects concerning traffic management on provincial and national roads specifically pertaining to enforcement, engineering and education; *Provided, That* upon request by LGUs and other government agencies and with the approval of the Council, it shall extend assistance and cooperation including the assignment of personnel to such LGUs and other government agencies and offices;
- (e) When trained by the Land Transportation Office (LTO), concerned LGUs and other government authorities, shall issue tickets, citations and collect fines and penalties for violations of traffic rules and regulations on provincial and national roads, whether moving or non-moving in nature;
- (f) Enter into contracts, approved by the Council to enable it to carry out its purpose and functions under this Act; and
- (g) Perform other related functions to achieve the objectives of the MBDA and provide the services in Section 5 of this Act, including the undertaking of delivery of basic services to the LGUs not otherwise provided by in Section 5 of this Act, when deemed necessary subject to prior coordination with and consent of the LGU concerned and the Council.

Sec. 6. *Metro Bataan Development Council.* – The governing board and policymaking body of the MBDA shall be the Metropolitan Bataan Development Council, herein referred to as “Council”, which shall be composed of the Governor as *ex-officio* Chairperson of the Council, the Mayors of the City of Balanga, the Municipalities of Abucay, Bagac, Dinalupihan, Hermosa, Limay, Mariveles, Morong, Orani, Orion, Pilar, and Samal, the Administrator of the Subic Bay Metropolitan Authority (SBMA), the President and CEO of the Clark Development Corporation (CDC), and the Chairperson of the Subic-Clark Alliance for Development (SCAD) 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), Office of Civil Defense (OCD), Philippine National Police (PNP), and the Commander of the Philippine Coast

Guard (PCG) National Capital Region-Central Luzon District shall be *ex-officio* members of the Council without voting rights.

The members of the Council may be modified or expanded upon a majority vote of members of the council as it may deem necessary.

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

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

(b) Formulate and issue resolutions, rules and regulations deemed necessary by the MBDA to carry out the purposes of this Act;

(c) Recommend Investment programming for its plans and programs as well as supervise the implementation of plans and programs which will include the formulation and coordination of its related activities;

(d) Coordinate and work closely with the DOTr and its attached agencies in policy formulation for the grant of franchises to safe, reliable, and environment-friendly public utility vehicles within the MBDA jurisdiction;

(e) Approve the annual budget of the MBDA for submission to the Department of Budget and Management (DBM), and endorse the annual as well as the supplemental budgets of the MMDA; and

(f) Perform such other acts and assume such other functions as may be consistent and necessary to carry out the provisions of this Act.

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

Sec. 9. Metro Bataan Development Authority Administrator. – The MBDA shall be headed by an Administrator, to be appointed by the President of the Philippines and chosen from a list of at least three (3) nominees submitted by the Council. The

1 Administrator shall have a term of three (3) years unless otherwise removed for cause
2 in accordance with law, and have the rights, rank, disqualifications, and prohibitions
3 of an Undersecretary under existing civil service rules and regulations. The
4 Administrator shall not be related to any member of the Council within the fourth civil
5 degree of consanguinity or affinity.

6 The Administrator shall be assisted by a Deputy Administrator for Finance and
7 Administration, a Deputy Administrator for Planning, and a Deputy Administrator for
8 Operations, all of whom shall be appointed by the Administrator with the concurrence
9 of the Council, subject to civil service laws, rules and regulations. They shall enjoy
10 security of tenure unless otherwise removed for cause in accordance with law. The
11 Deputy Administrator for Finance and Administration, the Deputy Administrator for
12 Central Planning, and the Deputy Administrator for Operations shall not be related to
13 the Administrator or any member of the Council within the fourth civil degree of
14 consanguinity or affinity.

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

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

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

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

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

30 (e) Subject to the Civil Service Decree, rules and regulations, and the approval
31 of the Council, determine the staffing pattern, fix the compensation of the

1 officers and personnel of the MBDA in accordance with the Salary
2 Standardization Law, and fix the number of subordinate officials and
3 employees of the MBDA and exercise the power to discipline subordinate
4 officials and employees under the provisions of law;

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

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

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

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

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

18 Sec. 11. *MBDA Central Planning Office.* – There is hereby created a Planning
19 Office in the MBDA as its planning and policy coordinating body that will, in
20 coordination with or in assistance to, the LGUs and other members of the Metro Bataan
21 Development Council, formulate and implement comprehensive urban or regional
22 development plans within its area of jurisdiction. It shall be supervised by the Deputy
23 Administrator for Central Planning. Its specific tasks include, but shall not be limited
24 to, zoning and land use management, transportation planning, development review,
25 project evaluation and monitoring, data and analysis research, socio-economic policy
26 formulation, environmental planning and public engagement and stakeholder
27 coordination, advocacy and capacity development. The Central Planning Office shall
28 contain the following divisions: infrastructure, zoning and land use management
29 division, transportation planning division, socio-economic policy division, tourism
30 policy division, and environmental management division. The specific staffing pattern

1 of the Central Planning Office and its divisions shall be submitted by the Administrator
2 in accordance with Section 10 of this Act.

3 Sec. 12. *Institutional Linkages of the MBDA.* – The MBDA shall, in carrying out
4 its functions, consult, coordinate and work closely with the LGUs, the DPWH, DOTr
5 and other national government agencies; the SBMA, for properties under its territorial
6 jurisdiction as provided for by Republic Act 7227, as amended, and Executive Order
7 No. 675, series of 2007; accredited people’s organizations (POs); nongovernment
8 organizations (NGOs), and the private sector operating in Bataan.

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

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

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

23 Sec. 13. *Metro Bataan Coast Guard Station* - There is hereby established a
24 Metro Bataan Coast Guard Station, dedicated to implement the objectives or policies
25 of the MBDA for the security of the territorial waters and areas covered by Metro
26 Bataan but shall still be under the administrative control and operational supervision
27 of the Philippine Coast Guard (PCG). The Metro Bataan Coast Guard Station shall
28 assume and perform the following functions:

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

1 (b) Coordinate with the SBMA, the AFAB, the CDC, the SCAD, member LGUs of
2 the MBDA, the Regional Police Office, and other relevant agencies in
3 fulfilling its mandate within the territorial jurisdiction of the MBDA.

4 The Metro Bataan Coast Guard Station shall be adequately staffed with the
5 necessary personnel and provided with the necessary equipment in the fulfillment of
6 its mandate as determined by the PCG and the Council.

7 Sec. 14. *Sources of Funds and Operating Budget of the MBDA.* – The amount
8 necessary for the operating budget of MBDA shall be included in the annual General
9 Appropriations Act.

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

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

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

25 The MBDA may, subject to the approval of the Department of Finance (DOF),
26 the *Bangko Sentral ng Pilipinas* (BSP), the National Economic and Development
27 Authority (NEDA), and the Council, subject to the approval of the Monetary Board of
28 the BSP, obtain financing support from local and foreign sources.

29 Sec. 15. *Transparency Clause.* – Pursuant to Executive Order No. 2, s. 2016,
30 the public shall have access to information, official records, documents and papers
31 pertaining to official acts, transactions or decisions of the Council and the MBDA, as

1 well as to research data used by the Council and the MBDA as basis for policy
2 development. The Council and the MBDA shall preserve and make readily accessible
3 all such information, official records, documents, and papers. Provided however, that
4 such access to information shall be subject to the request procedures and exceptions
5 under E.O No. 2 and other related laws or guidelines. As provided by E.O. No. 2, failure
6 to do so shall be a ground for the imposition of administrative and disciplinary
7 sanctions on the erring officers or employees, without prejudice to prosecution for
8 violation of other laws.

9 Sec. 16. *Non-Diminution Clause.* – The Council cannot modify, overrule or
10 disregard resolutions and ordinances passed by the *Sangguniang Barangay*,
11 *Sangguniang Bayan*, *Sangguniang Panlungsod* and *Sanggunian Panlalawigan*, within
12 the Province of Bataan and executive orders of its local chief executives.

13 In discharging its functions and performing its services under Sections 5 and 6
14 herein, the MBDA shall, in no case, diminish or undermine the autonomy of the LGUs,
15 nor diminish or undermine the regulatory functions of national government agencies.
16 The member LGUs shall continue to have control and be responsible for their
17 respective local projects and services. No MBDA service shall be implemented in a
18 locality unless the LGU concerned concurs thereto.

19 Sec. 17. *Amicable Resolution Clause.* – In the formulation and implementation
20 of development initiatives, programs and projects, the MBDA shall solicit and consider
21 the inputs of relevant national government agencies. In like manner, concerned
22 national government agencies shall consult the MBDA and its member LGUs before
23 the implementation of development projects funded by the national government.
24 Potential or actual conflicts or disputes arising from policy matters or overlap in
25 initiatives, programs and projects shall be amicably resolved to the mutual satisfaction
26 of all concerned. Otherwise, the dispute shall be resolved in favor of local autonomy.
27 Potential or actual conflicts in the policies, plans, initiatives or program implementation
28 of the MBDC or MBDA shall be resolved in favor of the SBMA, CDC, or the SCAD, as
29 the case may be, in areas within their respective operational jurisdictions.

30 Sec. 18. *Internal Audit.* – Notwithstanding the provisions of Republic Act No.
31 4177, amending certain sections of Republic Act No. 3456, otherwise known as the

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

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

6 Sec. 20. *Separability Clause.* – If any provision of this Act is declared
7 unconstitutional, the remainder thereof not otherwise affected shall remain in full force
8 and effect.

9 Sec. 21. *Repealing Clause.* – All laws, decrees, executive orders, rules and
10 regulations, and other issuances or parts thereof inconsistent with or contrary to the
11 provisions of this Act are hereby repealed, amended or modified accordingly.

12 Sec. 22. *Effectivity.* – This Act shall take effect after fifteen (15) days following
13 the completion of its publication either in the Official Gazette, or in a newspaper of
14 general circulation.

Approved,