

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



Senate
Office of the Secretary

23 AUG -1 110 :14

SENATE

S. No. 2373

RECEIVED BY

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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


EXPLANATORY NOTE

The Province of Bataan, a region situated along the western coast of Luzon, boasts a unique geographical location. As a peninsula, it is embraced by the waters of the West Philippine Sea to the west and the of Manila Bay to the east. Towards its northeastern boundaries, it shares borders with the provinces of Bulacan and Pampanga, while its northern border is marked by the province of Zambales.

Among the developments on the horizon for Bataan is the forthcoming construction of the Bataan-Cavite Interlink Bridge, described by the Asian Development Bank as the pivotal missing link in the road network connecting the National Capital Region, Central Luzon, and the Calabarzon region. The government's unwavering commitment to infrastructure investment promises to spur economic activities in the province, thus stirring a surge in regional growth and prosperity.

To facilitate the holistic development of the province, the creation of the Metro Bataan Development Authority (MBDA) is proposed through this measure. The authority aims to seamlessly integrate and coordinate efforts while fostering the socio-economic advancement of the region. Emphasizing collaboration, shared resources, and bolstered by the financial backing of the national government, the MBDA is poised to elevate Bataan to unprecedented heights of progress and sustainable development.

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

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending to the left of the first letter.

JOSEPH VICTOR G. EJERCITO

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



23 AUG -1 AIO :14

SENATE

S. No. 2373

RECEIVED BY:

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

**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.* – Consistent with the declaration of the policy of
4 the State as provided in the Constitution, the Local Government and other pertinent
5 national laws, it is hereby declared to be the policy of the State to encourage local
6 government units (LGUs) to group themselves to coordinate efforts, services and
7 resources for purposes commonly beneficial to their respective constituencies. It is
8 also declared to be the policy of the State to integrate and coordinate the delivery of
9 certain basic services as well as enforcement of laws, rules and regulations in the
10 Province of Bataan and adjacent areas through (a) the Metro Bataan Development
11 Council hereinafter referred to as Council, and (b) the Metro Bataan Development
12 Authority (MBDA), as created herein.

13 Sec. 3. *Creation of the MBDA.* – There is hereby created a special body to be
14 known as the Metropolitan Bataan Development Authority, hereinafter referred to as
15 “MBDA”, which shall be organized within thirty (30) days after the approval of this Act,
16 to coordinate and promote socioeconomic growth and sustainable development of
17 Metropolitan Bataan.

18 The MBDA shall execute the powers and functions herein vested which shall,
19 however, in no way diminish the autonomy of the LGUs of Metropolitan Bataan

1 concerning purely local matters, within the framework and subject to the mandate
2 and limitations of the Constitution and the pertinent provisions of Republic Act No.
3 7160, otherwise known as the "Local Government Code of 1991".

4 *Sec. 4. Scope of MBDA Services.* – The MBDA shall have the authority to provide
5 services to the entire province of Bataan and to areas including the road networks or
6 expressways directly connected to or covered by the territorial jurisdiction of Bataan,
7 such as, but not limited to, multiple LGUs for areas that are socio-economically
8 interdependent or which entail expenditure beyond the capacity of any single LGU in
9 the Province of Bataan.

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

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

24 (b) With respect solely to provincial and national roads, transportation and
25 traffic management, the coordination and monitoring of policies, standards,
26 programs and projects approved by the Council to rationalize the existing
27 transport operations in coordination with the Department of Transportation
28 (DOTr); the determination, planning, procurement, and provision of
29 infrastructure requirements in coordination with the DPWH; the
30 enhancement of the safe use of thoroughfares; the promotion of safe and
31 convenient movement of persons and goods: the provision of transport
32 systems and the establishment of a system to regulate road users; the

1 administration and implementation of all traffic enforcement operations; the
2 provision of traffic engineering services and the provision of traffic services
3 and traffic education programs;

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

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

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

28 (f) Assistance in health and sanitation protection and pollution control which
29 includes the implementation of policies, rules and regulations, standards,
30 programs and projects for the promotion and safeguarding of health and
31 sanitation of the province and the enhancement of ecological balance and
32 the prevention, control and abatement of environmental pollution; and

1 (g) Ensuring disaster resilience through the implementation of programs,
2 policies and procedures to achieve preparedness for preventive or rescue
3 operations during times of calamities and disasters such as conflagrations
4 earthquakes, flood and tidal waves; and coordination and mobilization of
5 resources and the implementation of contingency plans for rehabilitation
6 and relief operations.

7 (h) Public safety, which includes formulating and implementing programs,
8 policies and procedures to achieve public safety, especially preparedness
9 for preventive or rescue operations during times of calamity and disaster
10 such as conflagration, earthquakes, flood; and coordinating and mobilizing
11 resources and implementing contingency plans for rehabilitation and relief
12 operations in coordination with national agencies concerned; and

13 (i) Assistance in formulating a comprehensive educational development
14 program, in coordination with the Department of Education (DepEd) and
15 the Commission on Higher Education (CHED), to ensure that adequate total
16 human capital grants and human resources development would be achieved

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

18 The MBDA shall:

19 (a) Coordinate and monitor the implementation of approved medium and long-
20 term plans and programs for the delivery of province-wide or inter-
21 province-wide services, consistent with the national development objectives
22 and priorities;

23 (b) Undertake and manage approved plans and projects for the delivery of
24 specific services under its jurisdiction, subject to the approval of the Council;

25 (c) Coordinate, monitor and adopt solutions to problems of implementation of
26 such plans, programs and projects in the province, identify bottlenecks and
27 adopt solutions to the problems of implementation;

28 (d) Implement existing and approved traffic policies on provincial and national
29 roads, coordinate and regulate the implementation of all approved programs
30 and projects concerning traffic management on provincial and national
31 roads specifically pertaining to enforcement, engineering and education;
32 *Provided, That upon request by LGUs and other government agencies and*

1 with the approval of the Council, it shall extend assistance and cooperation
2 including the assignment of personnel to such LGUs and other government
3 agencies and offices;

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

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

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

15 *Sec. 6. Metro Bataan Development Council.* – The governing board and
16 policymaking body of the MBDA shall be the Metropolitan Bataan Development
17 Council, which shall be composed of the Governor as *ex-officio* Chairperson of the
18 Council, the Mayors of the City of Balanga, the Municipalities of Abucay, Bagac,
19 Dinalupihan, Hermosa, Limay, Mariveles, Morong, Orani, Orion, Pilar, and Samal, the
20 Administrator of the Subic Bay Metropolitan Authority (SBMA), as *ex-officio* members.
21 The Region-III regional directors of the Department of the Interior and Local
22 Government (DILG), Department of Environment and Natural Resources (DENR),
23 Department of Public Works and Highways, Office of Civil Defense (OCD), and
24 Philippine National Police (PNP), shall be *ex-officio* members of the Council without
25 voting rights.

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

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

- 1 (b) Formulate and issue ordinances, resolutions, rules and regulations deemed
2 necessary by the MBDA to carry out the purposes of this Act;
- 3 (c) Recommend Investment programming for its plans and programs as well as
4 supervise the implementation of plans and programs which will include the
5 formulation and coordination of its related activities;
- 6 (d) Coordinate and work closely with the DOT and its attached agencies on the
7 grant of franchises to safe, reliable, and environment-friendly public utility
8 vehicles within the MBDA jurisdiction;
- 9 (e) Approve the annual budget of the MBDA for submission to the Department
10 of Budget and Management (DBM), and endorse the annual as well as the
11 supplemental budgets of the MMDA; and
- 12 (f) Perform such other acts and assume such other functions as may be
13 consistent and necessary to carry out the provisions of this Act.

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

20 *Sec. 9. Metro Bataan Development Authority Administrator.* – The MBDA shall
21 be headed by an Administrator, to be appointed by the President of the Philippines
22 and chosen from a list of at least three (3) nominees submitted by the Council. The
23 Administrator shall have a term of three (3) years unless otherwise removed for cause
24 in accordance with law, and have the rights, rank, disqualifications, and prohibitions
25 of an Undersecretary under existing civil service rules and regulations. The
26 Administrator shall not be related to any member of the Council within the fourth civil
27 degree of consanguinity or affinity.

28 The Administrator shall be assisted by a Deputy Administrator for Finance and
29 Administration and a Deputy Administrator for Planning and Operations, both of whom
30 shall be appointed by the Administrator with the concurrence of the Council, subject
31 to civil service laws, rules and regulations. They shall enjoy security of tenure unless
32 otherwise removed for cause in accordance with law. The Deputy Administrator for

1 Finance and Administration and the Deputy Administrator for Planning and Operations
2 shall not be related to the Administrator or any member of the Council within the
3 fourth civil degree of consanguinity or affinity.

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

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

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

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

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

19 (e) Subject to the Civil Service Decree, rules and regulations, and the approval
20 of the Council, determine the staffing pattern, fix the compensation of the
21 officers and personnel of the MBDA in accordance with the Salary
22 Standardization Law, and fix the number of subordinate officials and
23 employees of the MBDA and exercise the power to discipline subordinate
24 officials and employees under the provisions of law;

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

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

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

31 (i) Ensure that all information, official records, documents and papers
32 pertaining to official acts, transactions or decisions of the Council and the

1 MBDA, including research data used by the Council and the MBDA as basis
2 for policy development, are preserved and made available to the public
3 when requested; and

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

6 Sec. 11. *MBDA Planning Office.* – There is hereby created a Planning Office in
7 the MBDA as its planning and policy coordinating body that will, in coordination with
8 or in assistance to, the LGUs and other members of the Metro Bataan Development
9 Council, formulate and implement comprehensive urban or regional development
10 plans within its area of jurisdiction. Its specific tasks include, but shall not be limited
11 to, zoning and land use management, transportation planning, development review,
12 project evaluation and monitoring, data and analysis research, socio-economic policy
13 formulation, environmental planning and public engagement and stakeholder
14 coordination, advocacy and capacity development.

15 Sec. 12. *Institutional Linkages of the MBDA.* – The MBDA shall, in carrying out
16 its functions, consult, coordinate and work closely with the LGUs, the DPWH, DOTr
17 and other national government agencies; accredited people’s organizations (POs);
18 nongovernment organizations (NGOs), and the private sector operating in Bataan.

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

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

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

1 Sec. 13. *Metro Bataan Maritime Police* - There is hereby established a police
2 body to be known as the Metro Bataan Maritime Police (MBMP) that shall be under
3 the administrative control and operational supervision of the Philippine National Police
4 Region III. The MBMP shall assume and perform the following functions:

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

7 (b) Coordinate with the Philippine Coast Guard, the SBMA, member LGUs of the
8 MBDA, the Regional Police Office, and other relevant agencies in fulfilling its
9 mandate within the territorial jurisdiction of the MBDA

10 Sec. 14. *MBDA School Board*. – The MBDA School Board is hereby created which
11 is tasked, among others, to:

12 (a) Determine, together with DepEd and CHED, the direction for public schools
13 in the community to ensure that a long-term vision is established for the
14 school system within the territorial jurisdiction of the MBDA;

15 (b) Establish an effective and efficient organizational structure. The MBDA
16 School Board shall in coordination with the DepEd and CHED:

17 i. Provide consultation on the appointment of division superintendents,
18 district supervisors, school principals, and other officials;

19 ii. Oversee the development and adoption of by-laws and policies of
20 public schools in the area;

21 iii. Set a direction, together with DepEd and CHED, for the adoption of
22 curriculum of public schools in the area;

23 iv. Establish budget priorities and adopting a budget and local control
24 and accountability plan for schools within the territorial jurisdiction
25 of the MBDA;

26 (c) Determine, in accordance with the criteria set by the DepEd and CHED, the
27 annual supplementary budgetary needs for the operation and maintenance
28 of public schools within the jurisdiction of the MBDA, and the supplementary
29 local cost of meeting such needs, which shall be reflected in the form of an
30 annual school board budget corresponding to its share of the proceeds of
31 the special levy on real property consisting the Special Education Fund and

1 such other sources of revenue as Republic Act No. 7160 or the Local
2 Government Code of 1991 and other laws or ordinances may provide;

3 (d) Authorize the Deputy Administrator for Finance and Administration to
4 disburse the funds from the Special Education Fund pursuant to the budget
5 prepared and in accordance with existing rules and regulations;

6 (e) Establish systems and processes to monitor results, evaluate the school
7 system's progress. The MBDA School Board shall be responsible for:

8 i. Ensure that policies for evaluation based on the criteria set by DepEd
9 and CHED are employed at all times;

10 ii. Monitoring the implementation of standards and policies;

11 iii. Monitoring student achievement, program effectiveness, and
12 recommend to DepEd, CHED, or the respective *sanggunians*, as the
13 case may be, program changes, if any;

14 iv. Monitoring and adjusting finances of public schools in the territorial
15 jurisdiction of the MBDA; and

16 v. Evaluating its own effectiveness through board self-evaluation.

17 (f) Serve as an advisory committee to the respective *sanggunians* on
18 educational matters such as, but not limited to, the necessity for and the
19 uses of local appropriations for educational purposes; and

20 (g) Recommend changes in the name of public schools within the territorial
21 jurisdiction of MBDA for enactment by the *sanggunian* concerned.

22 Sec. 15. *Sources of Funds and Operating Budget of the MBDA.* – The amount
23 necessary for the operating budget of MBDA shall be included in the annual General
24 Appropriations Act.

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

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

31 The MBDA may accept donations and grants from foreign and local sources. In
32 case of grants, in cash or kind, from governments of foreign countries or their agencies

1 and instrumentalities, or from multilateral institutions or organizations, acceptance
2 thereof shall be subject to the prior clearance and approval by the Council and the
3 President of the Philippines or the authorized representative based on the
4 recommendation of the Secretary of Finance. On the other hand, other donations, in
5 cash or in kind, from foreign government shall require prior clearance and approval
6 by the Council and the President, or the authorized representative based on the
7 recommendation of the Secretary of Foreign Affairs.

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

12 Sec. 16. *Transparency Clause.* – Pursuant to Executive Order No. 2, s. 2016,
13 the public shall have access to information, official records, documents and papers
14 pertaining to official acts, transactions or decisions of the Council and the MBDA, as
15 well as to research data used by the Council and the MBDA as basis for policy
16 development. The Council and the MBDA shall preserve and make readily accessible
17 all such information, official records, documents, and papers. As provided by E.O. No.
18 2, failure to do so shall be a ground for the imposition of administrative and disciplinary
19 sanctions on the erring officers or employees, without prejudice to prosecution for
20 violation of other laws.

21 Sec. 17. *Non-Diminution Clause.* – The Council cannot modify, overrule or
22 disregard resolutions passed by the *Sangguniang Barangay, Sangguniang Bayan,*
23 *Sangguniang Panlungsod* and *Sanggunian Panlalawigan,* within the Province of
24 Bataan. It cannot also modify, overrule, or disregard ordinances enacted and ratified
25 by the local *sanggunians* and executive orders of local chief executives.

26 In discharging its functions and performing its services under Sections 5 and 6 herein,
27 the MBDA shall, in no case, diminish or undermine the autonomy of the LGUs. The
28 member LGUs shall continue to have control and be responsible for their respective
29 local projects and services. No MBDA service shall be implemented in a locality unless
30 the LGU concerned concurs thereto.

31 Sec. 18. *Amicable Resolution Clause.* – In the formulation and implementation
32 of development initiatives, programs and projects, the MBDA shall solicit and consider

1 the inputs of relevant national government agencies. In like manner, concerned
2 national government agencies shall consult the MBDA and its member LGUs before
3 the implementation of development projects funded by the national government.
4 Potential or actual conflicts or disputes arising from policy matters or overlap in
5 initiatives, programs and projects shall be amicably resolved to the mutual satisfaction
6 of all concerned. Otherwise, the dispute shall be resolved in favor of local autonomy.
7 Potential or actual conflicts in the policies, plans, initiatives or program implementation
8 of the MBDC or MBDA shall be resolved in favor of the SBMA, as the case may be, in
9 areas within their respective operational jurisdictions.

10 *Sec. 19. Internal Audit.* – Notwithstanding the provisions of Republic Act No.
11 4177, amending certain sections of Republic Act No. 3456, otherwise known as the
12 “Internal Auditing Act of 1962”, the Council shall appoint the members of the
13 independent internal audit service of the MBDA.

14 *Sec. 20. Separability Clause.* – In case any part or provision of this Act is held
15 unconstitutional or invalid, other parts or provisions thereof which are not affected
16 shall continue to remain in full force and effect.

17 *Sec. 21. Repealing Clause.* – All laws, executive orders, rules and regulations
18 or parts thereof inconsistent with or contrary to the provisions of this Act are hereby
19 repealed or modified accordingly.

20 *Sec. 22. Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in a newspaper of general circulation.

Approved,