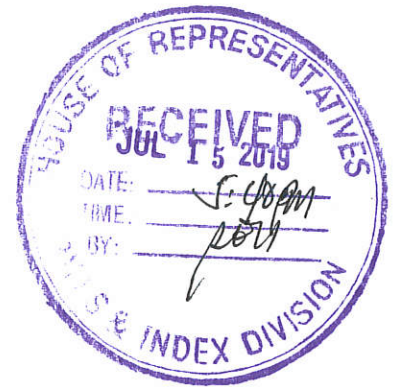


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2141



Introduced by REP. BAYANI F. FERNANDO

EXPLANATORY NOTE

The Metropolitan Manila Development Authority (MMDA) is mandated, by virtue of Republic Act 7924, to lead traffic management efforts for the whole Metro Manila as well as to provide Metro-wide services, which are essentially services that have metro-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by individual local government units (LGUs) comprising Metropolitan Manila. Traffic management is at the forefront of the mandated tasks of the MMDA. Since its creation in 1994, the MMDA has conceptualized, proposed and implemented all types of metro-wide programs that has made life in this bustling metropolis easier, keeping at bay the chaos that threatens to overwhelm Metro Manila residents – be it traffic congestion, flooding, garbage, pollution, and all other threats to public safety.

The MMDA alone has the mandate, manpower, know-how, equipment and facilities, institutional culture and the budget in place to combat this traffic crisis. Rather than rock the boat too much, it is the position of this Representation to utilize the systems already in place and maximize its potential.

The MMDA is beset by the problem caused by the inadequacy of its power to pass ordinances that is acceptable to the courts. The collective wisdom of the voting members of the Metro Manila council composed of 17 elected Mayors, the presidents of the Vice Mayors League and Councilors League, complemented by representatives from all national government agencies cannot be effectively used in light of the limitations of its power as provided for in RA 7924.

In order to enable the MMDA to deliver on its mandated tasks, this measure seeks to strengthen the MMDA by amending its Charter to give it the power to enact ordinances which will have the full force and effect of a law among its member LGUs upon ratification; the power to enforce traffic laws and MMDA ordinances related to the metro-wide programs of the agency; and the budget to modernize and upgrade its equipment and hire additional personnel to man the streets of the metropolis.

The passage of this bill is earnestly sought so that we can start the business of solving the traffic crisis in Metro Manila.


BAYANI F. FERNANDO
First District, Marikina City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 2141

Introduced by REP. BAYANI F. FERNANDO

AN ACT ENHANCING THE EFFECTIVENESS OF THE METROPOLITAN MANILA COUNCIL IN FORMULATING POLICIES, RULES, REGULATIONS, AND IN ENACTING ORDINANCES FOR METRO MANILA, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7924, ENTITLED, "AN ACT CREATING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"

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

SECTION 1. Section 1 of Republic Act No. 7924 is hereby amended, to read as follows:

"SECTION 1. *Declaration of Policy.* – It is hereby declared [to be] the policy of the State to [treat] RECOGNIZE AND REGARD Metropolitan Manila, COMPOSED OF THE CITIES OF CALOOCAN, LAS PIÑAS, MAKATI, MALABON, MANDALUYONG, MANILA, MARIKINA, MUNTINLUPA, NAVOTAS, PARAÑAQUE, PASAY, PASIG, QUEZON, SAN JUAN, TAGUIG, AND VALENZUELA, AND THE MUNICIPALITY OF PATEROS, as a special development and administrative region [and] UNDER THE DIRECT SUPERVISION OF THE PRESIDENT OF THE PHILIPPINES. TOWARDS THIS END, certain basic services affecting [or involving] Metro Manila [as metro-wide services more] MUST BE efficiently and effectively planned, supervised and coordinated by a development authority [as created herein] TO ADDRESS THE PROBLEMS OF GARBAGE, FLOODING, AIR POLLUTION, SCARCE SUPPLY OF SANITARY WATER, TRAFFIC, AND URBAN BLIGHT BROUGHT ABOUT BY URBAN MIGRATION AND POPULATION INCREASE, without prejudice to the autonomy of the affected local government units (LGUS).

"Pursuant to this policy, [Metropolitan Manila, as a public corporation created under Presidential Decree No. 824, embracing the cities of Caloocan, Manila, Mandaluyong, Makati, Pasay, Pasig, Quezon, and Muntinlupa, and the municipalities of Las Piñas, Malabon, Marikina, Navotas, Parañaque, Pateros, San Juan, Taguig, and Valenzuela, is hereby constituted into a special development and administrative region

subject to direct supervision of the President of the Philippines] THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY SHALL FORMULATE RULES AND REGULATIONS AND ENACT ORDINANCES TO ADDRESS METRO-WIDE PROBLEMS BY AUGMENTING AND HARMONIZING CONFLICTING POLICIES BETWEEN AND AMONG THE LOCALITIES OF METROPOLITAN MANILA.”

SEC. 2. Section 4 of the same Act is also amended to read as follows:

“SEC. 4. *Metro Manila Council.* – The governing board and policy making body of the MMDA shall be the Metro Manila Council, composed of the mayors of [the eight (8) cities and nine (9) municipalities enumerated in Section 1 hereof] METRO MANILA, the president of the Metro Manila Vice Mayors League and the president of the Metro Manila Councilors League.

“The heads of the Department of Transportation (DOTR) [and Communications (DOTC)], Department of Public Works and Highways (DPWH), Department of Tourism (DOT), Department of Budget and Management (DBM), Housing and Urban Development Coordinating Committee (HUDCC), and THE Philippine National Police (PNP) or their duly authorized representatives, shall attend meetings of the council as non-voting members.”

“xxx xxx xxx.”

SEC. 3. Section 5 of the same Act is hereby amended, to read as follows:

“SEC. 5. *Functions and Powers of the Metro Manila Development Authority.* – The MMDA shall:

(a) xxx

(b) xxx

(c) Undertake and manage on its own metro-wide programs and projects for the delivery of specific services under its jurisdiction, ADOPT AND IMPLEMENT ORDINANCES AND OTHER REGULATIONS THAT FALL WITHIN ITS MANDATE, UPON THE [subject to the] approval BY MAJORITY VOTE of the Council. For this purpose, THE MMDA can create appropriate project management OR IMPLEMENTING offices;

(d) xxx

(e) xxx

(f) xxx

(g) Perform other related functions required to achieve the objectives of the MMDA, including the undertaking of delivery of basic services to the local government units, when deemed necessary subject to prior coordination with and consent of the local government unit concerned OR AS MAY BE MANDATED BY ANY ORDINANCE

APPROVED BY THE MAJORITY OF THE *SANGGUNIAN* OF THE COMPONENT LOCAL GOVERNMENT UNITS OF METRO MANILA.”

(e) xxx

(f) xxx

(g) xxx

SEC. 4. Section 6 of the same Act is further amended, to read as follows:

“SEC. 6. *Functions of the Metro Manila Council.* –

(a) xxx

(b) xxx

(c) xxx

(d) It shall [promulgate] PRESCRIBE, FORMULATE, AND ISSUE ORDINANCES, rules and regulations and set policies and standards for metro-wide application governing the delivery of basic services **WITHIN THE MANDATE OF THE MMDA**, prescribe and collect service and regulatory fees, and impose and collect fines [and] OR penalties.

(E) IT MAY ARBITRATE ANY CONFLICT OR ISSUE ARISING FROM ANY ORDINANCE, RULE, REGULATION, POLICY OR STANDARD BETWEEN OR AMONG THE CITY AND MUNICIPAL GOVERNMENTS.”

SEC. 5. A new section to be denominated as Section 6-A is hereby added after Section 6 of the same Act, to read as follows:

“SEC. 6-A. *METRO MANILA COUNCIL ORDINANCE.* THE DULY APPROVED AND RATIFIED ORDINANCE ISSUED BY THE METRO MANILA COUNCIL SHALL BE BINDING ON ALL COMPONENT LGUS OF METRO MANILA AND SHALL HAVE THE FULL FORCE AND EFFECT OF A LAW THEREIN. THE MMDA SHALL BE THE LEAD AGENCY TO IMPLEMENT ANY ORDINANCE AND SHALL BE ASSISTED BY THE LGUS OR OTHER ENFORCEMENT AGENCIES THEREIN.

TO BE ENFORCEABLE, AN ORDINANCE MUST BE APPROVED AND RATIFIED IN THE FOLLOWING MANNER:

(A) ANY MEMBER OF THE METRO MANILA COUNCIL, OR THE *SANGGUNIAN* OF ANY CITY OR MUNICIPALITY, MAY PROPOSE TO THE METRO MANILA COUNCIL AN ORDINANCE TO ADDRESS OR RESOLVE ANY RELEVANT MATTER THAT FALLS WITHIN THE MANDATE OF THE MMDA.

(B) THE MEMBERS OF THE METRO MANILA COUNCIL SHALL COORDINATE AND CONSULT WITH THEIR RESPECTIVE LGUS AND OFFICES AND THE PUBLIC TO DETERMINE THAT THE MATTER PRESENTED TO THE METRO MANILA COUNCIL IS RELEVANT AND OF METRO-WIDE APPLICATION. THE RESULT OF THE METRO-WIDE CONSULTATION SHALL BE PRESENTED

TO THE METRO MANILA COUNCIL, WHICH MAY OPT TO FORM A TECHNICAL WORKING GROUP AS IT DEEMS NECESSARY ON ISSUES ARISING FROM THE CONSULTATIONS.

(C) AFTER DUE AND DILIGENT CONSULTATIONS AND DELIBERATIONS, THE METRO MANILA COUNCIL SHALL VOTE ON THE PROPOSAL AND APPROVE IT BY THE MAJORITY VOTE OF ITS VOTING MEMBERS.

(D) IF THE VOTE IS IN FAVOR OF THE PROPOSAL, THE METRO MANILA COUNCIL SHALL PRESENT IT TO THE *SANGGUNIANG* OF EACH CITY/MUNICIPAL GOVERNMENT UNIT FOR ITS APPROVAL OR DISAPPROVAL. IF THE VOTE IS NOT FAVORABLE, THE METRO MANILA COUNCIL SHALL ARCHIVE IT FOR FUTURE REFERENCE.

(E) AFTER THE RECEIPT OF THE PROPOSAL, THE *SANGGUNIANG* SHALL EITHER APPROVE OR DISAPPROVE THE PROPOSED ORDINANCE *IN TOTO* WITHOUT ANY AMENDMENT.

(F) WITHIN THIRTY (30) WORKING DAYS FROM THE RECEIPT OF THE PROPOSAL, THE *SANGGUNIANG* SHALL SUBMIT TO THE METRO MANILA COUNCIL ITS RESOLUTION EXPRESSING THE APPROVAL OR DISAPPROVAL ON THE PROPOSED ORDINANCE.

(G) THE FAILURE OF THE *SANGGUNIANG* TO SUBMIT ITS RESOLUTION WITHIN THE REQUIRED PERIOD IS CONSIDERED AS AN APPROVAL OF THE CONCERNED *SANGGUNIANG*.

(H) THE METRO MANILA COUNCIL SHALL DETERMINE IF THE PROPOSED ORDINANCE IS APPROVED BY THE MAJORITY OF THE *SANGGUNIANG* UNITS.

(I) IF THE PROPOSED ORDINANCE IS APPROVED, THE METRO MANILA COUNCIL SHALL RATIFY THE APPROVED ORDINANCE BY THE MAJORITY VOTE OF ALL ITS VOTING MEMBERS. IF THE PROPOSED ORDINANCE IS DISAPPROVED, THE METRO MANILA COUNCIL SHALL DETERMINE AND SETTLE THE ISSUES GOVERNING ITS DISAPPROVAL.

(J) WITHIN SEVEN (7) DAYS FROM THE RATIFICATION OF THE ORDINANCE, THE METRO MANILA COUNCIL SHALL POST THE ORDINANCE IN THE BULLETIN BOARDS AND ANY CONSPICUOUS PLACES IN THE MMDA OFFICES AND CITY OR MUNICIPAL HALLS IN METRO MANILA, AS WELL AS IN THEIR WEBSITES OR OFFICIAL ELECTRONIC PAGES. IF THE ORDINANCE CARRIES PENAL SANCTIONS, IT MUST BE PUBLISHED IN ONE (1) NEWSPAPER OF GENERAL CIRCULATION.

(K) THE DULY APPROVED AND RATIFIED ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS POSTING OR PUBLICATION. HOWEVER, THIS PERIOD MAY BE SHORTENED IN EXCEPTIONAL OR EMERGENCY CASES WHEN EARLIER IMPLEMENTATION IS NECESSARY.”

SEC. 6. Within ninety (90) days from the effectivity of this Act, the Metro Manila Council shall promulgate rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this Section shall take effect thirty (30) days after publication in one (1) newspaper of general circulation.

SEC. 7. If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

SEC. 8. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,