



Republic of the Philippines  
**House of Representatives**  
Quezon City

**EIGHTEENTH CONGRESS**  
*First Regular Session*

House Bill No. 201

**Introduced by Representative Jose Enrique S. Garcia III**

#### **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 above 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 cities 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 chaired by the Provincial Governor. Some of its powers and functions were 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 agency concerned, and performance of basic services.

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

The passage of this bill is earnestly sought.

  
**REP. JOSE ENRIQUE S. GARCIA III**  
Second District, Bataan





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**AN ACT CREATING THE METRO BATAAN 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:*

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

3       **SEC. 2. Declaration of Policy.** – Consonant with the declaration of the policy  
4 of the State as provided in the Constitution, Republic Act No. 7160, otherwise known  
5 as the Local Government Code of 1991, as amended, and other pertinent national  
6 laws, it is hereby declared to be the policy of the State to encourage Local  
7 Government Units to group themselves to coordinate efforts, services and resources  
8 for purposes commonly beneficial to their respective constituencies. It is also  
9 declared to be the policy of the State to integrate and coordinate the delivery of  
10 certain basic services as well as enforcement of laws, rules and regulations in the  
11 Province of Bataan through (a) the Metro Bataan Development Council hereinafter  
12 referred to as Council, composed of the Chief Executives of the Local Government  
13 Units of the Province of Bataan, and (b) the Metro Bataan Development  
14 Authority(MBDA), the implementing arm of the Council, as created herein.

15       **SEC. 3. Metro Bataan Development Council.** – The Council shall be the  
16 governing board and policymaking body of the MBDA and shall be composed of the  
17 Governor of Bataan who shall sit as *ex-officio* Chairperson of the Council and the  
18 Mayors of the City of Balanga, Abucay, Bagac, Dinalupihan, Hermosa, Limay  
19 Mariveles, Morong, Orani, Orion, Pilar, and Samal, as *ex-officio* members. The  
20 provincial directors of the Department of Public Works and Highways (DPWH),  
21 Department of Interior and Local Government (DILG), Department Environmental  
22 and Natural Resources (DENR), Office of the Civil Defense (OCD), and the



1 Philippine National Police (PNO) shall be *ex-officio* members of the Council without  
2 voting rights.

3 **SEC. 4. Creation of the Metro Bataan Development Authority (MBDA).** –  
4 The MBDA is hereby created under the Office of the President of the Philippines as  
5 the implementing arm of the Council.

6 The MBDA shall perform the planning and implementation of policies,  
7 monitoring, and coordinative functions, and shall exercise regulatory and supervisory  
8 authority over the delivery of services in accordance with Section 5 of this Act, but  
9 without diminution of the autonomy of the Local Government Units concerning purely  
10 local matters.

11 **SEC. 5. Scope of MBDA Services.** – The MBDA shall have authority to  
12 provide services to the entire province, or to multiple local government units for  
13 areas that are socio-economically interdependent, or which entail expenditure  
14 beyond the capacity of any single local government unit in the Province of Bataan.

15 These services shall include the following:

16 (a) Assistance to the Bataan Provincial Planning and Development  
17 Office (PPDO) in development planning which include the  
18 preparation of medium and long-term development plans, the  
19 development, evaluation and packaging of projects, investment  
20 programming and coordination and monitoring of plans, programs  
21 and projects implemented; *Provided*, that the PPDO shall have  
22 primary jurisdiction over development planning in the Province of  
23 Bataan;

24 (b) Transportation and traffic management which includes the  
25 formulation, coordination and monitoring of policies, standards,  
26 programs and projects to rationalize the existing transport  
27 operations; the determination, planning, procurement and provision  
28 of infrastructure requirements; the enhancement of the safe use of  
29 thoroughfares; the promotion of safe and convenient movement of  
30 persons and goods; the provision of transport systems and the  
31 establishment of a system to regulate road users; the administration  
32 and implementation of all traffic enforcement operations; the  
33 provision of traffic engineering services and the provision of traffic  
34 services and traffic education programs;

35 (c) Solid waste disposal and management which includes the  
36 formulation and implementation of policies, standards, programs  
37 and projects for proper and sanitary waste disposal, the  
38 establishment and operation of sanitary landfill and other related  
39 facilities, and the implementation of other alternative programs  
40 intended to reduce, reuse and recycle solid waste;

41 (d) Flood control and sewerage management which include the  
42 formulation and implementation of policies, standards, programs  
43 and projects for an integrated flood control, drainage and sewerage  
44 system;

- 1 (e) Assistance to local government units in the formulation, and  
2 adoption and implementation of policies on standards, rules and  
3 regulations, programs and projects pertaining to the rationalization  
4 and optimization of land use, and the formulation of growth and  
5 expansion plans, the rehabilitation and development of slum and  
6 blighted areas, the development of shelter and housing facilities  
7 and the provision of necessary social services thereof, in  
8 coordination with other appropriate local government units;
- 9 (f) Health and sanitation protection and pollution control which include  
10 the formulation and implementation of policies, rules and  
11 regulations, standards, programs and projects for the promotion  
12 and safeguarding of the health and sanitation of the province and  
13 the enhancement of ecological balance and the prevention, control  
14 and abatement of environmental pollution, in coordination with the  
15 Department of Health (DOH) and the Department of Environment  
16 and Natural Resources (DENR);
- 17 (g) Ensuring public safety, peace and order which include the  
18 formulation and implementation of programs, policies and  
19 procedures to achieve public safety, especially preparedness for  
20 preventive or rescue operations during times of calamities and  
21 disasters such as conflagrations earthquake, flood and tidal waves;  
22 and coordination and mobilization of resources and the  
23 implementation of contingency plans for rehabilitation and relief  
24 operations in coordination with national agencies concerned; and
- 25 (h) Other services and functions, as the Council may determine and  
26 which do not contravene existing laws.

27 **SEC. 6. Functions and Powers of the Metro Bataan Development**  
28 **Authority.** – The MBDA shall:

- 29 (a) Formulate, coordinate and regulate the implementation of approved  
30 medium and long term plans and programs for the delivery of  
31 province-wide services, land use and physical development within  
32 the Province of Bataan, consistent with the national development  
33 objectives and priorities;
- 34 (b) Undertake and manage approved plans and projects for the  
35 delivery of specific services under its jurisdiction, subject to the  
36 approval of the Council;
- 37 (c) Coordinate, monitor and adopt solutions to problems of  
38 implementation of such plans, programs and projects in the  
39 province, identify bottlenecks and adopt solutions to the problems of  
40 implementation;
- 41 (d) Set the policies concerning traffic in the province, coordinate and  
42 regulate the implementation of all approved programs and projects  
43 concerning traffic management specifically pertaining to  
44 enforcement, engineering and education; *Provided, that,* upon



request, it shall extend assistance and cooperation, including the assignment of personnel by local government units and other government agencies and offices concerned;

(e) As duly deputized by the Land Transportation Office (LTO), local government units and other government authorities, issue tickets, citations and collect fines and penalties for violations of traffic rules and regulations whether moving or non-moving in nature, and confiscate and suspend or revoke driver's licenses in the enforcement of all traffic laws and regulations in the Province of Bataan;

(f) Enter into contracts 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 local government units not otherwise provided by in Section 5 of this Act, when deemed necessary subject to prior coordination with and consent of the local government unit concerned.

**SEC. 7. 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 Administrator shall have a term of six (6) years unless otherwise removed for cause in accordance with law.

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

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

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

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

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

- 1 (d) Submit for consideration of the Council such other duties and  
2 measures as may be deemed necessary to carry out the purposes  
3 and provisions of this Act;
- 4 (e) Subject to the Civil Service Decree, rules and regulations, and the  
5 approval of the Council, determine the staffing pattern, fix the  
6 compensation of the officers and personnel of the MBDA in  
7 accordance with the Salary Standardization Law, and fix the  
8 number of subordinate officials and employees of the MBDA and  
9 exercise the power to discipline subordinate officials and employees  
10 under the provisions of law;
- 11 (f) Supervise the operation of various operating centers and units of  
12 the MBDA;
- 13 (g) Formulate and recommend policies and programs to the Council for  
14 the efficient delivery of province-wide services;
- 15 (h) Prepare an annual report on the activities and accomplishments of  
16 the MBDA at the close of each year for submission to the Council  
17 and the Office of the President; and
- 18 (i) Perform such duties and functions as may be lawfully delegated or  
19 assigned by the Council from time to time.

20 **SEC. 9. Institutional Linkages of the MBDA.** - The MBDA shall, in carrying  
21 out its functions, consult, coordinate and work closely with the local government  
22 units, the DPWH, DOTr and other national government agencies; accredited  
23 people's organizations (POs); non-government organizations (NGOs), and the  
24 private sector operating in Bataan.

25 The MBDA shall prepare a master plan to be approved by the Council and the  
26 PPDO that shall serve as the framework for the local development plans of the  
27 component local government units.

28 The implementation of the MBDA's plans, programs and project shall be  
29 undertaken by the local government units, the concerned national agencies, the  
30 POs, NGOs, and the private sector and MBDA itself, as necessary and where  
31 appropriate, to meet the objectives of this Act. For this purpose, the MBDA may  
32 enter into contracts with such entities for the achievement of such purposes.

33 **SEC. 10. Sources of Funds and Operating Budget of MBDA.** - The amount  
34 necessary for the operating budget of MBDA shall be included in the annual General  
35 Appropriations Act.

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

38 The MBDA, through the Council, and subject to the approval of the local  
39 government units and their respective *Sanggunians*, may call on its member city and  
40 municipalities to contribute such amount as may later on be determined for its  
41 operation and the implementation of projects.



1 The MBDA may accept donations and grants from foreign and local sources  
2 and, subject to the approval of the Department of Finance and the Bangko Sentral  
3 ng Pilipinas, obtain financing support from local and foreign sources. In case of  
4 grants, in cash or kind, from governments of foreign countries, their agencies and  
5 instrumentalities or multilateral institutions or organizations, acceptance thereof shall  
6 be subject to the prior clearance and approval by the President of the Philippines or  
7 the authorized representative based on the recommendation of the Secretary of  
8 Finance. On the other hand, other donations, in cash or in kind, from foreign  
9 government shall require prior clearance and approval by the President or the  
10 authorized representative based on the recommendation of the Secretary of Foreign  
11 Affairs.

12 **SEC. 11. Separability Clause.** – In case any part or provision of this Act is  
13 held unconstitutional or invalid, other parts or provisions thereof which are not  
14 affected shall continue to remain in full force and effect.

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

18 **SEC. 13. Effectivity.** – This Act shall take effect fifteen (15) days after its  
19 publication in the Official Gazette or in a newspaper of general circulation.

20 **Approved,**