Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

COMMITTEE REPORT NO. 762
Submitted by the Committee on Metro Manila Development on FEB 17 2021
Re: House Bill No. 8770
Recommending its approval in substitution of House Bill No. 2141

Sponsors: Representatives Manuel Luis T. Lopez and Bayani “BF” F. Fernando

Mr. Speaker:

The Committee on Metro Manila Development to which was referred: HOUSE BILL NO. 2141, introduced by Rep. Bayani “BF” F. Fernando, entitled:

"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 DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFORE AND FOR OTHER PURPOSES",

has considered the same and recommends that the attached House Bill No. 8770, entitled:

"AN ACT
STRENGTHENING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY (MMDA) GRANTING IT THE POWER TO ADOPT AND ENFORCE 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 approved in substitution of House Bill No. 2141 with Rep. Bayani F. Fernando as author thereof.

Respectfully submitted,

MANUEL LUIS T. LOPEZ

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8770
(In Substitution of House Bill No. 2141)

Introduced by REP. BAYANI F. FERNANDO

AN ACT
STRENGTHENING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY (MMDA) GRANTING IT THE POWER TO ADOPT AND ENFORCE 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 CONSIDER 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] Metropolitan Manila [as metro-wide services more] MUST BE efficiently and effectively planned, supervised and coordinated by a development authority [as created herein] TO ADDRESS COMMON PROBLEMS THAT ARE DEEMED INTERTWINED AS TO THEIR CAUSES AND SOLUTIONS AND BROUGHT ABOUT BY THEIR TERRITORIAL CONTIGUITY, without prejudice to the autonomy of the affected local government units (LGUs).
[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]

SEC. 2. Section 2 of the same Act is hereby amended, to read as follows:

"SEC. 2. Creation of the Metropolitan Manila Development Authority. – The affairs of Metropolitan Manila shall be administered by the Metropolitan Manila Authority hereinafter referred to as the MMDA, to replace the Metro Manila Authority (MMA) organized under Executive Order No. 392, series of 1990.

The MMDA shall perform planning, monitoring and coordinative functions, and in the process exercise regulatory and supervisory authority over the delivery of metro-wide services within Metro Manila without diminution of the autonomy of the LGUs concerning purely local matters. IT SHALL FORMULATE RULES AND REGULATIONS AND ENFORCE ORDINANCES LIMITED TO THE SCOPE OF ITS SERVICES UNDER SECTION 3 OF THIS ACT TO ADDRESS METRO-WIDE PROBLEMS BY AUGMENTING AND HARMONIZING CONFLICTING POLICIES BETWEEN AND AMONG THE LGUs OF METROPOLITAN MANILA.

IN ADDITION, THE MMDA SHALL ENDEAVOR TO CRAFT AND PURSUE POLICIES THAT WILL INSTILL PRIDE, HONOR, AND DISCIPLINE AMONG RESIDENTS OF METRO-MANILA THEREBY FOSTERING A SENSE OF COMMUNITY AND SOLIDARITY AMONG METRO MANILA RESIDENTS."

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


(a) xxx
(b) xxx
(c) xxx
(d) xxx
(e) xxx
(f) xxx
(g) xxx

(h) WATER RESOURCE MANAGEMENT WHICH INCLUDES THE FORMULATION AND IMPLEMENTATION OF POLICIES, STANDARDS, RULES AND REGULATIONS ON ILLEGAL WATER CONNECTION, SEWERAGE, AND RAINWATER HARVESTING FACILITIES."

SEC. 4. 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 (MMC), 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 (HUDC)] DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT (DHSUD), and THE Philippine National Police (PNP), or ANY OF THEIR DUTY AUTHORIZED REPRESENTATIVES will attend meetings of the council as non-voting members OR RESOURCE PERSONS SHOULD THE MATTER TO BE DISCUSSED FALL WITHIN THEIR FIELD OF EXPERTISE OR JURISDICTION.

THE CHAIRPERSON OF THE MMDA, SUBJECT TO THE APPROVAL OF THE MAJORITY OF THE MEMBERS OF THE MMC, MAY APPOINT SECTORAL REPRESENTATIVES AND EXPERTS IN THE FIELDS OF WASTE DISPOSAL AND MANAGEMENT, FLOODING, AIR POLLUTION, WATER RESOURCE MANAGEMENT, TRAFFIC, URBAN BLIGHT, AND PUBLIC SAFETY FOR A TERM NOT EXCEEDING THREE (3) YEARS UNLESS REAPPOINTED BY MAJORITY VOTE OF THE MMC."
SEC. 5. 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 ENFORCE ORDINANCES AND OTHER REGULATIONS PROMULGATED BY THE MMC. For this purpose, THE MMDA can create appropriate project management OR IMPLEMENTING offices;
  (d) xxx
  (e) xxx
  (f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of 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 such traffic laws and regulations, the provisions of RA 4136 and PD 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organization to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose; [and]
  (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[.]; AND
  (H) ESTABLISH AN APPROPRIATE MECHANISM FOR THE TIMELY, EFFICIENT, AND EFFECTIVE IMPLEMENTATION OF METRO-WIDE ORDINANCES THAT ARE APPROVED AND RATIFIED BY A MAJORITY VOTE OF THE SEVENTEEN (17) LGU SANGGUNIANS OF METRO MANILA."
SEC. 6. New sections to be denominated as Sections 6-A and 6-B are hereby inserted after Section 6 of the same Act, to read as follows:

"SEC. 6-A. SCOPE AND LIMITATION OF THE AUTHORITY OF THE MMC TO IMPLEMENT ORDINANCES. The scope and authority of the MMC to formulate, approve, and implement ordinances of metro-wide application shall be limited to the mandate of the MMDA and the scope of services as described in Section 3. Should there be any conflict with an existing ordinance of any of the member LGUs, the MMC together with the LGUs concerned shall agree on whether to adopt or revoke the LGU ordinance and enact a consolidated ordinance for implementation in Metro Manila."

SEC. 6-B. ORDINANCES OF THE METRO MANILA COUNCIL. The MMC, pursuant to its mandate, is hereby granted the power to adopt and enforce ordinances that shall be binding within its jurisdiction. The MMDA shall be the lead agency to implement such ordinances and shall be assisted by the LGUs or other enforcement agencies therein. Provided, that to be enforceable, such ordinance shall be approved, adopted, and ratified by a majority vote of the seventeen (17) Metro Manila LGU councils in the following manner:

A) An ordinance proposing to address or resolve any matter that falls within Section 3 may be filed directly by any member of the Metro Manila Council or by a resolution of any Sanggunian of any component LGU of Metro Manila;

B) The MMC shall forthwith include such ordinance in the calendar of business in its meeting immediately following the filing of the measure and determine if it is relevant, can be implemented metro-wide, and if it is within the mandate of the MMDA. If the MMC determines and approves the proposed ordinance, the members of the MMC shall

C) UPON DETERMINATION BY THE MMC THAT THE SUBJECT MATTER OF THE PROPOSED ORDINANCE IS VALID AND WITHIN THE PURVIEW OF SEC. 3 OF THIS ACT, THE MAYORS SHALL THEN FURNISH THEIR RESPECTIVE SANGGUNIANS THE PROPOSED ORDINANCE. THE RESPECTIVE SANGGUNIANS MAY REFER THE PROPOSAL TO THE APPROPRIATE LOCAL LEGISLATIVE COMMITTEE TO BE THOROUGHLY DISCUSSED AND IF NECESSARY, TO HOLD PUBLIC HEARINGS THEREON. IF THE SANGGUNIAN APPROVES THE PROPOSED ORDINANCE, IT SHALL PASS A RESOLUTION EXPRESSING ITS SUPPORT AND THAT IT MANIFESTS NO OBJECTION TO THE SAME. HOWEVER, IF THE SANGGUNIAN DEEMS IT NECESSARY TO MAKE AMENDMENTS, OR IF IT IS NOT IN FAVOR OF THE ENACTMENT OF THE PROPOSED ORDINANCE, IT SHALL SUBMIT A WRITTEN MANIFESTATION OUTLINING THE REASONS FOR ITS OBJECTION. FURTHER, IT SHALL ALSO PASS A RESOLUTION EXPRESSING ITS OBJECTION TO THE PROPOSAL OR ITS RESERVATIONS ON THE SAME, WHICHEVER IS APPLICABLE. SHOULD THE LGU, THROUGH ITS SANGGUNIAN, FAIL TO SUBMIT ANY POSITION WITHIN SIXTY (60) CALENDAR DAYS FROM RECEIPT OF THE PROPOSED ORDINANCE, IT SHALL BE DEEMED TO HAVE ACCEPTED THE PROPOSAL IN FULL AND WITHOUT AMENDMENT EVEN WITHOUT PASSING A RESOLUTION MANIFESTING ITS APPROVAL OR SUPPORT FOR THE PROPOSAL.

D) AFTER SIXTY (60) DAYS, WHEN DUE AND DILIGENT CONSULTATIONS AND DELIBERATIONS HAVE BEEN CONDUCTED, AND WHEN ALL THE POSITIONS FROM THE MEMBER LGUs HAVE BEEN RECEIVED AND DULY PRESENTED TO THE MMC, THE MMC SHALL, BY MAJORITY VOTE,

E) WITHIN SEVEN (7) CALENDAR DAYS FROM THE ENACTMENT AND RATIFICATION OF THE METRO MANILA ORDINANCE, THE MMC SHALL CAUSE ITS POSTING IN THE BULLETIN BOARDS AND ANY CONSPICUOUS PLACE IN THE MMDA OFFICES AND IN ALL CITY AND MUNICIPAL HALLS OF METRO MANILA, AS WELL AS IN THEIR WEBSITES.

F) IF THE ORDINANCE CARRIES PENAL SANCTIONS, IT MUST BE PUBLISHED IN AT LEAST ONE (1) NEWSPAPER OF GENERAL CIRCULATION AND SHALL TAKE EFFECT FIFTEEN (15) DAYS THEREAFTER.”

SEC. 7. Within ninety (90) days from the effectivity of this Act, the MMC 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. 8. 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. 9. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,
FACT SHEET
House Bill No. 8770
(in substitution of HB No. 2141)

STRENGTHENING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY (MMDA)

Introduced by REP. BAYANI F. FERNANDO

Committee Referral: Committee on Metro Manila Development
Committee Chairperson: Rep. Manuel Luis T. Lopez

OBJECTIVE:

To strengthen the policy-making authority of the Metropolitan Manila Council (MMC) in order to improve the delivery of services within the mandate of the Metro Manila Development Authority, covering waste disposal and management, flooding, air pollution, water resource management, traffic, urban blight, and public safety.

KEY PROVISIONS:

- Mandates the MMC to harmonize and adopt ordinances that shall have the full force and effect of law in Metro Manila;
- Mandates the scope of concerns that the MMC can pass ordinances for, that now includes water resource management;
- Provides the MMC with the authority to mediate any conflict or issue arising from any ordinance or policy between and among the Metro Manila local governments; and
- Provides the mechanism to enable the local government councils or the ‘Sanggunian’ to participate in the crafting and issuance of the metro-wide ordinances.

RELATED LAWS:

Presidential Decree No. 824, on the creation of Metro Manila
Presidential Decree No. 1265, series of 1977, creating the Metropolitan Manila Traffic Management Authority
Presidential Decree No. 1396, creating the Department of Human Settlements and the Human Settlements Development Corporation, appropriating funds therefor, and accordingly amending certain Presidential Decrees
Executive Order No. 392, series of 1992, constituting the Metro Manila Authority, providing for its powers and functions and for other purposes
Republic Act No. 7160, or The Local Government Code
Republic Act No. 7924, entitled ‘An Act Creating the Metropolitan Manila Development Authority, Defining its Powers and Functions, Providing Funds Therefor and Other Purposes’