

RLA BILL NO. 101

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

FOURTH LEGISLATIVE ASSEMBLY
(Third Regular Session)

[MUSLIM MINDANAO AUTONOMY ACT NO. 163]

Begun and held in Cotabato City, on Monday, the twenty eighth day of October, two thousand three.

“REGIONAL PUBLIC WORKS ACT OF 2004”

Be it enacted by the Regional Legislative Assembly in session assembled:

Sec. 1. Short Title. – This Act shall be known as the “Regional Public Works Act of 2004.”

Sec. 2. Appropriation and Use of Funds. – The amount of One Hundred Sixty Three Million pesos (P163,000,000) and One Hundred Forty-Four Million pesos (P144,000,000) provided in the General Appropriations Act for Fiscal Year 2004 to fund Regional Impact Projects (RIP) and Provincial Impact Projects (PIP) and District Impact Projects (DIP), respectively, in the five (5) provinces and one (1) city, and eight (8) legislative districts of the Autonomous Region in Muslim Mindanao are hereby appropriated for various infrastructure projects respectively identified by the Office of the Regional Governor and the Members of the Regional Assembly according to the Regional Comprehensive Development Plan, otherwise known as the ARMM Master Plan.

The RIPs and DIPs shall be used, utilized and disbursed for road and bridge repair, rehabilitation and improvement, road opening, construction of new projects, feasibility studies, materials and labor services, management and supervision of project implementations.

The cost of project construction shall, in appropriate cases, include expenses for the acquisition of right of way and relocation of squatters or illegal occupants of the lands where the projects are to be erected. No portion of the appropriation shall be realigned to other purposes except as may be recommended by the project proponent.

Sec. 3. Validity of Appropriations. – The appropriations authorized in this Act shall continue to be in effect even beyond Fiscal Year 2004 until fully released, obligated and disbursed for the purpose.

Sec. 4. Allocation of Appropriations. – The amount appropriated in this Act for Regional Impact Projects (RIP) shall be equitably distributed to the five (5) provinces and one (1) city of the Autonomous Region according to the project identified by the Regional Governor as may be recommended by the local executives concerned.. The appropriations for the DIPs shall be equally allocated to the legislative districts according to projects identified by each Member of the Assembly concerned.

Sec. 5. Program of Work – Before the actual implementation of every project covered in whole or in part by appropriations in this Act, there shall be a program of work duly approved by the DPWH Regional Secretary or DPWH District Engineering Office concerned or its duly authorized representative, as the case may be: Provided, That the approved program of work shall be the basis of expenditures of funds for the purposes.

Sec. 6. Project Implementation. – All projects funded from the appropriations authorized in this Act shall be implemented by either administration, public bidding, negotiated contract, or memorandum of agreement with local government unit, at the option of the project proponent but, in all cases, the awards shall be made in a manner most advantageous to the government.

The release of mobilization fund of at least fifteen (15%) percent of the total project cost may be authorized.

The implementation of projects by administration as authorized in this Act is by the District Engineering Office having jurisdiction of the area with the prior consent of the project proponent. In the case of project implementation by memorandum of agreement, the same shall be entered into by and between the DPWH-ARMM Secretary and the Provincial Governor, City or Municipal Mayor or the Barangay Chairman concerned authorizing the local government unit involved to undertake the construction with the prior consent of the project proponent.

Sec. 7. Release of Funds. – The funds shall be released to the Office of the Regional Governor who shall, within five (5) calendar days upon receipt thereof, sub-allot and release the whole funds to either the DPWH Regional Office or the District Engineering Offices in accordance with funds allocation authorized in this Act with

notices of release of sub-allotment furnished the project proponents: Provided, that in the case of Memorandum of Agreement with local government units, release of fund directly to the local government units concerned is hereby authorized: Provided, further, that only four percent (4%) of such release of fund shall be deducted for payment of administrative overhead, detailed engineering construction, supervision, and quality control, subject to existing rules or regulations.

Sec. 8. Monitoring and Acceptance of Project. – The DPWH-ARMM Secretary or the District Engineer is hereby authorized to organize and constitute an inspection team composed of three (3) members to check and verify the status of project implementation based on approved program of work, project specifications and time-frame of completion.

The project that is fully completed under these appropriations shall be certified by the Monitoring and Inspection Team for acceptance by the local executives in the area.

Sec. 9. Specific Projects and Corresponding Allocations. – To ensure the speedy, specific and proper utilization of allocations, there shall be listing of projects, their locations and funding requirements to be submitted by the project proponents which is attached herein as part of this Act.

Based on the development policies and strategies of the Autonomous Regional Government, the infrastructure projects authorized in this Act are, but not limited to, the following:

1. Construction, improvement and rehabilitation of vital road-links connecting to poblacion and capital towns in the province;
2. Construction, improvement and rehabilitation of farm-to-market roads, bridges and feeder roads linking rural areas in the countryside to municipal and provincial centers;
3. Construction, improvement and rehabilitation of facilities such as communication and electric power;
4. Construction, improvement and rehabilitation of airports, port, rock-causeways, fishlandings, and wharfs;
5. Construction, improvement and rehabilitation of water system or deep well or the like;
6. Construction, improvement and rehabilitation of sports facilities/town plazas;

7. Construction, improvement and rehabilitation of schools/multi-purpose buildings, government centers, health centers, and market facilities;
8. Construction, improvement and rehabilitation of post-harvest facilities like solar dryers; and
9. Other similar public works projects.

Sec. 10. Project Realignment and Conversion. - The project proponent is hereby authorized to realign or convert project funds within the legislative district upon approval by resolution of the Regional Legislative Assembly, copy furnished the Office of the Regional Governor and the Office of the DPWH Regional Secretary: Provided, that any realignment or conversion shall not exceed the original amount of the project:

Provided, further, that splitting or clustering of projects may be allowed and funded out of such funds within the legislative district: Provided, finally, That the following grounds are present, to wit:

1. The peace and order condition in the proposed project site does not warrant implementation;
2. The project is not feasible as shown by the feasibility study conducted thereon;
3. The occurrence of a fortuitous event would render implementation impractical at the proposed project site;
4. There is duplicity in the funding and/or overlapping of identification as when a proposed project is already adequately funded from other sources; or
5. The project is reasonably and completely abandoned by the implementor.

Sec. 11. Report. – The Monitoring and Inspection Team shall submit reports to the Office of the Regional Governor and the Office of the Speaker of the Regional Assembly on the status of project implementation as to percentage of accomplishment, change and completion of projects. The report shall be the basis of payment for the projects: Provided, that no payment shall be made on any project without the written concurrence of the project proponent concerned.

Sec. 12. Retention. – Any retention made by the Department of Budget and Management shall be released to the Office of the Regional Governor which shall, within five (5) days upon receipt thereof, sub-allot and release the same to the Office of the DPWH-ARMM Secretary which shall, in turn, within five (5) days upon receipt thereof release the same to the contractor or implementing entity to be used for completion and/or other contingencies relative to the implementation of projects under this Act.

Sec. 13. Coordination. – The DPWH Regional Office, the District Engineering Office or the Local Government Unit tasked to implement the projects funded and authorized in this Act shall closely coordinate with the project proponent in order to ensure its smooth implementation according to their time-frame.

Sec. 14. Repealing Clause. – Any regional law, policy, rule and regulation which may be found to be in conflict with this Act are hereby modified accordingly.

Sec. 15. Separability Clause. – If for any reason, any provision of this Act is declared invalid by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions which shall continue to be in full force and effect.

Sec. 16. Effectivity. – This Act shall take effect upon its approval.

APPROVED.

ISMAEL B. ABUBAKAR, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on March 11, 2004.

JAIME M. AYUB, MPA, CSEE
Chief, Plenary Affairs Division
OIC-Secretary-General

APPROVED:

PAROUK S. HUSSIN
Regional Governor
Date: _____