

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

SEVENTH LEGISLATIVE ASSEMBLY
First Regular Session

[**MUSLIM MINDANAO AUTONOMY ACT NO. 289**]

Begun and held in Cotabato City, on Monday, the fourteenth day of May 2012.

“AN ACT PROVIDING FOR A REGIONAL PUBLIC WORKS ACT OF 2012, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.”

Be it enacted by the Regional Assembly in session assembled:

Section 1. Short Title. - This Act shall be known as the “Regional Public Works Act of 2012.”

Sec. 2. Appropriations and Use of Funds. – Consistent with Republic Act No. 10155, otherwise known as the General Appropriations Act of 2012, the amount of One Billion Pesos (Php 1,000,000,000.00) Lump sum shall be used for the construction, development, upgrading, operation or maintenance of roads, highways, bridges, water supplies, flood controls, ports, airports, and other infrastructure projects, excluding buildings: PROVIDED, that the same shall be identified and implemented pursuant to R.A. No. 6734, as amended by the R. A. 9054 and in consideration of the requirements for the maintenance of national roads in the ARMM and consistent with the Infrastructure Program of the National Government: PROVIDED, FURTHER, That the release and use thereof shall be subject to the enactment of the Public Works Act by the Regional Legislative Assembly, and the public bidding Requirements of R.A. No 9184 and its Revised Implementing Rules and Regulations.

Sec. 3. Validity of Appropriations. – The appropriations authorized in this Act shall continue to be effective even beyond Fiscal Year 2012 until fully released, obligated and disbursed for the purpose.

Sec. 4. Allocation of Appropriations. – The amount appropriated in this Act shall be equitably distributed to the five (5) provinces and two (2) cities of the Autonomous Region according to the project identified by the Regional Governor as may be recommended by local executives concerned. The appropriations for other categories shall be equally allocated to the provinces according to projects identified by the Local Government Unit concerned.

Sec. 5. Program Of Work. – Before the actual implementation of every projects covered in whole or in part by appropriations in this Act, there shall be a program of work duly approved by the Department of Public Works and Highways (DPWH) Regional Secretary or DPWH District Engineering Office concenred or its duly authorized representative, as the case may be: Provided, That the approved program of work shall be basis of expenditures of funds for the purpose.

Sec. 6. Project Implementation. – All projects funded from the appropriations authorized in this Act shall be implemented by the DPWH-ARMM Regional Office or may be decentralized to its District Engineering Offices consistent with the provisions set by the Procurement Law otherwise known as R.A. 9184 and its IRR-A and GPPB issuances.

Emergency implementation can be undertaken through negotiated contract or by administration, subject to clearance approval from the Regional Governor.

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

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

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 the DPWH Regional Office in accordance with funds allocation authorized in this Act with notices of release of sub-allotment furnished the project proponents. Provided, that only three percent (3%) 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 Projects. - The DPWH-ARMM Secretary shall organize and constitute an inspection team composed of six (6) members, at least three (3) members must come from the members of the Public Works Committee of the Regional Assembly, to check and verify the status of project implementation based on the approved program of work, project specifications and time frame of completion.

Sec. 9. Specific Projects and Corresponding Allocations. – To ensure the speedy, specific and proper utilization of allocations, there shall be listing of projects, identifying the National Roads and other categories, 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 fund allocation shall be utilized on projects consistent to the 2012 General Appropriations Act categorized as follows:

1. National Roads and Bridges
2. Strategic Infrastructure Projects (In support of Tourism, Agriculture, Peace and Security and Public Health or Sanitation and other Socio-economic development activities).
3. Other Infrastructure Projects (for conflict or calamity afflicted areas).

Sec. 10. Project Realignment and Conversion. – The Regional Planning and Development Office may recommend the realignment or conversion of projects funds to the Regional Legislative Assembly for its resolution and approval by the Office of the Regional Governor when conversion or realignment thereof warrants. 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 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; and/or
5. The project is reasonably and completely abandoned by the implementers.

Sec. 11. Report. – The Monitoring and Inspection Team shall report to the Office of the Regional Governor and to the Chairman of the RLA Committee on Public Works and Highways or to 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 (DBM) 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 Regional 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 the completion and/or other contingencies relative to the implementation of projects under this Act.

Sec. 13. Coordination. – The DPWH-ARMM Regional Office 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, June 26, 2012.

(SGD) RASOL Y. MITMUG, JR.
Speaker

This Act was passed by the Regional Legislative Assembly on June 26, 2012.

(SGD) DATU MAMA M. AMPATUAN
Secretary-General

APPROVED:

(SGD) MUJIV S. HATAMAN
Regional Governor
Date: _____