

MALACAÑANG
MANILA

JAN 1

EXECUTIVE ORDER NO. 392

CONSTITUTING THE METROPOLITAN MANILA AUTHORITY,
PROVIDING FOR ITS POWERS AND FUNCTIONS AND FOR OTHER
PURPOSES

WHEREAS, pursuant to Presidential Decree No. 824, as amended, a public corporation known as Metropolitan Manila was formed from among the Cities of Manila, Quezon, Pasay and Caloocan and the Municipalities of Makati, Mandaluyong, San Juan, Las Piñas, Malabon, Navotas, Pasig, Pateros, Parañaque, Marikina, Muntinlupa, Taguig, and Valenzuela, and placed under the administration of the Metropolitan Manila Commission;

WHEREAS, the President exercises direct supervision and control over the Metropolitan Manila Commission (Section 13, Presidential Decree No. 824, as amended);

WHEREAS, Article X, Sections 11 and 13 of the Constitution provide that:

"Sec. 11. The Congress may, by law, create special metropolitan political subdivisions, subject to a plebiscite as set forth in Section 10 hereof. The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executives and legislative assemblies. The jurisdiction of the metropolitan authority that will thereby be created shall be limited to basic services requiring coordination.

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Sec. 13. Local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them in accordance with law."

WHEREAS, it is for the best interest of the constituents of the local government units comprising the Metropolitan Manila that the consolidation or coordination of the efforts, services and resources for purposes beneficial to them be administered by their duly elected local chief executives;

WHEREAS, while Congress is tasked to pass a law that will provide for the metropolitan authority on a more permanent basis, the present demands for a cohesive consolidation or coordination of basic services among the component cities and municipalities of the Metropolitan Manila necessitate an urgent devolution of the powers and functions of the Metropolitan Manila to an interim authority;

WHEREAS, Article XVIII, Section 8 of the Constitution states:

"Sec. 8. Until otherwise provided by the Congress, the President may constitute the Metropolitan Authority to be composed of the heads of all local government units comprising the Metropolitan Manila area."

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the Constitution and by law, do hereby order:

SECTION. 1. Until otherwise provided by the Congress, there is hereby constituted the Metropolitan Manila Authority, hereinafter referred to as the Authority, to be composed of the heads of the four (4) cities and thirteen (13) municipalities comprising the Metropolitan Manila area.

The Authority shall have jurisdiction over the delivery of basic urban services requiring coordination in the Metropolitan Manila. These basic urban services shall include among others: land use, planning and zoning; traffic management; public safety; urban development and renewal; management and control of operations during calamities and emergencies affecting public welfare and safety; and sanitation and waste management. Any change in the classification of zoning shall however be subject to the approval of the Housing and Land Use Regulatory Board (HLURB).

SEC. 2. The Authority shall be governed by the Metropolitan Manila Council, hereinafter referred to as the Council, composed of the Mayors of the four (4) cities and thirteen (13) municipalities of Metropolitan Manila.

The Chairman shall be elected from among the Mayor members of the Council to serve for a term of six (6) months. The Council shall be assisted by a professional Metropolitan General Manager and three Deputy General Managers to be appointed by the President of the Philippines.

The Secretaries of Transportation and Communications, Public Works and Highways, and Budget and Management shall attend all meetings of the Council as non-voting members.

The Council shall be responsible for the following:

1. Formulation of policies on the delivery of basic services requiring coordination or consolidation for the operations of the Authority; and

2. Promulgation of resolutions and other issuances of metropolitan-wide application, approval of a code of basic services requiring coordination, and exercise of its rule-making powers.

The members of the Council shall have one (1) vote each. The Council shall establish the necessary technical, consultative and secretariat support.

SEC. 3. The Metropolitan Manila Commission shall devolve to the Authority all its powers and functions, which are not otherwise inconsistent with the Constitution and existing laws, in order to carry out its mandate to deliver basic urban services requiring coordination or consolidation in Metropolitan Manila.

SEC. 4. The Chairman of the Council shall have the following functions:

1. Call and preside at the meetings of the Council;
2. Present for the approval of the Council the annual budget of the Authority;
3. Submit the organizational structure and staffing pattern of the Authority for approval by the Council and the President;
4. Present for the approval of the Council after consultation with the local government units and the appropriate government entities the following plans and proposals: the annual operations plan, proposed policies and programs, revenue-raising measures and proposals, draft rules and regulations, and such other plans and projects necessary to carry out the purpose of this Executive Order and which require the approval of the Council;
5. Prepare and submit to the Council and to the President of the Philippines annual reports and evaluation of programs and projects;
6. Recommend to the President and Congress, with the approval of the Council, measures which will improve the quality of life of the people in Metropolitan Manila or which will introduce services not covered by this Executive Order which are necessary for the betterment of Metropolitan Manila;
7. Recommend to the national policy-making bodies the implementation of plans and programs of agencies and/or local governments that conform to the regional development plan; and
8. Perform such other functions as may be required by law, by the President, or by the Council of the Authority in accordance with this Executive Order.

SEC. 5. The Metropolitan General Manager of the Authority shall have the following functions:

1. Manage the day-to-day operations of the Authority;
2. Develop programs and implement projects along the policies set by the Council and assist the Chairman of the Council in the management and operations of the Authority;
3. Act as head of the technical, consultative and management staff of the Authority;
4. Assist the Chairman and the Council in the preparation of rules and regulations, the comprehensive development plan, the operations plan and appropriation measure, the basic services code, and such other measures which are necessary to help the Chairman and the Council attain the objectives of this Executive Order;
5. Prepare the annual reports and other reports of projects and programs required by this Executive Order, for the approval of the Chairman; and,
6. Perform such other functions as may be required by law, by the Council, or by its Chairman.

SEC. 6. The local government units shall continue to be primarily responsible for the administration of their respective political jurisdictions. While local governments shall be involved with specific problems and issues concerning their respective political jurisdictions, the Authority shall attend to metropolitan-wide and/or common problems or those transcending local boundaries. Local city and municipal councils shall formulate and submit city/municipal plans and priorities to Authority for integration with the sectoral and regional plans. The Authority shall provide technical assistance and guidance on the preparation of local development plans and programs to ensure conformity with the regional plan. The Authority shall review legislation proposed by the local legislative assemblies to ensure consistency among local governments and with the comprehensive development plan of Metropolitan Manila, and advise the local governments accordingly.

SEC. 7. To carry out the purposes of this Executive Order, the Authority shall submit to the Department of Budget and Management the budget for its annual operating expenses for inclusion in the general appropriations law.

City and municipal treasurers of the local government units comprising Metropolitan Manila shall continue to collect all revenues and receipts accruing to the Metropolitan Manila Commission and remit the same to the Authority; Provided, that such income collections as well as the share of the Authority from the regular sources of revenue in the General Fund of the city or municipality as local counterpart for the integrated basic services and developmental projects shall be treated as a trust fund in their

books of account; Provided, further, that the remittances thereof shall be effected within the first thirty (30) days following the end of each month. Failure to remit the same within the prescribed period without justifiable reason shall subject the person or persons responsible for such delay to the penalties and sanctions imposed under existing laws. In this regard, the Council is authorized to conduct an inquiry as to the cause of such delay.

All sources of revenues of the Metropolitan Manila Commission shall remain valid and in effect, and shall henceforth pertain to the Authority.

SEC. 8. All city and municipal treasurers, municipal assessors, and their assistants as well as all other officials whose appointment is currently vested upon the Metropolitan Manila Commission shall be appointed by the President of the Philippines, upon recommendation of the Council, subject to the Civil Service law, rules and regulations.

Other treasury and assessment personnel shall be appointed by the local chief executive in the city or municipality in accordance with existing laws.

SEC. 9. The Authority, the Council, the Chairman of the Council, and the Metropolitan Manager shall be under the direct supervision of the President of the Philippines. The President shall have the power to revoke, amend or modify any rule, resolution or act of the Authority, the Council, the Chairman of the Council, and the Metropolitan Manager.

The President shall continue to exercise administrative disciplinary jurisdiction over the elective City and Municipal officials in the Metropolitan Manila.

SEC. 10. To enable the President of the Philippines to assess the performance of the Authority and the management system of Metropolitan Manila, the Authority shall undertake a periodic review of its functions, organizational structure, and impact of its programs and projects at least once every year and submit a special report thereof to the President with appropriate findings and recommendations.

SEC. 11. To prevent disruption in the delivery of basic urban services pending the full implementation of the Authority's organizational structure and staffing pattern, all officials and employees of the Metropolitan Manila Commission including the incumbent Commissioners who shall automatically become Deputy General Manager, shall continue to exercise their duties and functions under the direction of the Authority until they have been given notice for change of duties and functions, transfer to another office or position, or termination of service. Until otherwise provided by law, the Authority shall be exempted from the coverage of Batas Pambansa Blg. 337, the Local Government Code.

All assets and properties presently in use and/or under the accountability of the Metropolitan Manila Commission and all its obligations, indebtedness or liabilities shall be transferred to the Authority subject to conditions that may be established by the Department of Budget and Management, Office of the President and Commission on Audit.

Civil service laws and regulations pertinent to the displacement of personnel affected by this Executive Order shall be strictly enforced.

SEC. 12. The Acting Governor of the Metropolitan Manila shall supervise the transfer to the Authority of such subsisting powers and functions, including the transfer of properties, assets and liabilities, and personnel of the Metropolitan Manila Commission within the period of sixty (60) days from the date of this Executive Order. Upon the effectivity of this Executive Order, the Acting Governor shall convene the mayors of the cities and municipalities comprising Metropolitan Manila and shall preside at its organizational meeting, which shall include, among others, in its agenda the election of the Chairman of the Council. After the election of the Chairman of the Council but within sixty (60) days referred to herein, the Acting Governor shall turn over the affairs of the Metropolitan Manila Commission to the Council.

SEC. 13. This Executive Order shall take effect upon approval and completion of its publication in at least two (2) national newspapers of general circulation.

DONE in the City of Manila, this 9th day of January, in the year of Our Lord, nineteen hundred and ninety.

Corazon S. Aquino

By the President:

Catalino Macaraig, Jr.
 CATALINO MACARAIG, JR.
 Executive Secretary