

RLA BILL NO. 75

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

SECOND LEGISLATIVE ASSEMBLY
(THIRD REGULAR SESSION)

Begun and held in Cotabato City, on Monday, the twenty-fourth day of April, Nineteen Hundred and Ninety Five.

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[MUSLIM MINDANAO AUTONOMY ACT NO. 46]

AN ACT PROVIDING FOR A REGIONAL PUBLIC
WORKS ACT FOR CY 1995 IN THE
AUTONOMOUS REGION IN MUSLIM MINDANAO.

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

SECTION 1. Title. - This Act shall be known as the Regional Public Works Act for CY 1995.

SEC. 2. Appropriation and Use of Funds. - The amount of Six Hundred Fifteen Million (P615,000,000.00) Pesos representing a portion of the Annual Assistance to the Autonomous Region in Muslim Mindanao as provided in Section 10, Article XIX of R.A. 6734 and authorized under the General Appropriations Act of 1995, less the five percent (5%) retention, is hereby appropriated for the construction of various infrastructure projects which may include new construction, reconstruction, improvement, repair and/or rehabilitation, inclusive of feasibility studies, acquisition of right-of-way, sites, materials, supplies and services to be used directly for the projects and project supervision and management.

SEC. 3. Validity of Appropriations. - The appropriations authorized in this Act shall continue to

be in effect beyond 1995 until fully released, obligated and disbursed.

SEC. 4. Allocation of Appropriations. - The amount of Six Hundred Fifteen Million (P615,000,000.00) Pesos, less the five percent (5%) retention, is hereby allocated to the different legislative districts based on proportionate sharing in accordance with regional development plans.

SEC. 5. Program of Work. - Before the actual implementation of every project covered in whole or in part by appropriations in this Act, approval of the program of work by the Secretary of Public Works and Highways, ARMM, or his duly authorized representative shall be necessary. The approved program of work shall serve as the basis for the corresponding expenditures of funds.

SEC. 6. Project Implementation. - The projects to be funded from appropriations authorized under this Act shall be implemented by the Department of Public Works and Highways, Autonomous Region in Muslim Mindanao and/or the local government units concerned either by administration, public bidding or negotiated contract, as may be recommended by the proponent in the case of District Impact Project: Provided, that negotiated contract shall mean to be one which does not require the formalities or procedures on bidding. Provided further, that District Impact Projects and/or Regional Impact Projects may be implemented, monitored and supervised by either the District Engineer's Office or the Regional Office of the DPWH-ARMM, on a case to case basis, upon the recommendation of the project proponent wherein the accomplishment report of either the DPWH District Office or DPWH Regional Office shall be made as final basis for payment.

SEC. 7. Release of Funds. - For proper implementation, monitoring and supervision of the projects, the National Department of Budget and Management shall release the funds to the Regional Autonomous Government thru the Regional Governor upon receipt thereof shall, in turn, release the funds intended for District Impact Projects (DIP), through the Regional Secretary, DPWH-ARMM, who, upon consultation with the project proponent shall within five (5) working days from receipt thereof release the same to

the District Engineer's Office concerned. Provided, that not more than 5% of the amount herein released may be used for payment of administrative overhead, detailed engineering and construction supervision, testing and quality control, and the like, subject to the necessary administrative guidelines to be formulated by the Executive Department pursuant to existing laws.

It is understood however, that the projects shall be implemented as provided in Section 6 hereof.

SEC. 8. Priority Projects to be Funded. - Based on the development policies and strategies of the Autonomous Region, the following infrastructure projects within the region shall be funded:

- 8.1 Vital road links connecting the provinces, and municipalities including construction, improvement and rehabilitation of bridges thereat;
- 8.2 Construction, improvement, and rehabilitation of feeder roads linking the rural areas in the countryside to the regional centers;
- 8.3 Construction and upgrading of coastal roads leading towards the mainland areas;
- 8.4 Construction/upgrading of facilities such as communication, light and water;
- 8.5 Construction/upgrading of airports, ports, rockcauseways and fishlandings;
- 8.6 Construction and upgrading of market facilities;
- 8.8 Construction and improvement of agricultural and fishing facilities;
- 8.9 Purchase of construction equipments and machineries;
- 8.10 Other projects considered as urgent by the members of the Assembly and or the Regional Governor as approved by the Regional Planning and Development Board (RPDB).

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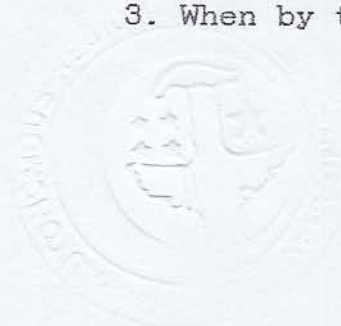


SEC. 9. Monitoring and Acceptance of Projects. - All projects funded out of the herein mentioned Annual Assistance Fund shall be monitored by the Regional Governor thru the office of the DPWH Secretary, and the Speaker of the Regional Legislative Assembly or his duly authorized representatives. Same projects shall be accepted by the "end-user" upon the recommendation of the Secretary of the DPWH-ARMM, or the respective District Engineer of the DPWH-ARMM, or their duly authorized representatives as the case may be.

SEC. 10. Specific Projects and Corresponding Allocations. - To ensure the specific, speedy and proper utilization of the Annual Assistance Funds, listing of said projects, their location and funding requirements are hereby contained in the attached Annex "A" for CY 1995 which shall form part of this Act. Provided, that the appropriated amount for District Impact Projects (DIP) CY 1995 shall not be less than the amount appropriated under the 1994 Public Works Act subject to the provisions of the immediately succeeding section on realignment/conversion and other pertinent provisions of this Act.

SEC. 11. Project Realignment or conversion. -The Regional Governor is hereby authorized to realign or convert projects funded out of the Six Hundred Fifteen Million Assistance Fund for Fiscal Year 1994, upon the recommendation of the proponent, subject to the approval of the majority of all the members of the Regional Assembly. Conversion shall include splitting and/or clustering of projects. Furthermore, realignment or conversion shall be made only within the legislative district to which the project was originally proposed for implementation. Provided, finally, that such realignment or conversion shall not exceed the original amount. Projects may be converted or realigned further but not limited to the following grounds:

1. When the peace and order condition in the proposed projects sites does not warrant implementation;
2. When the project is not feasible as shown by the feasibility study conducted thereon;
3. When by the occurrence of a fortuitous event, it



would render implementation impractical at the proposed project site; or

4. When there is duplicity in the funding and/or overlapping of identification of a proposed project as when a proposed project is already adequately funded from other sources.

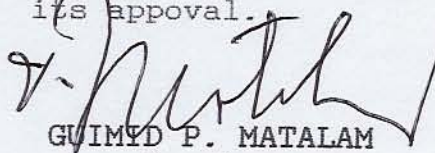
SEC. 12. Reports. - The Secretary of Public Works and Highways, ARMM, shall submit to the Regional Governor and the Regional Legislative Assembly thru the Speaker of the Regional Legislative Assembly, quarterly and annual accomplishment reports for projects covered by appropriations in this Act, which shall include the appropriations released on the same period, any changes on the project and any recommendation for additional appropriations or changes thereof.

SEC. 13. Retention. - Any retention made by the Department of Budget and Management when released, shall be used for the purchase of heavy equipment and machineries to be proportionately distributed to provinces within the autonomous area under the custody of the respective District Engineering Office, DPWH-ARMM.

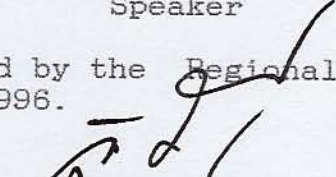
SEC. 14. Separability. - If any provision of this Act is declared unconstitutional or invalid, the remaining valid provisions shall remain in force.

SEC. 15. Effectivity. - This Act shall take effect immediately upon its approval.

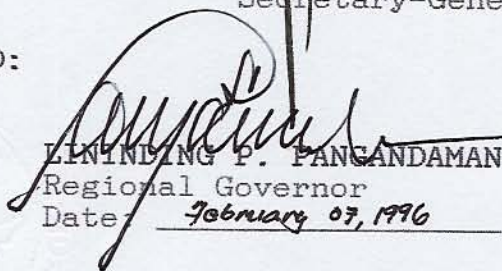
APPROVED:


GUIMYD P. MATALAM
Speaker

This Act was passed by the Regional Legislative Assembly on February 6, 1996.


TOMMY A. ALA
Secretary-General

APPROVED:


LININDING P. PANGANDAMAN
Regional Governor
Date: February 07, 1996

