

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

THIRD LEGISLATIVE ASSEMBLY  
(SPECIAL SESSION)

Begun and held in Cotabato City, the thirteenth day up to  
seventeenth day of March, Year Two Thousand.

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[ MUSLIM MINDANAO AUTONOMY ACT NO. 97 ]

"AN ACT AMENDING SECTIONS FOUR, FIVE, SIX, SEVEN,  
EIGHT, TEN, ELEVEN, TWELVE AND THIRTEEN OF MUSLIM  
MINDANAO AUTONOMY ACT NUMBERED SIXTY-TWO, AND FOR  
OTHER PURPOSES."

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

SEC. 1. Section Four of Muslim Mindanao Autonomy Act  
Numbered Sixty-Two is hereby amended to read as follows:

"Allocation of Appropriations. - The amount  
appropriated in this Act shall be allocated to the  
seven (7) legislative districts in the Autonomous  
Region in Muslim Mindanao according to the Regional  
Development Plans. It shall be distributed as  
follows:

A. Lanao del Sur

First District - - - - - P66.6M  
Second District- - - - - 66.6M

B. Maguindanao

First District - - - - - P70.0M  
Second District- - - - - 46.4M

C. Sulu

First District - - - - - P67.2M  
Second District- - - - - 66.6M

D. Tawi-Tawi

Lone District - - - - - P66.6M

"The amount shall be allocated to fund the infra projects identified by the members of the Regional Assembly, as project proponents, at P22.2M each: Provided, That the infra projects identified by the Speaker and the Chairman of the Committee on Public Works and Highways shall be allocated P25.6M and P22.8M, respectively: Provided, finally, That the infra projects identified by the two Assemblymen of the Second District of Maguindanao shall be allocated P23.2M each."

SEC. 2. Section Five thereof is hereby amended to read as follows:

"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 the DPWH District Engineer concerned or his duly authorized representative, as the case maybe: Provided, That the approved program of work shall be the basis of expenditures of funds for the purpose."

SEC. 3. Section Six thereof is hereby amended to read as follows:

"Project Implementation. - All projects funded from appropriations authorized in this Act shall be implemented by administration, public bidding, negotiated contract, or memorandum of agreement with local government unit, at the option of the project proponent.

"In any case, releases of mobilization fund shall be at least fifteen percent (15%) of the total cost of the project.

"As used in this Act, the implementation of project by administration means the District Engineering Office will undertake the construction of the project with the prior written consent of the project proponent. The implementation of project by Memorandum of Agreement shall also mean the Department of Public Works and Highways-Regional Secretary and the Municipal Mayor or Barangay Captain concerned shall enter into a Memorandum of Agreement authorizing the latter to undertake the construction of project with prior written consent of the project proponent."

SEC. 4. Section Seven thereof is hereby amended to read as follows:

"Release of Funds. - The funds provided for the purpose in the 1998 General Appropriations Act 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-allocations furnished the project proponents: Provided, That in the case of memorandum of agreement with local government unit, release of fund allocation directly to the local government units concerned is hereby authorized: Provided, further, That only four percent (4%) of fund to be released to project implementor shall be deducted for payment of administrative overhead, detailed engineering, and construction supervision, and quality control, subject to existing rules or regulations."

SEC. 5. Section Eight thereof is hereby amended to read as follows:

"Monitoring and Acceptance of Project. - The DPWH-ARMM Regional 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 projects implementation based on approved program of work and bills of materials, 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 project "end-user" or local executive in the area."

SEC. 6. Section Ten thereof is hereby amended to read as follows:

"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: Provided, That any

realignment or conversion shall not exceed the original amount of the project under contract: 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. When the peace and order condition in the proposed project site 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;
4. When 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. When the project is unreasonably and completely abandoned by the implementor."

SEC. 7. Section Eleven thereof is hereby amended to read as follows:

"Reports. - The Monitoring and Inspection Team shall submit reports to the Regional Governor and the Speaker of the Regional Assembly, on the status of project implementation as to percentage of accomplishment 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. 8. Section Twelve thereof is hereby amended to read as follows:

"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, sub-allot and release the same to the Office of the DPWH 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 completion and/or other contingencies relative to the implementation of projects under this Act."

SEC. 9. Section Thirteen thereof is hereby amended to read as follows:

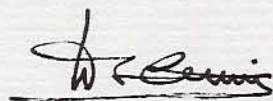
"Coordination. - The DPWH Regional Office, the District Engineering Office or the Local Government Unit tasked to implement the projects funded and authorized in this Act shall closely coordinate with the project proponent in order to ensure its smooth implementation according to its time-frame."

SEC. 10. Effectivity. - This Act shall take effect upon its approval.

APPROVED:

  
KABILAN G. SEMA  
Speaker

This Act was passed by the Regional Legislative Assembly on March 17, 2000.

  
WILSON S. ANNI  
Secretary-General

APPROVED:

PROF. NUR P. MISUARI  
Regional Governor

Date \_\_\_\_\_