

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.

- o o o -

[MUSLIM MINDANAO AUTONOMY ACT NO. 96]

"REGIONAL PUBLIC WORKS ACT OF 2000"

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

SECTION 1. Short Title. - This Act shall be known as the Regional Public Works Act of 2000.

SEC. 2. Appropriation and Use of Funds. - The amount of One Hundred Twenty Five Million (P125,000,000) Pesos provided under the 2000 General Appropriations Act to fund District Impact Projects in the seven (7) legislative districts of the Autonomous Region in Muslim Mindanao is hereby appropriated for various infrastructure projects, such as repair, rehabilitation and improvement thereof, or construction of new projects, inclusive of feasibility studies, right-of-way, sites, materials and labor services to be used exclusively for the supervision, management and implementation of the projects.

SEC. 3. Validity of Appropriations. - The appropriations authorized in this Act shall continue to be in effect even beyond Fiscal Year 2000 until fully released, obligated and disbursed for the purpose.

SEC. 4. Allocation of Appropriations. - The amount appropriated in this Act which shall be allocated to all seven (7) legislative districts of the Autonomous Region in Muslim Mindanao shall fund the projects identified by the members of the Regional Legislative Assembly, as project proponents, at P18.6 Million per district: Provided, That the Second District of Maguindanao shall receive an appropriation of P13.4 Million.

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 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. 6. 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. And the implementation of project by memorandum of agreement shall mean the DPWH Regional Secretary and the Municipal Mayor or Barangay Captain concerned shall enter into a memorandum of agreement authorizing the latter to undertake construction of projects with prior written 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 unit, 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 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 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 project "end-user" or local executive 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 poblacions 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, ports, rockcauseways, 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 school/multi-purpose buildings, Gov't. 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 unreasonably and completely abandoned by the implementor.

SEC. 11. Reports. - 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 sub-allot and release the same to the Office of the DPWH-ARMM Secretary which, in turn, shall, 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 its time-frame.

SEC. 14. Repealing Clause. - Any regional law, policy, rules 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:


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 _____