

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

SECOND LEGISLATIVE ASSEMBLY
(SECOND REGULAR SESSION)

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

- oOo -

[MUSLIM MINDANAO AUTONOMY ACT NO. 35]

AN ACT PROVIDING FOR A REGIONAL PUBLIC
WORKS ACT FOR CY 1994 IN THE
AUTONOMOUS REGION IN MUSLIM MINDANAO.

SECTION 1. Title. - This Act shall be known
as the Regional Public Works Act for CY 1994.

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 1994, 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.

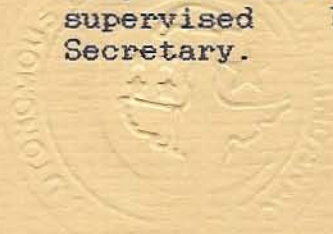


SEC. 3. Validity of Appropriations. - The appropriations authorized in this Act shall continue to be in effect beyond 1994 until fully released, obligated and disbursed.

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 project 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 shall be implemented, monitored and supervised by the respective District Engineer's Office whose report shall be final as basis for payment while Regional Impact Projects shall be implemented, monitored and supervised by the Office of the DPWH-ARMM Secretary.

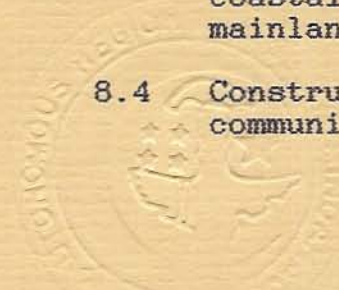


SEC. 7. Release of Funds. - For proper implementation, monitoring and supervision of the projects, the National Department of Budget and Management shall release the funds to the Regional Autonomous Government thru the Regional Governor, who upon receipt thereof shall, in turn, release the funds intended 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.

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 of facilities such as communication, light and water;

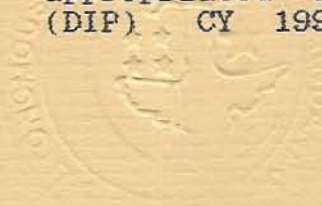


↑

- 8.5 Construction/Upgrading of airports, ports, rockcauseways and fishlandings;
- 8.6 Construction and upgrading of market facilities;
- 8.7 Construction of sports centers and physical fitness 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 Regional Governor as approved by the Regional Planning and Development Board (RPDB).

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 thru the respective District Engineer of the DPWH-ARMM, or their 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 1994 which shall form part of this Act. Provided, that the appropriated amount for District Impact Projects (DIP) CY 1994 shall not be less than the



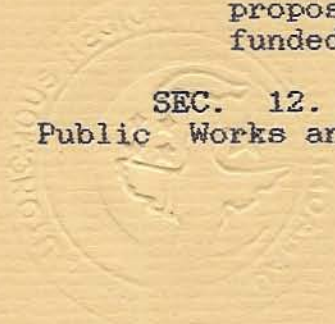
[Handwritten signature]

amount appropriated under the 1993 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 1993, 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



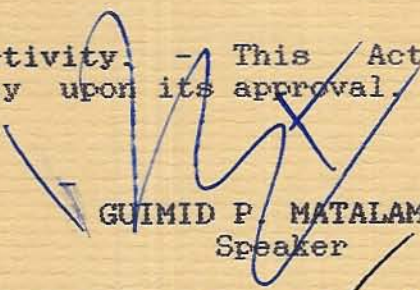
the Regional Governor and the Regional Legislative Assembly thru the Speaker of the Regional Legislative Assembly, quarterly and annual accomplishment reports for projects covered by appropriations in this Act, which shall include the appropriations released on the same period, any changes on the project and any recommendation for additional appropriations or changes thereof.

SEC. 13. Retention. - The five percent (5%) retention mentioned above, when released, shall be used for the purchase of heavy equipment and machineries to be proportionately distributed to the provinces within the autonomous area under the custody of the respective District Engineering Office, DPWH-ARMM.

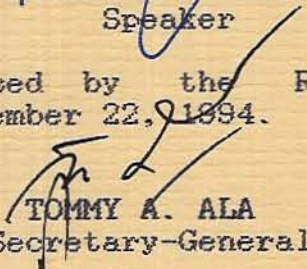
SEC. 14. Separability. - If any provision of this Act is declared unconstitutional or invalid, the remaining valid provisions shall remain in force.

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


APPROVED:


GUIMID P. MATALAM
Speaker

This Act was passed by the Regional Legislative Assembly on December 22, 1994.


TOMMY A. ALA
Secretary-General

APPROVED:


LININDING P. PANGANDAMAN
Regional Governor
Date: Dec 29, 1994

