

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

THIRD LEGISLATIVE ASSEMBLY
(Third Regular Session)

Begun and held in Cotabato City, on Monday, the twenty-seventh day of April, nineteen hundred and ninety eight.

[MUSLIM MINDANAO AUTONOMY ACT NO. 72]

"REGIONAL PUBLIC WORKS ACT OF 1999"

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 1999.

SEC. 2. Appropriation and Use of Funds. - The amount of One Hundred Fifty Million (P150,000,000) Pesos financial assistance provided in the 1999 General Appropriations Act earmarked for the seven (7) legislative districts in the Autonomous Region in Muslim Mindanao is hereby appropriated for various infrastructure projects, including repair, reconstruction or rehabilitation, improvement, road opening or any new public works projects, inclusive of feasibility studies, acquisition of right-of-way, sites, materials, supplies and services to be used exclusively 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 even beyond Fiscal Year 1999 until fully released, obligated and disbursed for implementation of projects provided herein.

SEC. 4. Allocation of Appropriations. - The amount appropriated in this Act shall be allocated to all seven (7) legislative districts in the Autonomous Region in Muslim Mindanao on equitable sharing which shall fund projects identified by the members of the Regional Legislative Assembly, as project proponents, at P7.395M each: Provided, That the Speaker and the

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Chairman of the Committee on Public Works and Highways shall have project allocation share of P9.395M and P7.495M, respectively.

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 in the affected legislative district.

SEC. 7. Release of Funds. - The funds provided for the purpose in the 1999 General Appropriations Act shall be released by the Department of Budget and Management directly to the Office of the Speaker, RLA-ARMM who shall, within five (5) calendar days upon receipt thereof, sub-allot 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 only four percent (4%) shall be used for payment of administrative overhead, detailed engineering and construction supervision, testing and quality control out of any fund releases, 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 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 DPWH Regional Office or the District Office concerned 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. Vital road links connecting to poblacions and capital towns in the province, including construction, improvement and rehabilitation of bridges thereat;
2. Construction, improvement, and rehabilitation of farm-to-market roads and feeder roads linking rural areas in the countryside to municipality and provincial centers;
3. Construction and rehabilitation of coastal roads leading towards the economic centers;
4. Construction/rehabilitation of facilities such as communication and electric power;
5. Construction/rehabilitation of airports, ports, rockcauseways, fishlandings, and wharfs;
6. Construction/rehabilitation of water system or deep well or the like;
7. Construction/rehabilitation of sports facilities/town plazas;
8. Construction/rehabilitation of school and multi-purpose buildings, Gov't. Centers, foot-bridges, and market facilities;
9. Construction/rehabilitation of post-harvest facilities like Solar Dryers; and
10. 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

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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 fortuituous 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. 11. Reports. - The DPWH Regional Secretary or the District Engineer concerned shall submit reports to the Speaker of the Regional Assembly, copy furnished the Office of the Regional Governor, on the status of projects implementation as to percentage of accomplishment, change order and additional appropriations, if any, 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 Speaker 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 or the District Engineering Office 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

the implementation of this Act are hereby modified accordingly for the purpose provided herein.


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.

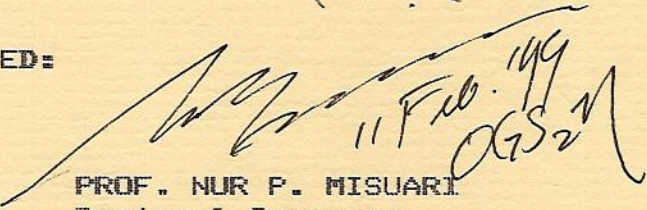
APPROVED:


KABILAN G. SEMA
Speaker

This Act was passed by the Regional Legislative Assembly on January 11, 1999.


WILSON S. ANNI
Secretary

APPROVED:


11 Feb. 1999
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PROF. NUR P. MISUARI
Regional Governor
Date: _____

