

RLA BILL NO. 50

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

THIRD LEGISLATIVE ASSEMBLY  
(SECOND REGULAR SESSION)

Begun and held in Cotabato City, the eleventh day  
of December, Nineteen Hundred and Ninety Seven.

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[ MUSLIM MINDANAO AUTONOMY ACT NO. 62 ]

"REGIONAL PUBLIC WORKS ACT OF 1998"

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 1998.

Sec. 2. Appropriation and Use of Funds. - The  
amount of Four Hundred Fifty Million (P450,000,000)  
Pesos representing the financial assistance authorized  
in the 1998 General Appropriations Act earmarked for  
the seven (7) legislative districts in the Autonomous  
Region in Muslim Mindanao, less the four percentum (4%)  
retention, is hereby appropriated for the construction  
of 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 Calendar Year 1998 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 each of the seven (7) legislative districts in the Autonomous Region in Muslim Mindanao on equitable and proportionate sharing and according to the Regional Development Plans. It shall be distributed as follows:

A. Lanao del Sur

First District - - - - - P62.7 M  
Second District- - - - - 62.7 M

B. Maguindanao

First District - - - - - P71.8 M  
Second District- - - - - 62.7 M

C. Sulu

First District - - - - - P64.7 M  
Second District- - - - - 62.7 M

D. Tawi-Tawi

Lone District - - - - - P62.7 M

This distribution of funds represents the project allocations of the members of the Regional Assembly, as project proponents, at P20.9M each in their respective legislative districts: Provided, That the Speaker and the Chairman of the Committee on Public Works and Highways shall have a project allocation share of P30M and P22.9M, respectively, to be implemented within their districts.

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 District Engineer concerned of the Public Works and Highways in the Autonomous Region or his duly authorized representative in the affected legislative district: 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 and supervised by the different



Engineering Districts of the Regional Department of Public Works and Highways within their respective jurisdictions either by administration, public bidding, negotiated contract or through a memorandum of agreement between the District Engineer and local government unit concerned as may be recommended by the project proponent in the district.

In any case, the contractor shall be granted with a mobilization fund of at least fifteen percent (15%) of the total cost of the project under contract.

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 1998 General Appropriations Act shall be released by the Department of Budget and Management (DEM) directly to the Office of the Regional Governor. The Regional Governor or, in his absence, the Acting Regional Governor, shall, within five (5) calendar days upon receipt thereof, sub-allot the whole funds to the different engineering districts in accordance with funds allocation for each district authorized in this Act for execution and implementation with notice of releases of sub-allocations furnished to the Speaker of the Regional Legislative Assembly. Provided, That only four percentum (4%) shall be used for payment of administrative overhead, detailed engineering and construction supervision, testing and quality control and/or the like from any fund releases, subject to existing law or administrative guidelines.

Sec. 8. Monitoring and Acceptance of Project. - The district engineer is hereby authorized to organize and constitute an inspection team for the purpose in his district to check and verify the status of projects implemented therein based on approved program of work and bills of materials, project specifications and time-frame of completion.



The project fully completed under these appropriations shall be certified by the DPWH 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 funds allocations, there shall be listing of projects, their locations and funding requirements to be prepared and submitted by the project proponent concerned in the district.

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 of farm-to-market roads;
3. Construction, improvement, and rehabilitation of feeder roads linking the rural areas in the countryside to the regional centers;
4. Construction and upgrading of coastal roads leading towards the economic centers;
5. Construction/upgrading of facilities such as communication, and electric power;
6. Construction/upgrading of airports, ports, rockcauseways and fishlandings, and municipal wharfs;
7. Construction and upgrading of market facilities;
8. Construction of water system or deep well or like;
9. Construction of sports facilities;



10. Construction of school and multi-purpose buildings, and foot-bridges;
11. Post-harvest facilities; and
12. Other public works projects;

Sec. 10. Project Realignment and Conversion. - The Regional Governor or, in his absence, the Acting Regional Governor, is hereby authorized to realign or convert project funds upon recommendation of the project proponent within the legislative district: 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 district; Provided, finally, That the realignment or conversion may be authorized further for grounds not limited to the following:

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;
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; or
5. When the project is abandoned by the contractor while still unfinished.

Sec. 11. Reports. - The District Engineer shall render and submit report to the Regional Governor and Speaker of the Regional Assembly on the status of projects in each district within his/her jurisdiction as to percentage of completion, change order and additional



appropriations, if any, and completion of projects. The report shall be the basis of payment of the projects under contract according to percentage of completion which shall be stipulated in the contract: Provided, That no payment shall be made on any project without the concurrence of the project proponent concerned.

Sec. 12. Retention. - Any retention made by the Department of Budget and Management shall, when released, be used for rehabilitation, repair and maintenance of roads and bridges to be distributed proportionately to the seven (7) legislative districts within the Autonomous Region in Muslim Mindanao, through the appropriate DPWH-ARMM district offices. The disbursement of the retention released by the Department of Budget and Management (DBM) shall be made in accordance with projects to be identified by the Regional Assembly through simple resolution or by a regional law it shall enact for the purpose.

Sec. 13. Coordination. - The engineering district tasked to implement the projects funded and authorized in this Act shall closely coordinate with the project proponent and local executive concerned in the area 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. - Any part or provision of this Act shall be separable but such parts or provisions not affected thereby shall remain valid and legal.

Sec. 16. Effectivity. - This Act shall take effect immediately upon its approval.

APPROVED:

  
KABILAN B. SEMA  
Speaker

This Act was passed by the Regional Legislative Assembly on February 18, 1998.

  
DATU MAMA M. AMPATUAN  
OIC-Secretary-General

APPROVED:

PROF. NUR P. MISUARI  
Regional Governor  
Date \_\_\_\_\_

NOTE:

The Veto of Bill No. 50 was reconsidered by the Regional Assembly on March 25, 1998 pursuant to Sec. 18, Article VII of R.A. 6734.