



UP-NCPAG

**CLRG**  
1965**CENTER FOR LOCAL AND REGIONAL GOVERNANCE**  
National College of Public Administration and Governance  
University of the Philippines

## **Comments on House Bill Amending Republic Act 7924 to Enhance the Effectiveness of the Metropolitan Manila Development Authority (MMDA) in the Formulation of Policies, Rules, Regulations and Laws for Metro Manila**

The Center for Local and Regional Governance (CLRG) as well as its faculty affiliates in the University of the Philippines National College of Public Administration and Governance (UP-NCPAG) have always taken the position that Metro Manila needs an effective authority to manage the unique and evolving issues arising from economic development and rapid metropolitanization. The Metropolitan Manila Development Authority (MMDA) has been created to address these specific issues and since 1997, has been trying to coordinate policies and implementation among the 17 local government units of the region. CLRG, UP-NCPAG recognizes and commends this effort to address regional area development issues but had also pointed out the structural weaknesses of the MMDA in our previous publications and policy advisories—particularly the weakness of its policy-making powers. We welcome this Bill and the consultation process which seeks to empower the MMDA in effectively addressing the common issues affecting the 17 LGUs and its citizens.

### **Inter-local Cooperation may be the Issue**

The MMDA is a unique entity in that it was established under national legislation. Other metropolitan areas in the Philippines rely mainly on inter-local cooperation (ILC) arrangements among LGUs affected the urban growth of a central city or node. These LGUs exercised their autonomy to organize themselves through cooperative arrangements in order to address common issues affecting their area. Most of these are governed by Memorandum of Understanding/Agreement authorized through respective ordinances of partner LGUs.

On the other hand, the MMDA is an administrative entity imposed over autonomous highly-urbanized LGUs who, more often than not, act independently of each other. However, in essence, the MMDA is a stronger version of the Regional Development Councils (RDC) in the other 16 administrative regions. The MMDA, however, is not a special local government that has elected political leaders or express political powers to legislate for the region. It remains to be a national government agency.

However, unlike the weaker RDCs (which only have planning powers) or the relatively effective ILCs, Metro Manila does not have a stellar record with regard to cooperation among its local governments. The implementation of traffic management schemes is a case in point. Acceding to a policy on the evolving “number coding schemes” of the MMDA often clashes with the local traffic management schemes of local governments that host central business districts (CBDs). These LGUs (e.g. Makati and Pasig) often invoke local autonomy for defying MMDA regulations and assert that their schemes are innovative and more responsive to local needs.

While the Bill offers a more legitimate and consultative path towards policy-making in Metro Manila, the status of MMC Ordinances which will be approved through the process stated in the Bill needs to be clarified as having supremacy over city and municipal ordinances in issues that are considered metro-



wide. This is akin to a provincial ordinance which has superior status over area-wide competencies vis-à-vis purely local concerns.

Furthermore, the Bill does not specify any penalties or at least consequences, in cases where LGUs whose sanggunians have rejected a proposed ordinance, continue to defy the ordinance approved by a majority of Metro Manila LGUs. What redress does the MMDA have when this policy “crisis situation” happens? The MMDA does not have oversight powers to review city ordinances or penalize local governments who refuse to accede to a “regional ordinance.” The MMC may not have the legal personality to review since most of its members are local chief executives. The last resort would be the Office of the President or its alter-ego the Department of the Interior and Local Government (DILG). However, there does not seem to be evidence where the OP or the DILG has used its supervisory powers to compel NCR LGUs to support metro-wide regulations. The bill has to clarify the juridical nature of the MMC/MMDA to bolster the strength of the “regional ordinance.” At the moment, the MMC/MMDA is not equivalent to a province or the ARMM both of whom enjoy political powers and supervisory powers over component local governments. It does not help the MMC/MMDA to continue to be in this political limbo, even if the proposed bill confers legislative powers to a regional entity.

While the Bill provides for the imposition of penalties to violations of metro-wide policies, it is unclear whether NCR LGUs will be held accountable for contradicting or failing to implement the MMC ordinances?

### **Options for Consent Legislation**

With the ordinance being drafted and provisionally approved by a particular body—the Metro Manila Council (MMC)—and approval being done by the legislative bodies of 17 local governments, the MMC Ordinances may be treated as “consent legislation.” Having no opportunity to amend the proposed ordinance, sanggunians are only required to vote yes or no. The failure to achieve “majority” of the 17 sanggunians, deems that the measure has failed to pass. However, the situation of a tie—remote as it may seem—with the Chair exercising the right to break the tie may follow normal logic and local government practice.

There needs to be more study on the practice of consent legislation when the voting is tied (i.e. German Bundesrat). Does the legislation revert back to the originating body wherein amendments should be examined in response to the feedback from the consenting legislature? The Bill also does not clarify whether the consenting legislature—in case of a No vote—would send its comments to the MMC in an effort to reform the proposed ordinance. Simply breaking the tie may not necessarily aid in the differences of opinion and legitimacy of the ordinance.

A more legitimate, but slower process, is to have a formal process of consultation between the MMC and the Metro Manila sanggunians during the “regional legislative process.” Sanggunians may be asked formally by the MMC to submit their comments and/or amendments for the consideration in the adoption of a proposed regional ordinance. The current bill may need to clearly specify this formal consultation instead of relying on informal mechanisms of collegiality that has been respected at the MMC level for a long time.



UP-NCPAG

**CLRG**

1965

**CENTER FOR LOCAL AND REGIONAL GOVERNANCE**

National College of Public Administration and Governance  
University of the Philippines

Under the Local Government Code, LGUs are allowed to conduct referendum for proposed legislation that they see fit to directly seek the approval of the governed. This is rarely used but has always been available to LGUs. This is not currently available to the MMDA nor the MMC through this Bill. When the sanggunians prove difficult to convince, the ultimate option to seek “consent” is through direct democracy. Referendums follow the same principle: Vote yes or no, with no possibility for amendment. They are also more expensive to run but nonetheless more legitimate and any government is required to abide by the decision of the majority of the governed. Should this option be given to the MMC as well?

### **Clarify Sources of Funds**

The bill specifies that the funds for the MMC/MMDA will be charged to the General Appropriations Act. However, this may generate some resentment from other regions, many of whom have expressed their misgivings over nationally funded projects that have purely benefitted only people in the NCR—projects such as the light rail systems. Metro Manila LGUs are largely self-sufficient. In the spirit of true inter-local cooperation and collegiality, we suggest that the contribution of NCR LGUs to MMDA be increased so as not to strain national cohesion.

**End**