Local Governments And The Autonomy In The Grassroots

Definition of Local Government:

Local government unit is defined as the political and corporate agent and political subdivision of the National Government; vested with powers to represent the inhabitants of its territory.

History of Local Government

The centralized system of local government in the Philippines is a colonial imposition. Upon arriving in the rich island of the Philippines in 1512, socioeconomic units called barangays and sultanates were discovered by the Spaniards.

As history repeats itself, the organization of the barangay was the same as it is in the present. The datu was the chief executive who acted as the legislator, judge and executioner with the aid of the council of elders. Class societies were kept in order by a set of laws promulgated by the datu and the council of elders in a baranganic society back then. Helping the datu in community functions were the babaylan who's in charge in presiding over religious ceremonies and also serves as the community's doctor and astrologer. On the other hand, the Panday were the ones who made tools used by the inhabitants in their social and economic activities such as hunting for survival.

However, the datu's position isn't hereditary at all. It is often passed on to who ranks as the best, the strongest, the most courageous and or brightest male in the community. Women can also be rarely ascended in that particular position; for example was the case of Princess Urduja. It could be implied from the historical facts that the basis of the creation and development of barangay is the family, enlarged into the kinship groups until it broadens into clans.

Arcellana, (1998) stated that the barangays were states; each barangay was a state because each barangay possesses all the elements of a state. Which the people considered themselves as part of a political body and recognizes the authority, the established government of the datu and the council of elders which exercised the supreme authority over their constituents living in a definite territory.

Colonization & Centralization

Upon the arrival of Magellan in 1521, he saw the scattered barangays and he eventually dealt with each village chief to personally introduce the Catholic religion and to get deeper into the Philippines. The fissures of the barangays were also seen by Legaspi and he has observed how such the lack of union could be used to achieve the Spanish ends.

According to the late President Jose P. Laurel, the inhabitants of the barangays were portioned off to whomever encomendero was entrusted a portion of land. The Spaniards imposed on their new colony the form local organizations they established in all their other colonies. They substituted barrios for barangays; many of the datus becomes cabezas de barangay, whose

task was to collect tribute or taxes from the natives. The larger union of barangays which they discovered they called pueblos. From these form of government, they have been able to establish others.

The ayuntamiento of Cebu was the first town established in 1565. Legaspi, pursuant to his powers under the Laws of the Indies, appointed a regidor or governor, and a council composed of two alcaldes, six concejales and two aguaciles or sheriffs. In 1571, Legaspi went to Manila and ended the regime of Rajah Soliman. On June 24 of the same year, he established another ayuntamiento in Manila, and appointed two alcaldes, 12 regidores, one alguacil and one clerk. He himself presided over the Council. Manila became the capital of the centralized government of colonials.

Through the Loyal Decree of 1583, Legaspi started organizing other local governments. The country was later organized into provincias or provinces, pueblos or municipalities, cabildos or cities and barrios or barangays.

Local Government during the American Occupation

Local governments were established upon the direction of the Military Governor in 1899. Thus, the town government was the first form of local government established. The Schurman Commission came up with the blueprint for town organization wherein the President was elected by residents with the consent of commanding officers. The President established a police force, collected taxes and enforced regulations on market and sanitation, schools and lighting facilities.

A system of local government in the Philippines thus was formally established as early as during the American occupation and remained operational during the Commonwealth period. Its notable feature was mainly the fact that the local governments were under the supervision of the Executive Bureau until that power of supervision was transferred to the Department of the Interior.

Local Government in the Post-War Era

The 1935 Constitution and Act Nos. 82 and 83 which were incorporated in the Administrative Code became the legal basis for the system of local governance in the country even after political independence from America in 1946 and until the Constitution was revised and Martial Law decreed in 1972.

The 1935 Constitution mentioned local government only in connection with the President’s power of general supervision in Article VII sec. 10. It was proposed that the local government should have a separate article consisting of nine sections honoring the significance of the historical rights of the people to self-government.

It can be implied that the local units during the post-war era were supervises in varied ways, notably through the President’s Office and through the different executive departments. While they performed services on their own behalf, the local governments also acted as the agent of the national government in the administration of major governmental services and implementation of governmental policies.

Creation of Local Government Units: Criteria and Requisites

A province, city, and municipality may be created, partitioned, transformed or merged with another local government unit only by an act of Congress. On the other hand, a barangay may also be created, divided, abolished and merged with other barangay's or its boundaries altered by an ordinance passed by the Sangguniang Panlalawigan.

The criteria and requisites for the creation of these political subdivisions are: Population, estimated average annual income for two consecutive years and land area. Criteria's provided by the Code, must be fulfilled in the following terms.

A province has to meet the needed population of 250,000 inhabitants, an income criterion of 20 million pesos and a land area of 2,000 square kilometers. As for the municipality, it should have a population of not less than 25,000 inhabitants, an income of 2.5 million pesos and a land area of at least 50 square kilometers. Moreover, a city must comply with a population criterion of 150,000 inhabitants, an income of 20 million pesos and a land area of 100 square kilometers. Last but not the least; a barangay must fulfill only the population of 2,000 inhabitants.

The main reason for the requirements is to avoid the manipulation of boundaries that only favors a particular group or party. It is also to guarantee that any new creation can adequately provide the essential services required by the people from the local government.

Areas of Concerns of the Local Government:

- a. Local Legislation
- b. Local Fiscal Admin
- c. Local Development Plan
- d. Community Mobilization
- e. Economic Enterprise Development
- f. Organizational Management
- g. Environmental Protection & Management

Different Kinds of Local Governments

A local government plays a vital role in the lives of the ordinary people; it affects its resident's day to day lives than those with the higher governments. Majority of these people under such local government has a cltoser connection towards it than the national government. These people tend to be more concerned with local issues and events rather than with those in the national level. This is mainly because the local government unit sees the mundane concerns of the people of their day-to-day lives. Thus they tend to craft possible solutions to resolve issues regarding the concerns of every citizen resulting to the holistic peace and order of such area.

In honor of the significance of the local government in the Philippine context, the Philippine Constitution has furnished a procedure stating "the State shall guarantee and promote the autonomy of the local government units especially the barangays to ensure their fullest development as self-reliant communities.'

As a role of the President calls for his supervision of the entire country, still the president alone

cannot withstand all the issues and future chaos that might happen in his country. Also into crafting it into a more develop one, so he definitely needed a support from all the people who works in the government with its corresponding departments. Thus, our country is fractionalized into four political subdivisions. The subdivisions labeled as the provinces, municipalities, cities, and barangays are under the guidance of the corresponding governmental departments and still falls in the guidance of the President but still they enjoy autonomy especially in local affairs.

Provinces

One of the largest political units in a certain country is the province; this unit supervises some functions which affects the residents of a certain province. As part of the political subdivisions, the province possesses power such as:

1. Provincial buildings, jails, freedom parks, public assembly areas
2. Industrial research and development services
3. Social Welfare Services
4. Programs for low-cost housing
5. Tourism development and promotions

Qualified voters from a certain province can only elect running candidates like the governor, vice governor and members of the board. However the rest of the provincial officials are all appointed by the corresponding departments of the government such as the auditor, district superintendent, engineers, registrar of deed, assessor and the fiscal. The Philippines comprises 77 provinces and are classified according to their average income for five consecutive years and as per the salary matters, it highly depends upon to which class it belongs. Hence, officials of the higher-class provinces receive the higher proceeds.

The highest position that one can obtain in a provincial election is the position of the provincial governor. Furthermore, a provincial governor’s liabilities towards its constituents are heftier than the liabilities of the others. The provincial governor serves the general supervisory powers over the entire province. He points out laws and orders of the government especially with regard to his people with direct concerns and he notifies local officials of matters affecting their works.

Municipalities

Next to the province is the municipality which is composed of towns. Municipalities are the instruments of the government with the control of the legislature with regards to their duration, rights, property and powers. The municipality possesses powers such as:

1. Industrial research and development services
2. Social Welfare Services
3. Programs for low-cost housing
4. Tourism development and promotions
5. Municipal buildings, cultural centers, playgrounds
6. Information services

Qualified voters can elect officials in a certain municipality by just a span of three years such as the municipal mayor, vice mayor and councilors but these positions cannot be obtained by the

same person for three consecutive years. Moreover, appointive officials are the municipal treasurer, municipal secretary, justice of the peace and chief of police. There are over 1,540 municipalities in the Philippines and the municipal mayor acts as the chief executive officer of the town. His main purposes are:

1. He supervises the administration of the town
2. He executes all laws and ordinances in his municipality
3. He issues orders regarding the maintenance of peace and order
4. He presides meetings for municipal councils
5. He crafts measures to the holistic improvement of the people

Cities

Another part of the political subdivisions is the city. A charter is crafted by a special law that composes the city and it also completes the city. It provides its system of government; it defines the powers and duties of all the officials and its boundaries.

Identical with the elective officials of the municipality, the city also has elective officials that only qualified voters can elect. Also, these positions cannot be obtained by the same person for three consecutive years. The city mayor acts as the executive official, the vice mayor is the presiding officer of the board opposing the mayor as the presiding officer of the municipal board. Lastly, courts exercise city matters and the council makes up the laws.

Following are its roles:

1. To enact ordinances
2. To collect taxes in accordance with the law
3. Adequate communication and transportation facilities
4. To provide protection for the residents during emergencies and calamities.

Barangays

A city or municipality is comprised of a mass of villages or barangays. It is concluded as the smallest unit among the political subdivisions in the Philippines. Overly 41,945 barangays in the Philippines not to be exact and its elective officials are as follows: the barangay captain and barangay councilors as well as the Sangguniang Kabataan as the barangay’s youth council.

The barangay captain is the recognized chief executive of a certain barangay hence; the person should set a good standard as an example of a good citizen by compelling well with his/her obligations. His main functions are as follows:

1. Implementation of ordinances
2. Regulate and maintain the peace and order in the community
3. Serve orders to the succeeding officials for activities with regards to the matters of barangays
4. Prepares the annual budgets and the rights for negotiation and signing of contracts
5. Supervises barangay assemblies

Responsibilities and services that all the political subdivisions should provide:

1. Irrigation systems
2. Health services
3. Social welfare services
4. Provincial/ Municipal/City buildings including cultural centers, sports facilities and equipments
5. Infrastructure facilities including bridges, roads, school buildings, and health clinics
6. Public markets, public cemetery, public parks and playgrounds
7. Municipal jails, police and fire stations

Governmental Powers and Attributes

Local Governments use both governmental and corporate powers and functions. The following are the governmental powers of the local governments:

1. It includes the powers expressly granted by the law;
2. The powers needed and for good governance:
    1. The promotion of health and safety
    2. Improvement of property
    3. Improvement of morals;

The following are the corporate powers of the local governments:

1. Grasp properties
2. Able to deliver corporate seals
3. Successions of corporate names

The Principle of Local Autonomy

Local autonomy aids unto a more accountable, responsible as well as a responsive unit structure following a system of moving away from a larger administration. Autonomy in the context of local governments does not mean to end its relationship with the upper government unit rather; it paved the way for the independence and freedom of the local government units together with its inhabitant.

In cases like Limbona vs. Mangilin, Honorable Supreme Court explained that autonomy is either the decentralization of power or the administration. He further explained that decentralization is present when the upper government hand out the powers of autonomy for the local government to be accountable and ensure the development of their communities and in return be able to be an effective partner in the pursuance of national developments and social improvements. Furthermore, it weighs down the burden of the upper government as it gives the political subdivisions the access to manage local affairs and the central government can concentrate on the national concerns.

Therefore, the government has stipulated the grounds on ways that the local governments which are the provinces, municipalities, cities and barangays together with its constituents to flourish the autonomy that they should be living with.

Decentralization in the Context of Local Autonomy

In the case of Basco vs. PAGCOR, it was fully explained that the assumption of autonomy under the 1987 Constitution simply means ‘decentralization’.

Decentralization of power means it involves the monarchical authority of political power in the favor of the local government units declared to be autonomous. Moreover, the President takes on the responsibility of supervising the local and his main goal is to secure that the local affairs are administered according to law. The President does not have control over the acts of the people in the sense that he cannot substitute their views with his own.

According to a constitution author, he has put an emphasis that ‘decentralization of power’ amounts to self-immolation which therefore strengthened the principle of autonomy of the local government units. The political subdivisions together with its respective inhabitants will be able to live with the autonomy that they deserve with a little supervision from the upper units.

The Functions of Local Government

The structure of local government can thus be characterized by a strong mayor-council form of government. The local chief executive performs a dominant role in the operations of local government.

The law-making bodies of local governments are collectively called sanggunian. Individually, the provincial legislative body is called the Sangguniang Panlalawigan or the city, the sangguniang Panlungsod or the municipality; the Sangguniang Bayan and the Sangguniang Barangay or the barangay.

Thus, the functions of local government can be classified into legislative, executive, and governmental functions.

The Legislative Function

Law-making is an inherent function of the sanggunian. The local legislature also devotes itself to other than legislative matters: first is directory where it includes establishing fiscal policy, making plans for capital movements and establishing local policies. Secondly, the executive neither has the power to reject nor confirm an appointment of officials. Third, the administrative who reviews ordinances, resolutions, executive orders and so forth. Lastly, the public relations functions.

The Executive Function

As the role of the President of the Philippines is to represent the people in his country, so does the local chief executive represents the people in his locality. The executive function in local governments thus lies within the hands of the local chief leader. The following are the powers conferred by the Local Government Code:

1. Sending executive announcements to the sanggunian, by the veto power;
2. Accepting or rejecting officials;
3. Breakdown of budgets; and

4. Thus make him influential in policymaking and fiscal affairs

All major changes in policy, in the enforcement of regulations, in local services and in financial support of services call for the executive consideration and determination. In the exercise of executive functions, the local chief executive is assisted by an administrative organization.

The Governmental Function

The exercise of governmental functions is primarily for the promotion of public welfare. Below are the services provided by the governmental functions:

1. The construction of roads, drainages, bridges and irrigation canals;
2. Lighting and cleaning of streets and public places;
3. Establishment and maintenance of waterworks, markets and slaughterhouses, public elementary, secondary or vocational schools

Municipalities and cities are considered general-purpose local governments. This general-purpose concept implies that these two political subdivisions must and should provide services that are basically needed by their inhabitants. In public and utility works, the municipal or city dweller is in charge of the local government for sewage disposal, water supplies, traffic signals, street cleaning and so on.

The Role of Local Government at Various Political Subdivisions

A province is a political unit that is composed of various cities or municipalities. The role of the province under the code is to “serve as an effective mechanism in the development process and assume basically area-wide functions, roles and activities”. The province is much larger area and relatively more remote from the people. On the other hand, it becomes more effective in the development process, a critical aspect of which the establishment of more specialized functions, roles and activities and where greater specialization becomes more viable from the standpoint scale.

The municipality, consisting of different barangays, serves as the daily assistance for the needs of their inhabitants. It is designed for services delivery it is capable enough to provide the delivery of basic governmental needs and services which tend to be a daily need. It balances its attention and resources to meet the needs of the town center and its more rural outlying barangays.

The city is a political subdivision with both developed communities as well as urbanized communities. The role of the city is as The city has the same role with the municipality, however, the city is able to operate and develop the area on its own resources. It also differs from the degree of urbanization and development. The city stems from a conceptual policy decision to treat more developed settlements in a different manner from that of a municipality. The city is meant to concentrate all its resources on urban problems. It also enjoys more autonomy from the supervision of the province and the highly urbanized cities are not under the provision of the province.

The Barangay is the smallest and the most basic political unit among the four political

subdivisions. Initially, the barangay's task was to 'broaden the base of the citizenry in the democratic process and to afford ample opportunity for the citizens to express their views and stands on important national issues and matters'. (PD No. 86, 1972). Among all the local; government units, it is only the barangay that has been expressively given the chance to voice out their views and opinions. Yet, the result of the whole perspective within a barangay only serves as guides for action or decision by the national government.

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