

ATENEO LAW ALUMNI ASSOCIATION, INC.
WEB LECTURE SERIES



DOS AND DONT'S FOR LGUs UNDER THE BAYANIHAN ACT

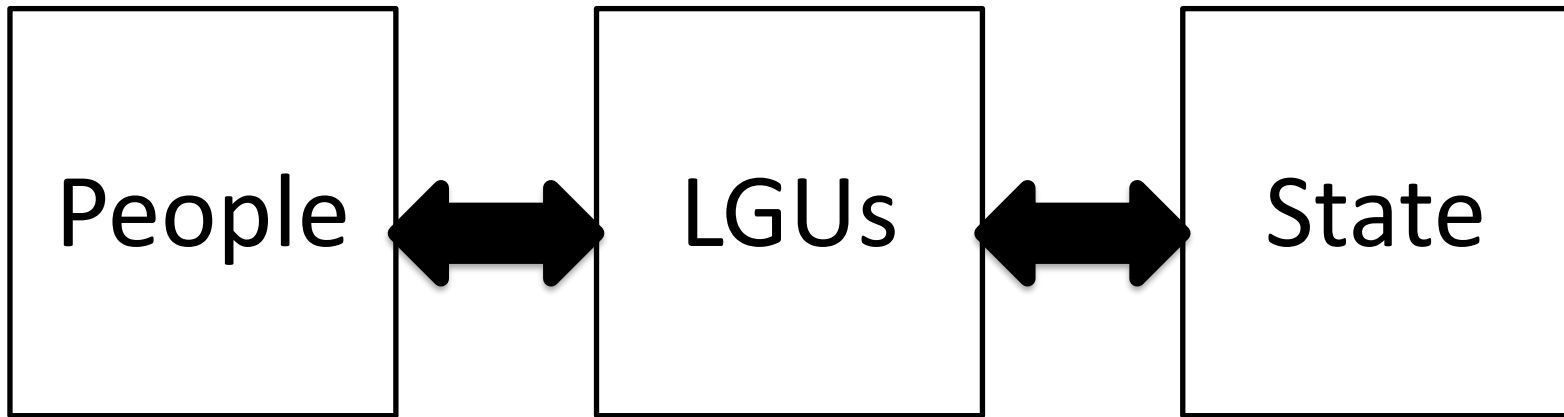
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BAR REVIEWER AND PROFESSOR OF LAWS
ATENEO LAW SCHOOL CLASS OF 1990

THURSDAY, 11 JUNE 2020, 2:00 P.M - 3:00 P.M.

*ADDITIONAL 30 MINUTES ALLOTTED FOR Q&A

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Context: LGUs in the Middle



- Institutional Frontliners
- Double Agents (in between 2 Principals)
- Development Partners
- Response-able and Responsible Organizations
- Defines Dos and Don'ts

DILG to LGUs: Don't impose excessive fees for medical certificate required for travel authority of LSIs

May 26, 2020

DILG issues show cause orders against 3 governors, 2 mayors for violating national quarantine policies

April 15, 2020

DILG urges LGUs to pass ordinance vs discrimination of Covid-19 frontline workers

April 9, 2020

DILG to PNP: Probe and arrest corrupt local officials in SAP distribution

May 5, 2020

DILG to LGUs: Pass ordinance on mandatory wearing of face mask in public

April 6, 2020

DILG: Malls will be closed if they violate physical distancing rules, curfew will still be imposed

May 18, 2020

43 mayors to be given show cause order for poor SAP payout accomplishment

May 14, 2020

All relief operations must be LGU-certified - DILG

May 4, 2020

DILG to LGUs: No mandatory COVID-19 testing needed for returning workers

May 26, 2020

DILG clarifies: Tricycles, pedicabs still banned on national highways in all GCQ and MGCQ areas

June 5, 2020

DILG to public: Breaking quarantine directives is breaking the law

April 21, 2020

DILG to LGUs: Stop spraying disinfectants, mists on individuals

April 20, 2020

DILG to LGUs: Establish bike lanes, motor taxis still prohibited

June 1, 2020

DILG: 301 barangay officials now facing criminal charges for various SAP pay-out anomalies

June 3, 2020

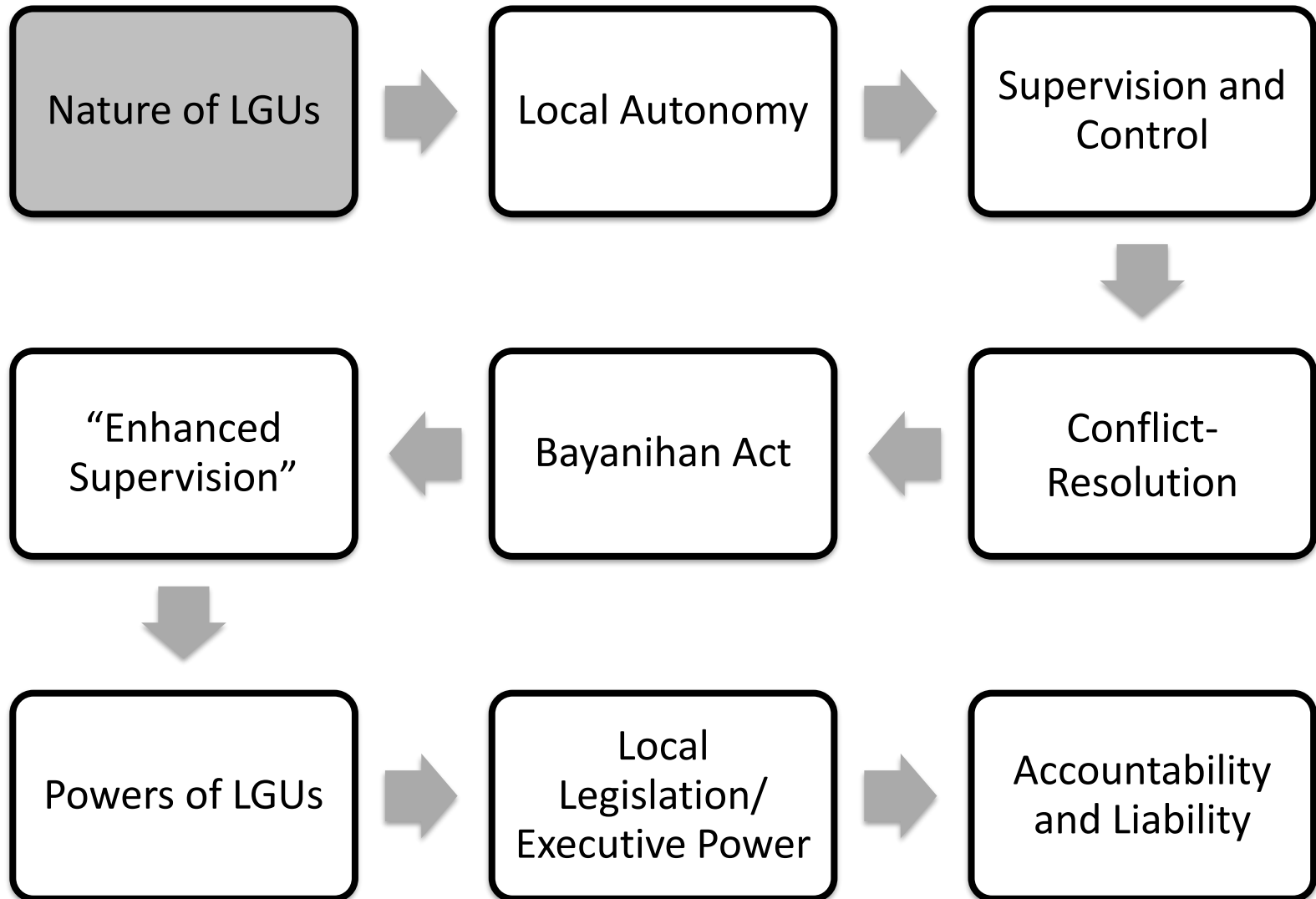
Ordinances/ Executive Orders

- State of Calamity
- Quarantine
- Hard Lockdown
- Calibrated Lockdown
- Curfew
- Closures of Malls/
Establishments
- Anti-Discrimination
- Anti-Hoarding/ -
Profiteering
- Anti-Spitting
- Requiring Face Masks
- Liquor Ban
- Financial Assistance
- Supplemental Budget
- Tax Amnesty
- Waiver of Fees
- Regulation of Tricycles
- Loan for relief goods

Fundamental Questions

1. Are the Do's and Don'ts for LGUs today shaped by DILG/ IATF?
2. Under the Bayanihan to Heal as One Act, can the DILG preempt the actions of LGUs and direct their policies?
3. Is this or will this be the norm or is this the current normal?

Topics



Part 1: Questions

1. In amending the Bayanihan Act, can Congress add sitios as a local government unit?
2. Can the President, through an Executive Order, provide for a shift to a federal set-up?
3. Can Congress, in amending the 1991 Local Government Code, mandate that Governors shall preside over the sessions of the Sangguniang Panlalawigan?
4. Can an incumbent Mayor cancel the contract entered into by the previous Mayor?
5. Can a City enter into a Public-Private Partnership for its market? Tax collection?

Nature of LGUs: 12 Features

Administrative
Agencies (*Local*)

Public Offices
(*sovereign
function*)

Municipal
Corporation Proper

Political and
Territorial
Subdivisions (*not
states*)

Part of State/ 1
Unit (*Unitary*)

5 Types/ Levels
(*AR-P-C-M-B*)

Dual Capacity and
Agency (*Public-
Private*)

Frontliners
(*Subsidiarity;
Superior
Competence*)

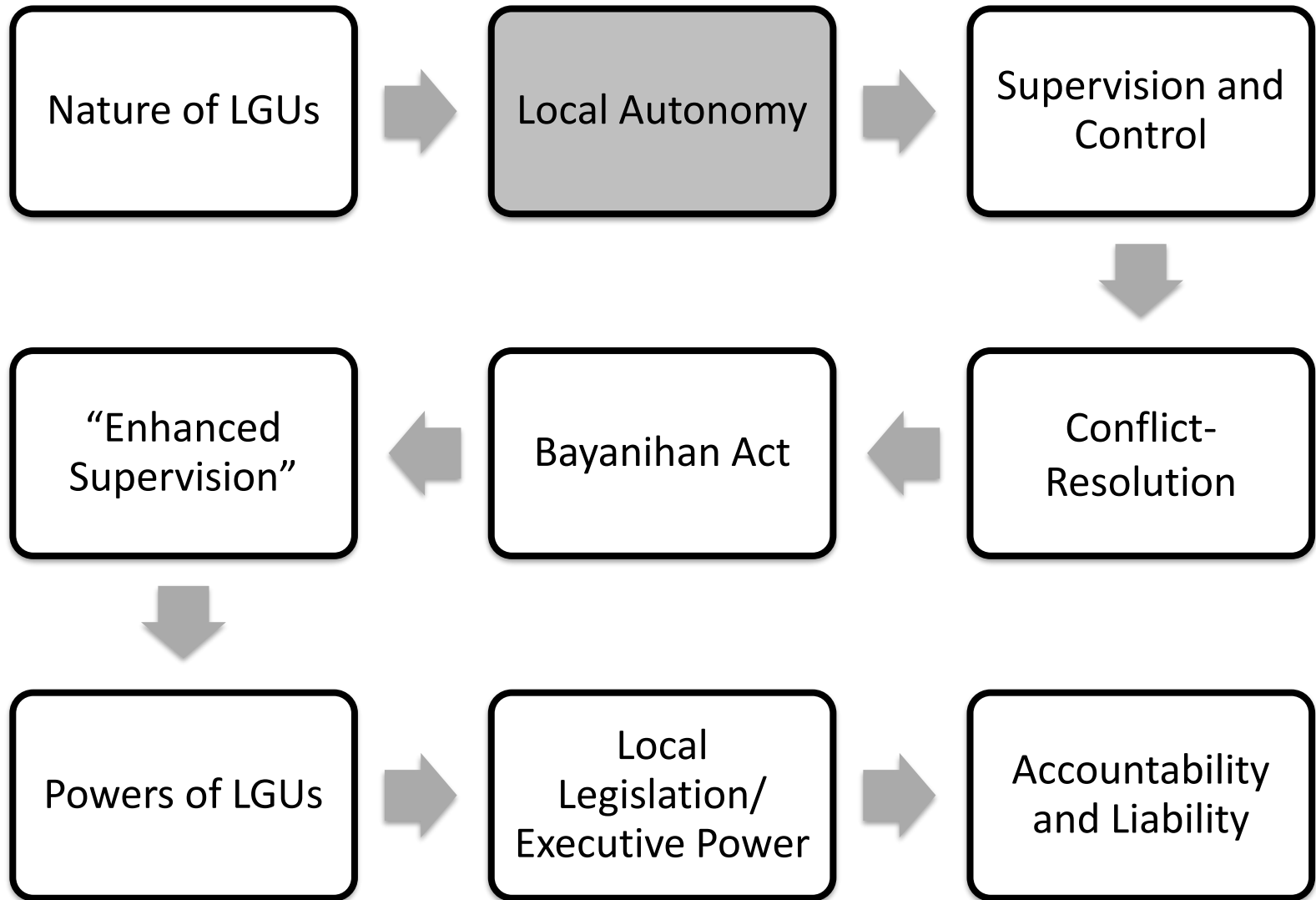
Separation of
Powers (*by Law*)

Legislative
Creatures and
Delegates
(*Charters*)

Juridical Persons
(*vs. Natural-
Officers*)

Corporate
Succession (*despite
changes*)

Topics



Part 2: Questions

1. Is local autonomy = self-governance?
2. Can DBM impose a cap on the allowance cities may give to judges?
3. Can an LGU incorporate a subsidiary/ quasi-municipal corporation?
4. Can a Provincial Legislative Council grant a franchise to a cable television operator pending the issuance of a franchise by Congress?
5. Are you a liberalist or a centrist?

Local Autonomy ...

“means a more responsive and accountable local government structure instituted through a system of **decentralization**.”

(Section 3, Article X, 1987 Constitution)

Local Autonomy ...

- is **qualified, not absolute, self-governance** (i.e., LGU powers are broad but not without limits)
- does not contemplate making mini-states or impenetrable states out of LGUs
- is either decentralization of administration or decentralization of power
- is decentralization in 2 forms: devolution and deconcentration
- is not a license to violate the law
- **means that absent a law, NGAs cannot limit/ restrict discretion of LGUs/ impose requirements**
- **gives LGUs discretionary powers and allows diversity**
- **acknowledges superior competence of LGUs in addressing local affairs**
- necessarily includes fiscal autonomy

The 6 *Ds*

Decentralization

Delegation

Discretionary
Powers

Devolution

Deconcentration

Democratization

Decentralization ...

Of Administration	Of Power
Delegation of Administrative Powers (Regulatory and Basic Services)	Abdication of Political Power
Relieves State from burden of managing local affairs	Free to chart its own destiny; self-immolation
Executive Supervision	Executive Supervision; Minimal State Intervention
Dual Agency (State and People)	Greater accountability to people (self-determination)
Provinces, Cities, Municipalities and Barangays	Autonomous Regions

Decentralization Types

Administrative	Political
Deconcentration	Devolution
Unspecified Powers	Power-Specific
Transfer from NGA to NGA Regional Offices	Transfer fro NGA to LGUs
Administrative	Regulatory Powers, Basic Services, Assets and Personnel
Section 528, 1991 LGC	Section 17, 1991 LGC and other statutes

Devolution

Basic Services

- School Buildings (DEPED)
- Hospitals (DOH), *not national hospitals*
- Socialized Housing (NHA)
- Agricultural Extension (DA)
- Day-care Centers (DSWD)
- Community-based Forestry Projects (DENR)

Regulatory Powers

- Approve subdivision plans (HLURB), *not of national significance*
- Check compliance with noise standards (NPCC)
- Enforce Environmental Laws (DENR), *not regulation of pesticides (Fertilizer and Pesticide Authority)*
- **Grant franchise for Tricycles (LTFRB)**, *not PUBs/ PUJs, not licenses (LTO)*
- Inspect meat products (DA)
- **Cockfighting (PGC)**
- Enforce National Building Code (DPWH) (*can impose stricter requirements under police power*)
- **Not issue licenses for cable TV operations (NTC)**
- *Not control and regulate the use of ground water (NWRB)*

Which do *you* subscribe?

Left

- LGUs can exercise those powers given to them and those powers which are not otherwise prohibited by law.
- LGU actions must not be inconsistent with law.

Right

- LGUs can only exercise those powers given to them.
- LGU actions must be consistent with law.

Universe/ Totality of Powers

Liberal

LGUs can exercise those powers:

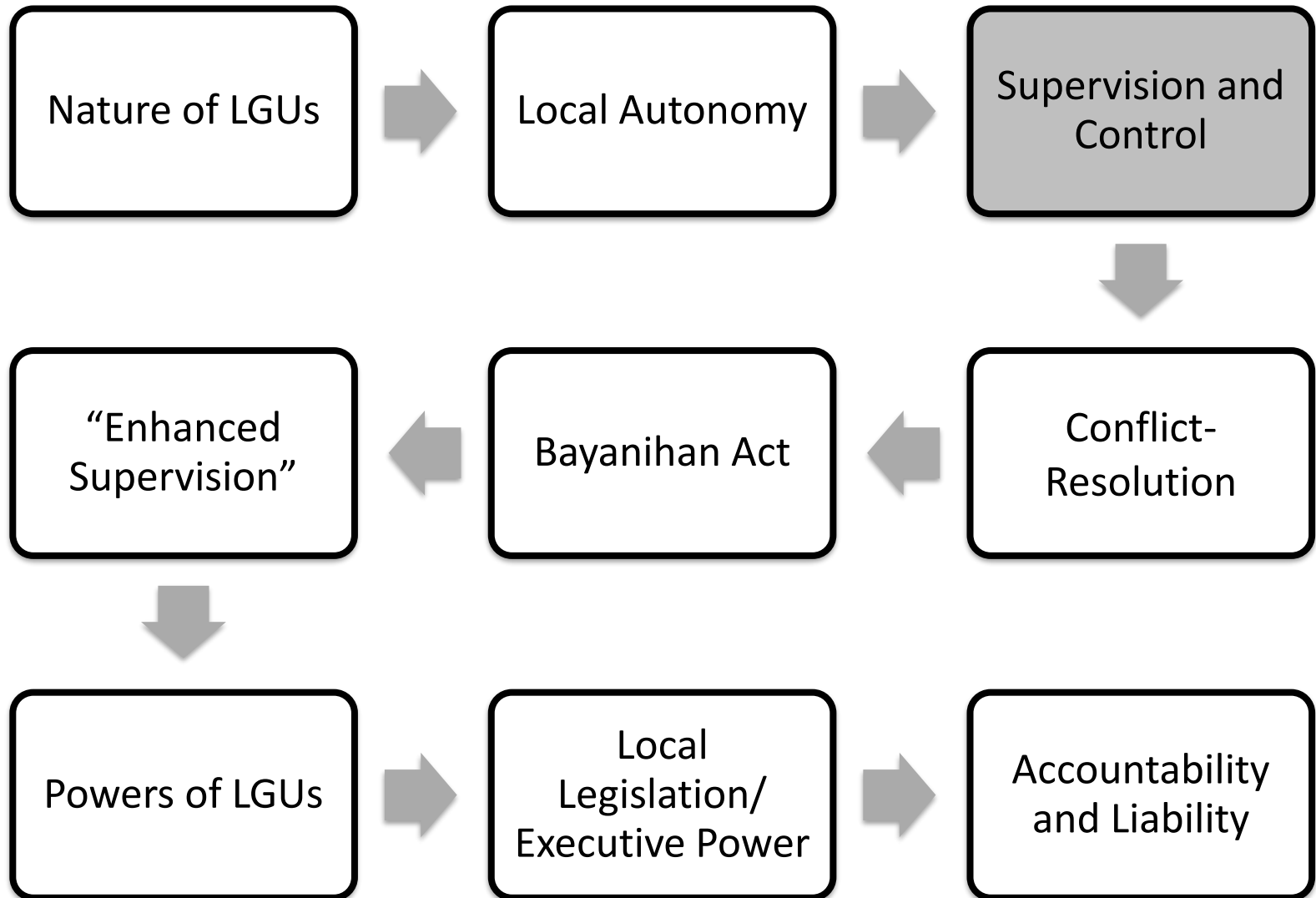
1. Expressly given
 2. Implied and necessary to perform express powers
 3. Not otherwise prohibited by law and for the general welfare
- and cannot violate law

Centrist

LGUs can only exercise those powers:

1. Expressly given
 2. Implied and necessary to perform express powers
- and cannot violate law

Topics



Part 3: (+) or (-)

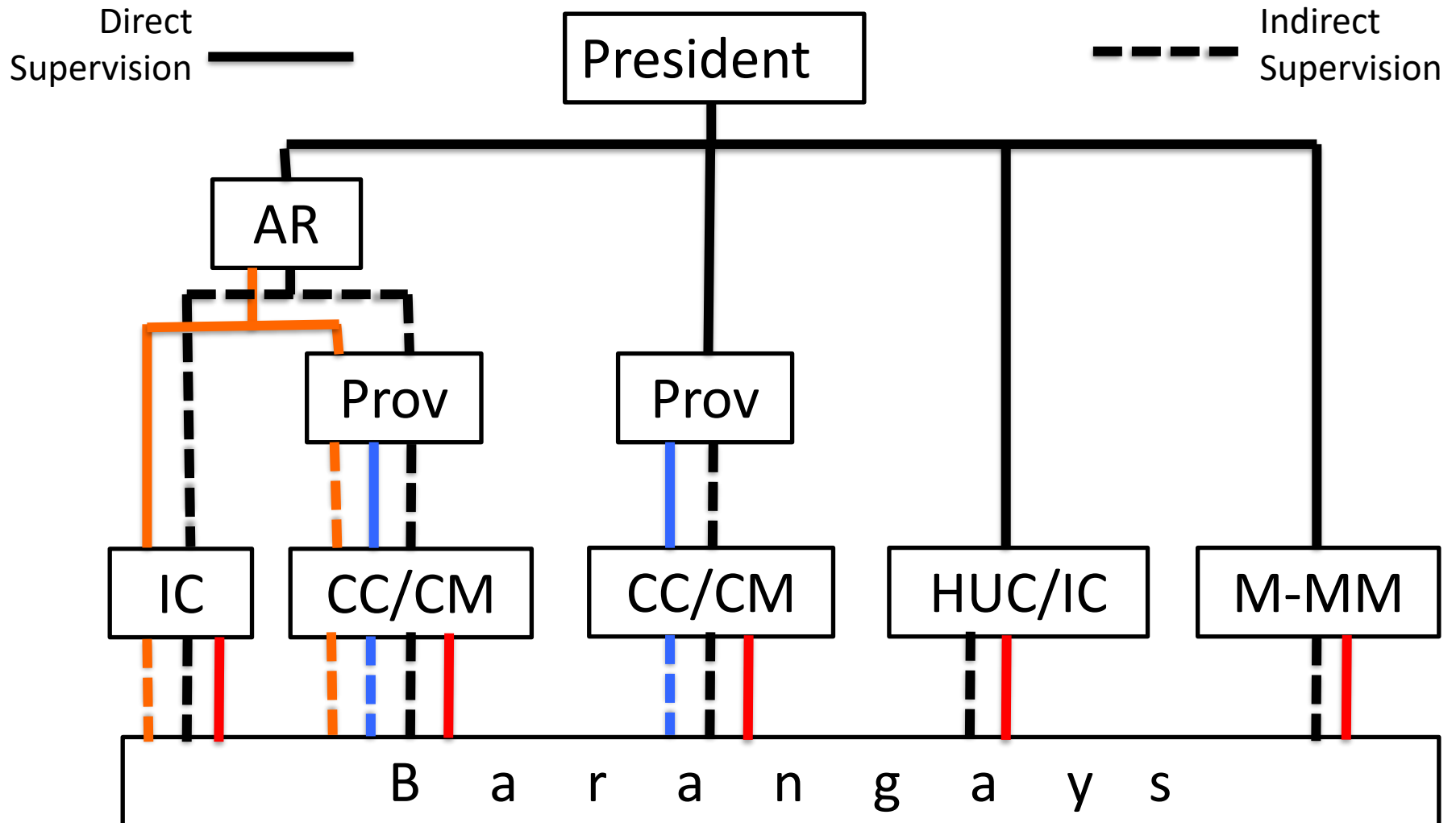
The **DOJ**:

1. In reviewing a city tax,
 - a. declares the same illegal
 - b. declares the same excessive
 - c. directs the city to lower the real property tax rates
2. Declares illegal a fee measure

Congress, in amending the 1991 Local Government Code:

1. Provides that Vice-Mayors shall be appointive officials
2. Requires that Governors must be college graduates
3. Prescribes a proportional representation scheme for electing LGU officials
4. States that LGUs shall only have a share from collections of the BIR
5. Empowers DILG to exercise control over LGUs and to review ordinances

Organizational Hierarchy



Contrasting the Relationships

Supervision

- Oversee and monitor
- Ensure that supervised unit follows law/ rules
- Allows interference if supervised unit acted contrary to law
- Over actor (discipline) and act (declare illegal)
- There must be a law (Yes - DOJ, DBM; None - OP, DILG, DENR)
- Only involves questions of law, not fact/ wisdom (i.e., declare act legal or illegal)

Control

- Lays down rules in doing of an act
- Impose limitations when there is none imposed by law
- Decide for subordinate or change decision
- Alter wisdom, law-conforming judgment or exercise of discretion
- Discretion to order act undone or re-done
- Prescribe manner by which an act is done

Power of “Higher” over “Lower” to	Control	Supervision	Attachment
Substitute judgment	✓	X	X
Overrule discretionary acts	✓	X	X
Change wisdom-based decision	✓	X	X
Impose rules on how to act	✓	X	X
Revise policy/ rules	✓	X	X
Discipline	✓	✓	X
Declare acts illegal/ ultra vires	✓	✓	X
Declare acts improper/ arbitrary	✓	X	X
Declare acts prejudicial to welfare	✓	X	X
Review contracts on legal matters	✓	✓	X
Require periodic reports	✓	✓	✓
Oversee to ensure actions legal	✓	✓	X
Vote and Membership in Board	✓	X	✓
Veto/ disapprove decisions of Boards	✓	X	X
Participate in day-to-day operations	✓	X	X

Supervision–Control

Executive Supervision

1. Review of Executive Orders and Ordinances
2. Declare acts illegal
3. Disciplinary Action
4. Integration of Plans/
Zoning
5. Boundary Disputes
Approves Leaves/
Resignation
6. Fills up vacancies in
council
7. Augmentation of Basic
Services

Legislative Control

1. Structure
2. Elective and Appointive
Officials
3. Powers
4. Qualifications
5. Manner of Selection
6. Taxes
7. IRA-NTA/ National Wealth
8. Creation
9. Public Land

Executive Control: 1991 LGC

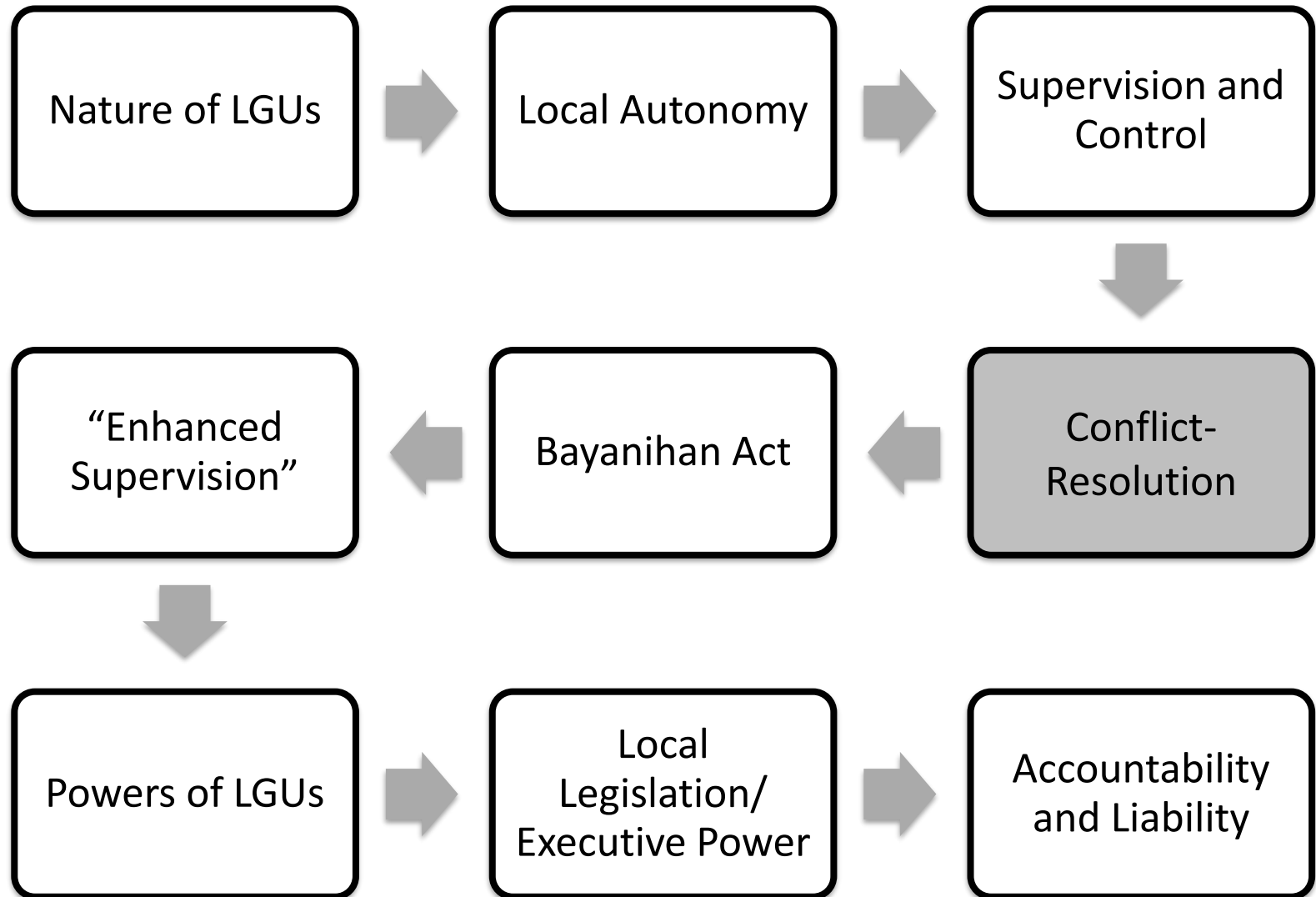
- DOH: health operations in any LGU for the duration of the emergency, epidemics, pestilence, and other widespread public health dangers
- DENR: Implementation of community-based forestry projects which include integrated social forestry programs and similar projects



RA 11332/ Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act

- Declaration of Epidemic or Public Health Emergency
 - President: National Epidemic threatening national security
 - DOH: National or International Epidemics
 - LGU: Territorial Disease Outbreak

Topics



Part 4: (+) or (-)

1. The DOJ issues an unpublished legal opinion saying that conflicts between the Bayanihan Act and the 1991 Local Government Code must be resolved in favor of the former.
2. A City Legislative Council bans the establishment of lotto outlets within the city.
3. The MMDA directs private subdivisions to allow non-residents to use their roads.
4. The LLDA, contrary to the ordinance of lakeshore LGUs, orders the demolitions of fishpens.
5. The City allows the construction of a “photobomber” building.

Examples: Conflict Resolution

LGU Triumphed

- DENR (ordinance)
- DBM (allowance, budget officer)
- COA (RATA)
- DENR (oil depots)
- DOJ (tax ordinance)
- Regulate telecoms tower (NTC)
- Higher LGU (review)
- DAR (reclassify, expropriation)
- DILG (barangay liga)
- OP (IRA)
- DOF (RPC/ LGC)
- BOI (6-year exemption)
- MMDA (subdivision, driver's licenses, dumpsite; terminals; review ordinances)
- NAPOCOR (voltage cables)
- DSWD (devolved personnel)
- Congress (IRA, amend Organic Act)
- Province relative to HUC (rotating appointment for water districts)
- Zoning/ "Photobomber" building

National Victorious

- DENR (forestry laws)
- LTO/ LTFRB (licensing)
- HLURB (national projects)
- COA (additional allowance)
- NTC (cable TV franchise)
- DAR (conversion)
- GAB (jai alai frontons)
- LLDA (fishpens, dumpsite)
- BCDA (creation of Zone)
- PAGCOR (casinos)
- PCSO (lotto outlets)
- PRC (profession)
- LWUA (water districts)
- DPWH (city engineer)
- CSC (dismissal)
- OP (discipline)
- Congress (jai alai franchise)

Conflict-Resolution

*In favor of **NGA** if:*

- Integration
- Centralization
- Avoid fragmentation
- Mandate exclusive under Charter/ law
- Implied repeals not favored
- Instrumentalities of the State
- National or cross-boundary concerns are best addressed by NGAs/ GOCCs/ GIs

National Dimension Rule

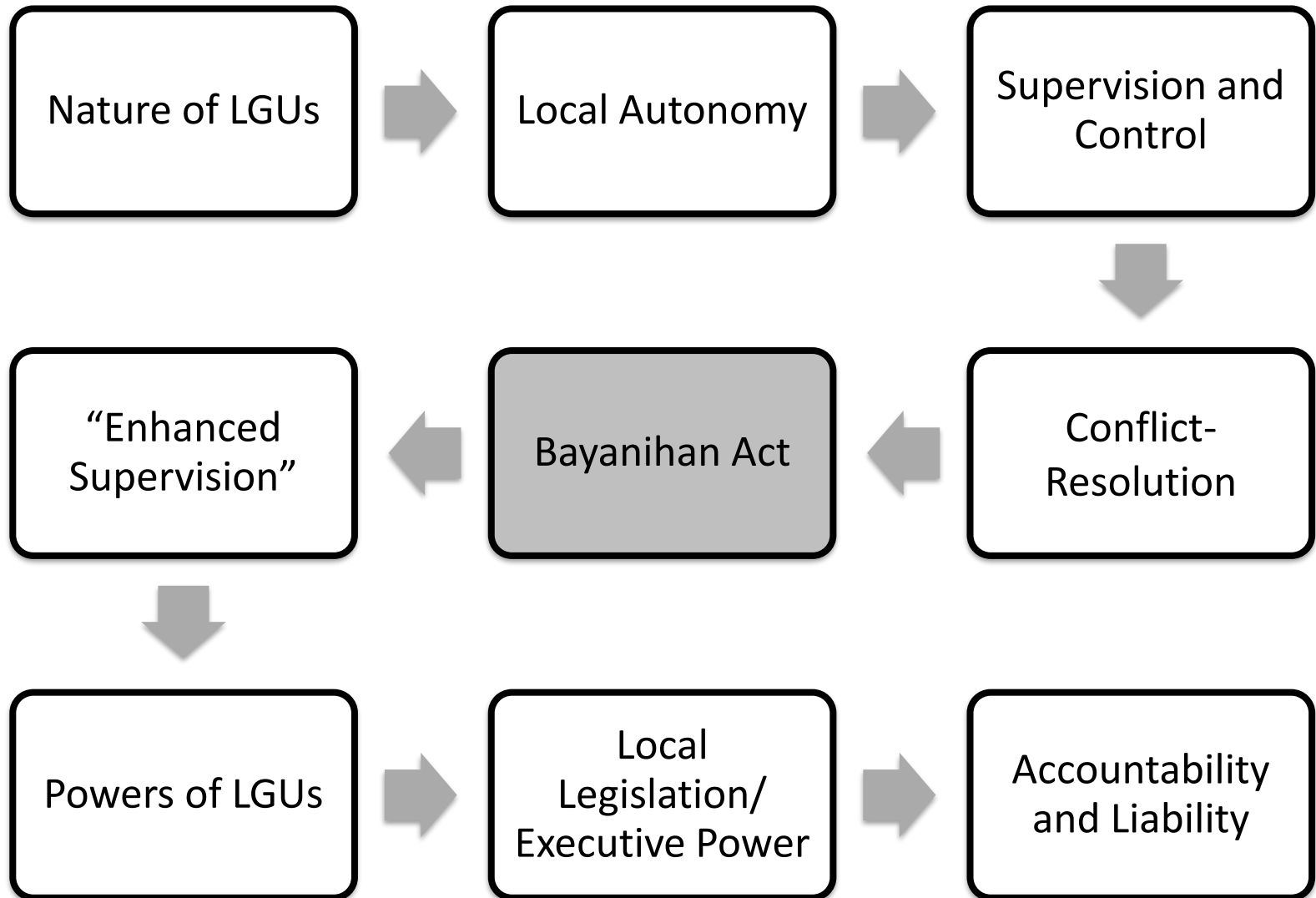
Default: Follow law

*In favor of **LGU** if:*

- Local autonomy
- Local concern/ issue
- ‘Isolated’ issue
- No law will be violated
- As agents of communities
- Amounted to executive control
- Express repeal; Conclusive implied repeal
- Beyond powers of NGA/ GOCC/ GI
- Local concerns are best addressed by LGUs (Principles of Subsidiarity and Stewardship; Superior Competence)

Local/ Municipal Dimension Rule

Topics



Part 5: Questions

1. Does the Bayanihan Act give the President all the emergency/ extraordinary powers allowed under the 1987 Constitution?
2. Can the Bayanihan Act be perpetualized?
3. Can Congress provide for penalties in violation of the Bayanihan Act?

Presidential Extraordinary Powers

Emergency
*(national
emergency and
national policy)*

Take-Over
*(national
emergency and
public interest)*

**✗ Operate
Vital Industries**
(national welfare)

**✗ Total
Nationalization**
(national welfare)

✗ Impose Tariff
*(national
development)*

✗ Martial Law
*(invasion,
rebellion, public
safety)*

- Pursuant to the 1987 Constitution
- Bayanihan Act is operative and presumed constitutional
- Faithful Execution Clause
- Temporary: 3 months from March 25, 2020

Emergency Powers

Section 4. *Authorized Powers.*

- Pursuant to Article VI, Section 23 (2) of the Constitution, the President is hereby authorized to exercise **powers** that are **necessary** and **proper** to carry out the **declared national policy**. The President shall have the power to adopt the following **temporary emergency measures** to respond to crisis brought by the **pandemic**.

Reasons for 3-Month National Emergency:

- Serious threat to the health, safety, security, and lives of our countrymen
- Long-term adverse effects on their means of livelihood
- Severe disruption of economic activities, a is hereby declared over the entire country

Bayanihan Act

Section 4 (g) Ensure that all Local Government Units (LGUs) are acting within the letter and spirit of all the rules, regulations and directives issued by the National Government pursuant to this Act; are implementing standards of Community Quarantine consistent with what the National Government has laid down for the subject area, while allowing LGUs to continue exercising their autonomy in matters undefined by the National Government or are within the parameters it has set; and are fully cooperating toward a unified, cohesive and orderly implementation of the national policy to address COVID-19: Provided, That all LGUs shall be authorized to utilize more than five percent (5%) of the amount allocated for their calamity fund subject to additional funding and support from the National Government;

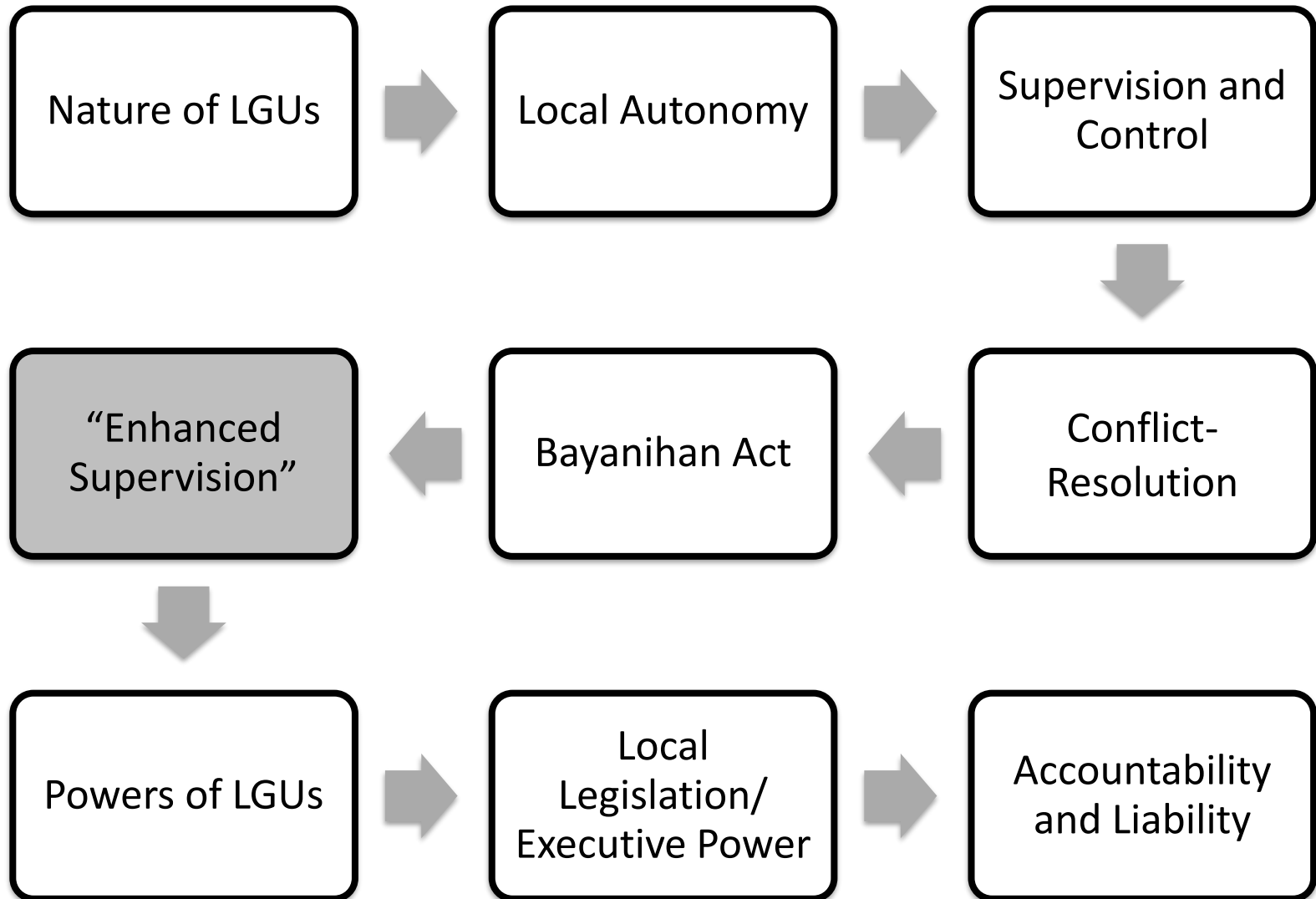
Bayanihan Act

Section 6. *Penalties.* - In addition to acts or omissions already penalized by existing laws, the following offenses shall be punishable with imprisonment of two (2) months or a fine of not less than Ten thousand pesos (P10,000.00) but not more than One million pesos (P1,000,000.00), or both, such imprisonment and fine, at the discretion of the court: xxx

(a) LGU officials disobeying national government policies or directives in imposing quarantines; xxx”

Section 7. *Construction or Interpretation.* – Nothing herein shall be construed as an impairment, restriction or modification of the provisions of the Constitution. In case the exercise of the powers herein granted conflicts with other statutes, orders, rules or regulations, the provisions of this Act shall prevail.

Topics



Part 6: (+) or (-)

1. The DILG, through a memorandum circular addressed to all LGUs which was not posted in the ONAR, mandates that LGUs cannot impose prior COVID-19 testing to returning workers.
2. A Provincial Legislative Council, through an ordinance, imposes a province-wide General Community Quarantine contrary to the pronouncement of the IATF of placing the province under Enhanced Community Quarantine.
3. The Bayanihan Act allows “enhanced supervision” and some aspects of “executive control.”
4. The Bayanihan Act amends some provisions of the 1991 Local Government Code.

3-Month “Enhanced Supervision”

NG-Defined

LGU are directed to:

- Act within the letter and spirit of all the rules, regulations and directives by the NG
- Implement standards of CQ consistent with what the NG has laid down for the subject area

Undefined by NG

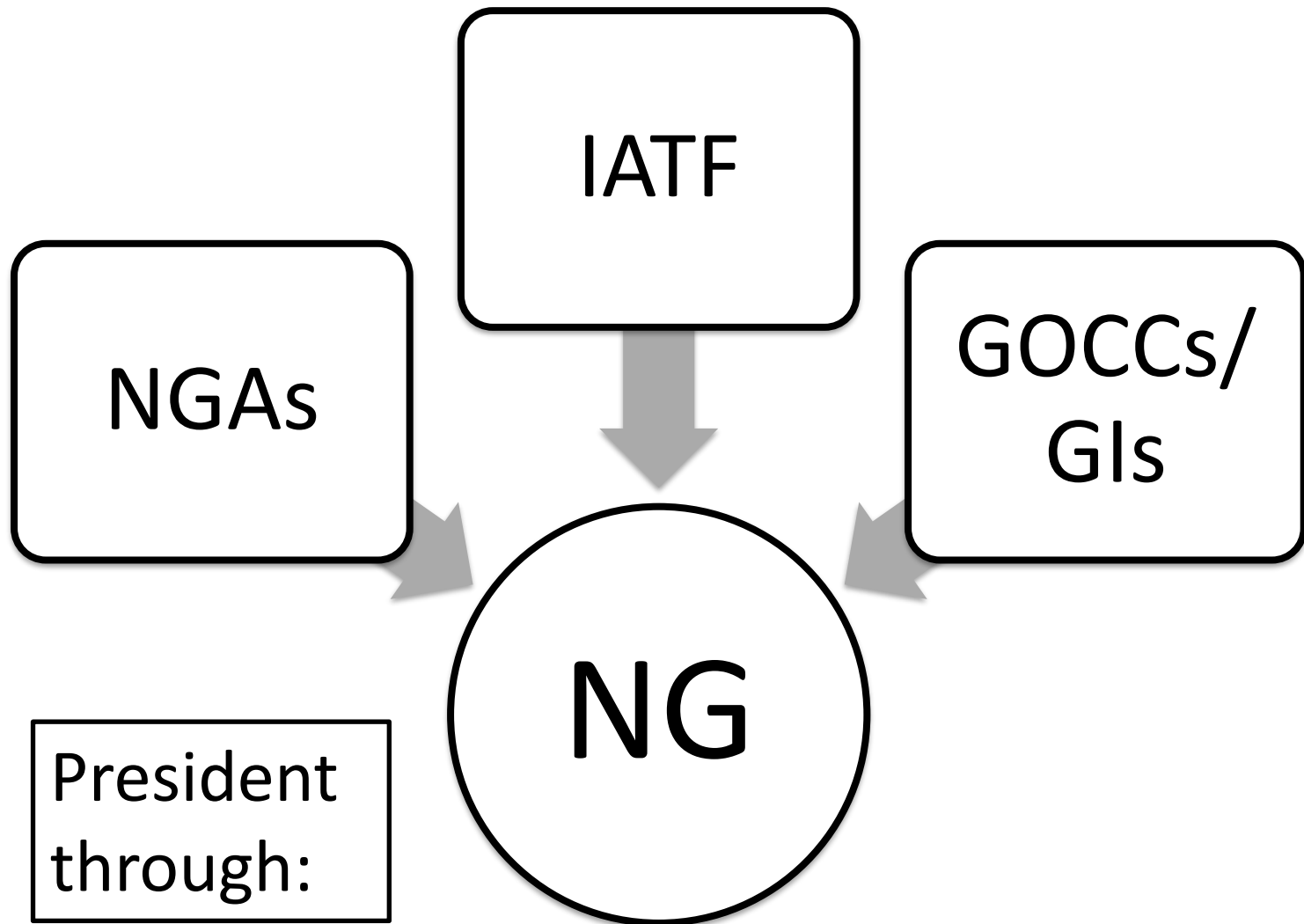
LGU shall exercise local autonomy, provided, that they:

- Act within the parameters NG has set, and
- Fully cooperate towards a unified, cohesive and orderly implementation of the national policy to address COVID-19.

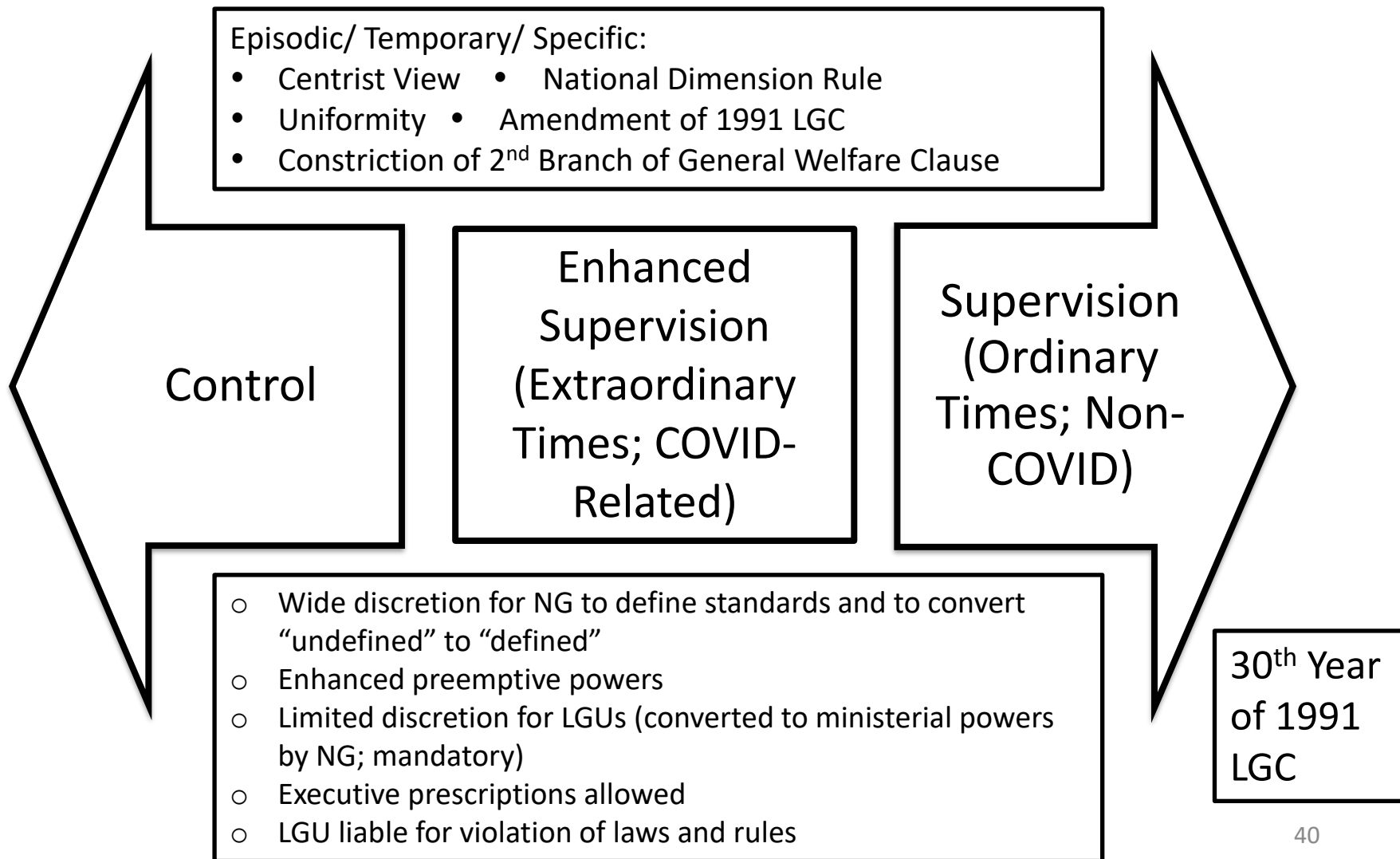
Regardless:

- Non-impairment of Local Autonomy
- Bayanihan Act and Exercise of Powers Listed vs. Other Laws (e.g. 1991 Local Government Code) and Rules, former prevails
- LGU officials must follow quarantine policies and directives, otherwise, penalized
- Only under Bayanihan Act/ COVID-19-related (not all aspects of local governance)

Who is NG?



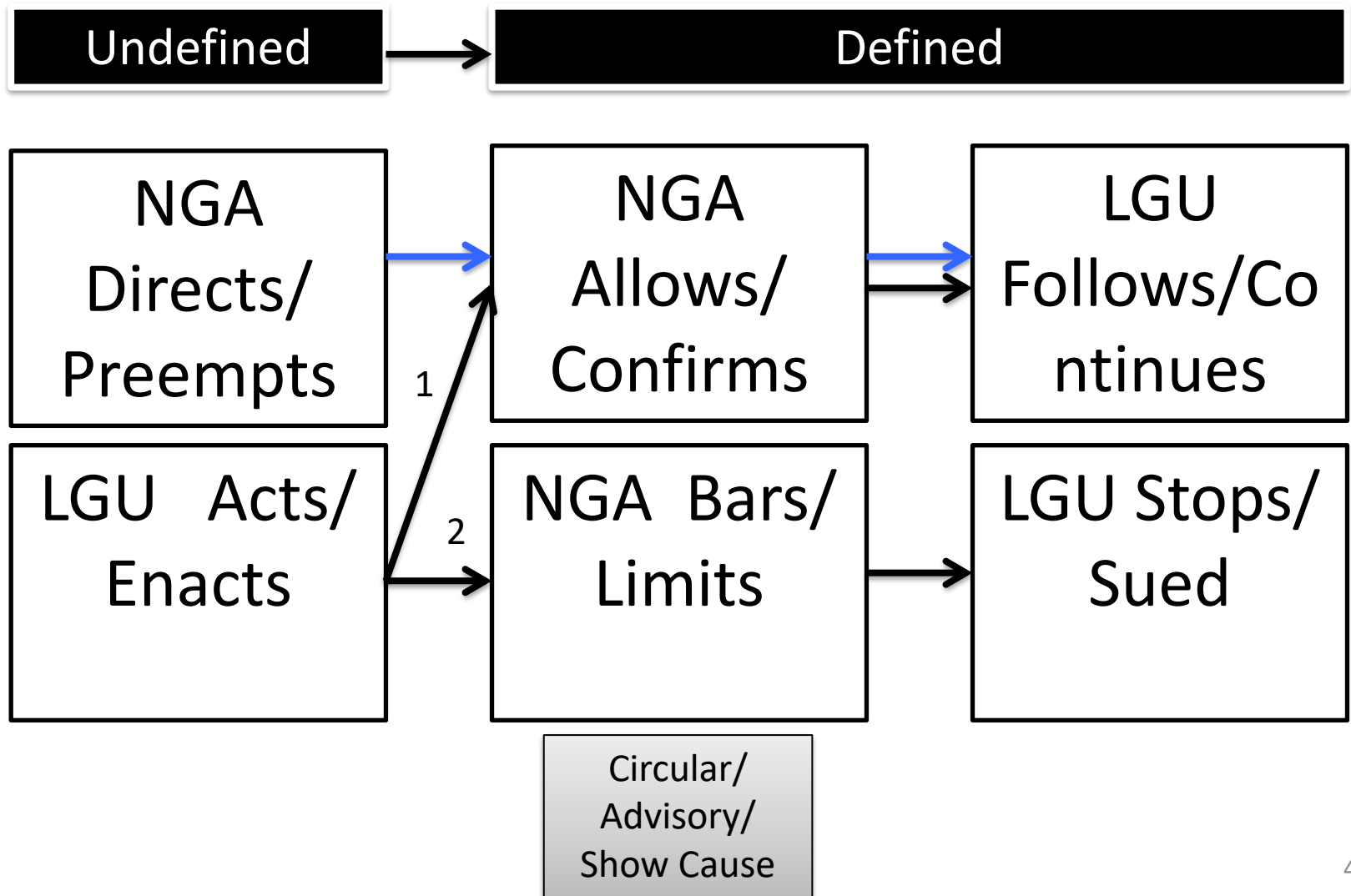
Administrative Relationship



Fundamental Questions

Question	NG-Defined	Undefined by NG
Can P/ NG now <u>substitute/ change</u> LGU decision?	No (but LGU officials can be penalized for not following rules, directives and standards; NG can preempt)	No (but LGU officials can be penalized for not following parameters/ being uncooperative; NG can preempt)
Can the President and NGAs (other than DOJ and DBM) <u>declare</u> LGU acts <u>illegal</u> ?	<p>If there is conflict between NG and LGU:</p> <ul style="list-style-type: none"> ○ NG prevails ○ LGU Officials will be penalized (with prior declaration of illegality) 	<p>If LGU not follow parameters and not cooperate, and if excessive:</p> <ul style="list-style-type: none"> ○ NG prevails ○ LGU officials can be penalized (with prior declaration of illegality)
Can President and NGAs <u>prescribe the manner</u> by which an act is done?	Yes (standards and quarantine policies and directives; NG can preempt)	<ul style="list-style-type: none"> ○ Set parameters and LGU must cooperate ○ LGU cannot impose excessive requirements ○ Can convert to defined and preempt
Can LGU Officials be <u>disciplined</u> ?	Yes (for disobedience, dereliction of duty, abuse of authority, etc.)	Yes (for disobedience, dereliction of duty, abuse of authority, etc.)

Undefined to Defined



Under Bayanihan Act, LGUs can

- Adopt anti-discrimination policies
- Impose a curfew or restrict the mobility of residents following NG guidelines
- Prescribe coding-scheme for resident mobility
- Require use of face masks and penalize non-use
- Pass supplemental budgets
- Waive the collection of taxes and fees
- Enter into lease arrangements with the private sector for testing facilities
- Continue reviewing ordinances of supervised units
- Stimulus program for MSMEs
- Provide financial assistance to residents
- Place under preventive suspension elective officials
- Revoke permit for non-observance of CQ guidelines (masks, temperature check, failure to report cases, food preparation)
- Engage with online payment platforms
- Enter into PPPs for “new normal” projects
- Accept donations
- Issue cease and desist orders for non-observance of rules

Under Bayanihan Act

LGUs cannot:

- Put up, without DOH approval, testing facilities
- Lift the quarantine or downgrade the quarantine level without NG clearance
- Compel employers to purchase testing kits and vitamins from the LGU and authorize employers to provide these for a fee to employees
- Take cuts from the Social Amelioration Program
- Impose higher penalties than those stated in the law
- Require mandatory testing for returning workers
- Charge fees for passes

Amendments to 1991 LGC+

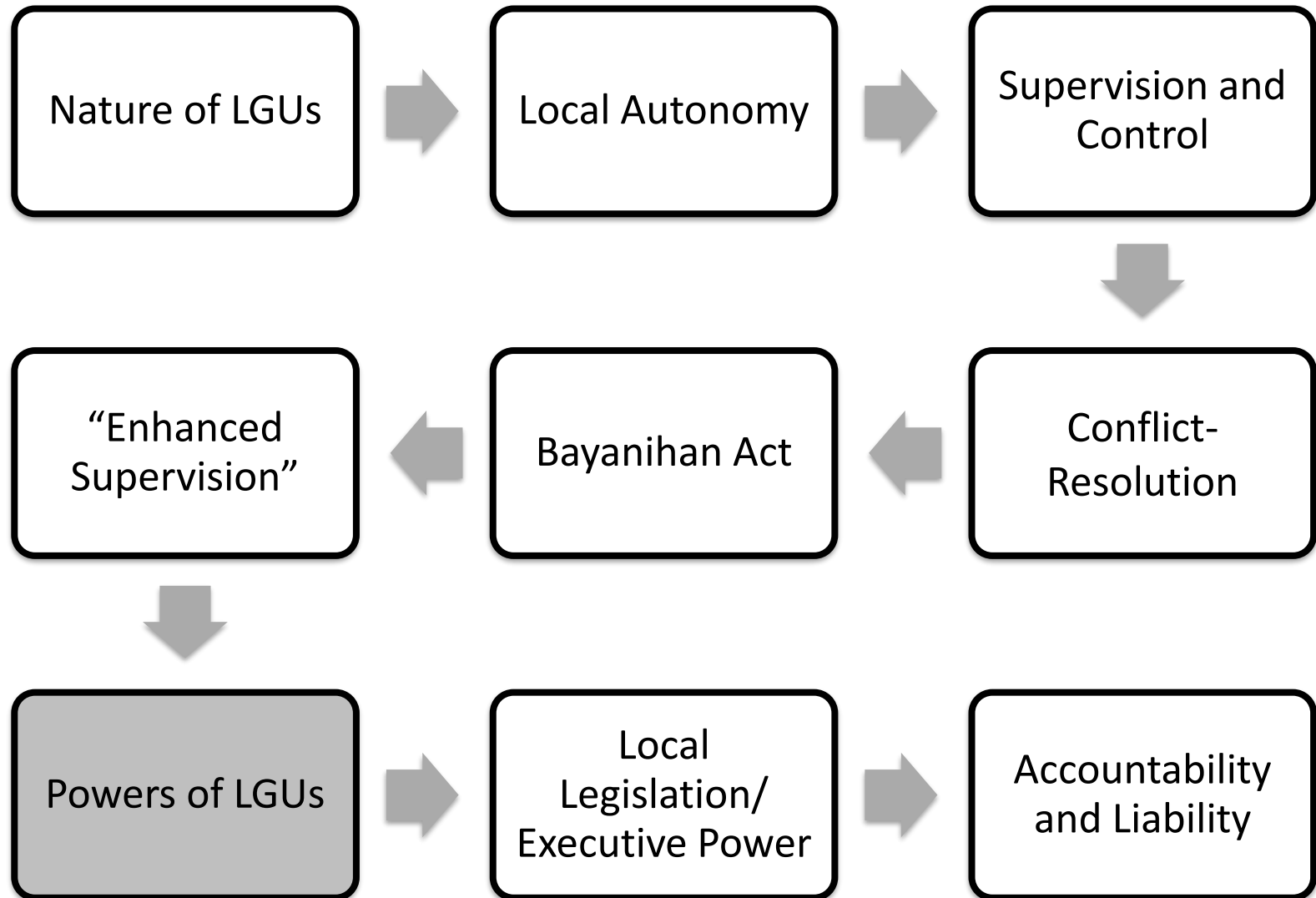
Regulation

- Bayanihan Act vs. 1991 LGC, former prevails
- Limitations on 2nd Branch of General Welfare Clause
 - Quarantine/ Lockdown
 - Closure of Establishments
 - Curfew
 - Coding for Transport
- Regulation of Tricycles
- Ban on Cockfighting
- Traffic Management

Funds/ Budgeting

- Rescheduling of Local Tax Payments with no penalty
- Expansion of usages for 20% Development Fund
- Mid-Year Realignment of Unexpended Appropriation
- AIP post-release of funds
- Inclusion of COVID-19 related items in budget
- Increase in Calamity Fund
- Relaxed Procurement
- Increase amount of Advance Payment

Topics



Part 7: (+) or (-) Under Normal Times

1. Direct closure of all beerhouses along a street to curb prostitution? One beerhouse?
2. Impose a curfew for minors?
3. Declare a gas station a nuisance per se?
4. Refuse to issue Mayor's permit?
5. Issue a cease and desist order?
6. Prescribe stricter requirements than those stated in National Building Code?
7. Prohibit rallies? Regulate rallies?
8. Ban lotto outlets? Impose safety requirements?
9. Regulate professions?
10. Identify residential and commercial zones?

Menu of LGU Powers

Police Power

Eminent
Domain

Revenue-
Raising Power

Devolved
Powers

Legislative
Power

Executive
Power

Residual
Powers

Supervisory
Power

Corporate
Powers

Police Power

(1) Why/ Purpose

Lawful Subject

- General Welfare
- Quality of life
- Health, safety and morals

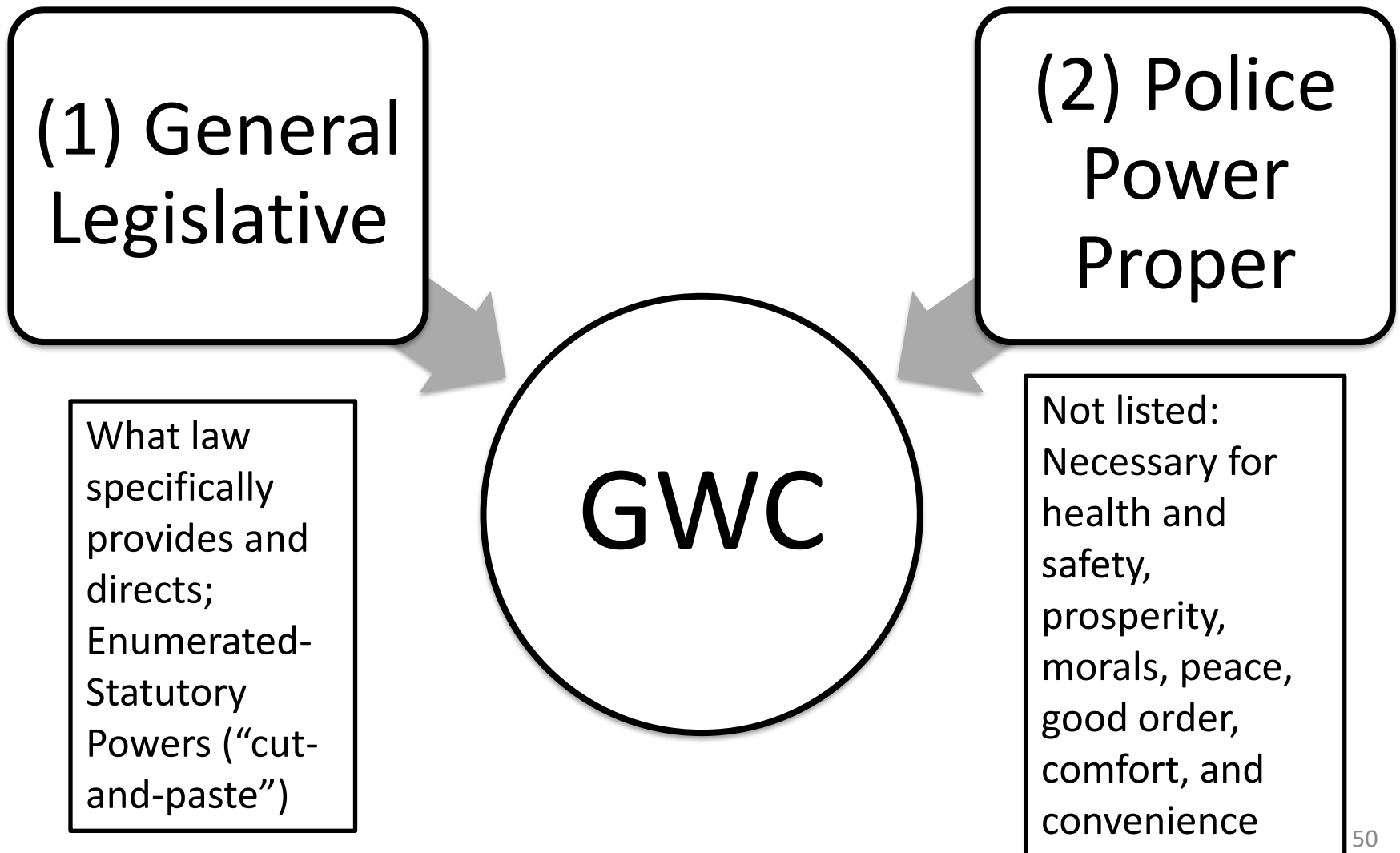
Basis: *General Welfare Clause* is “the delegation in statutory form of the police power of the State to LGUs.”

(2) How/ Means

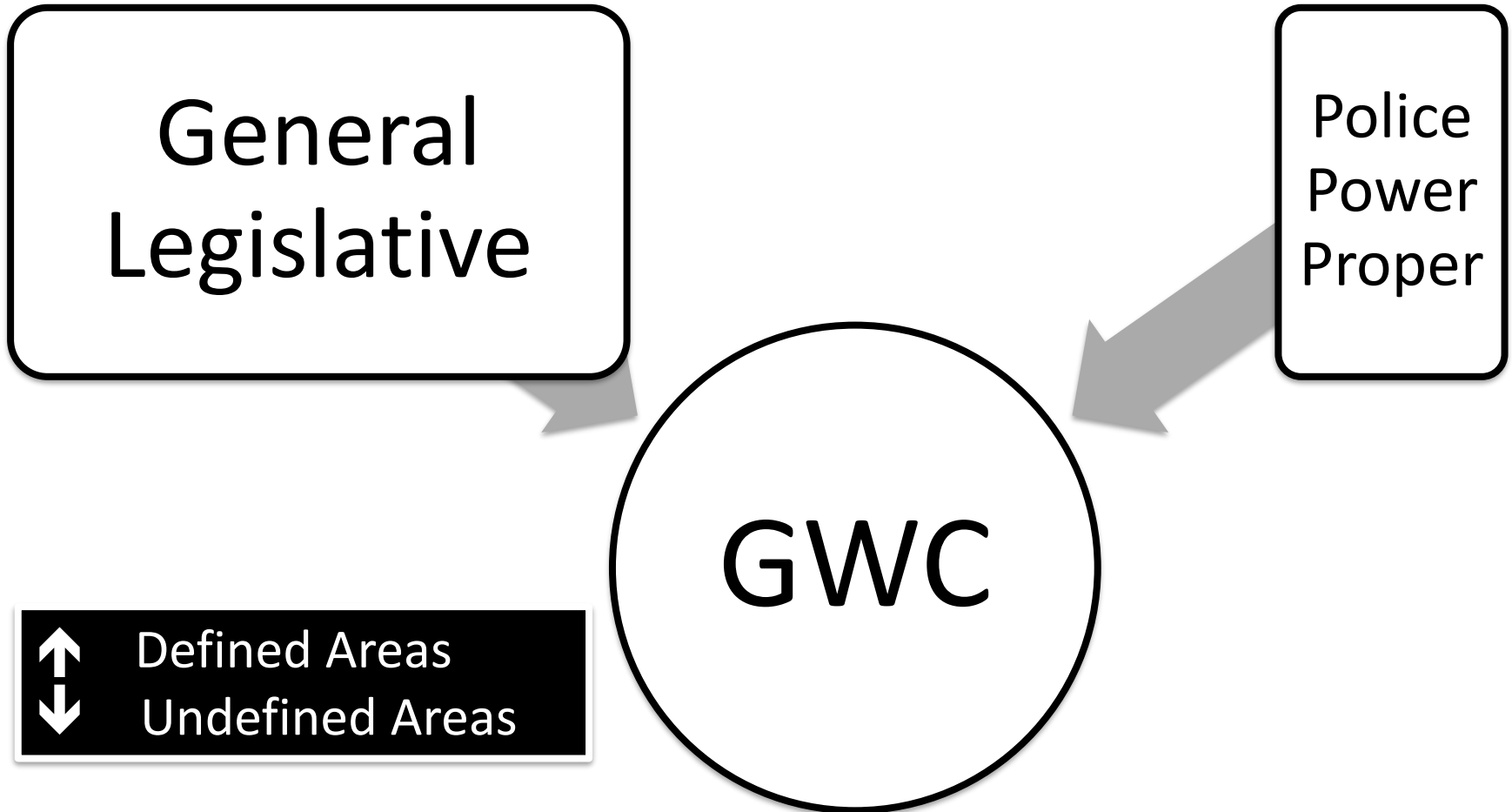
Lawful Means

- Regulate
- Prohibit
- Restrict
- Taking not compensable

2 Branches of GWC



Extraordinary Times



Police Power–Eminent Domain

Aspects	Police Power	Eminent Domain
Authority	Legislative and/ or Executive	Legislative then Executive
Purpose	General Welfare	Public Purpose
Compensation	Not required since object noxious/ no one can benefit from property after taking	Required since Compensable Taking (LGU/ others will benefit after taking)
Requirements	Lawful Subject and Lawful Means	Ordinance Genuine Public Necessity Rejected Valid Prior Offer
Role of Courts	None in order to take action (case need not be filed)	Required to enter property and transfer title (filing of expropriation case)

Revenue-Raising–Corporate

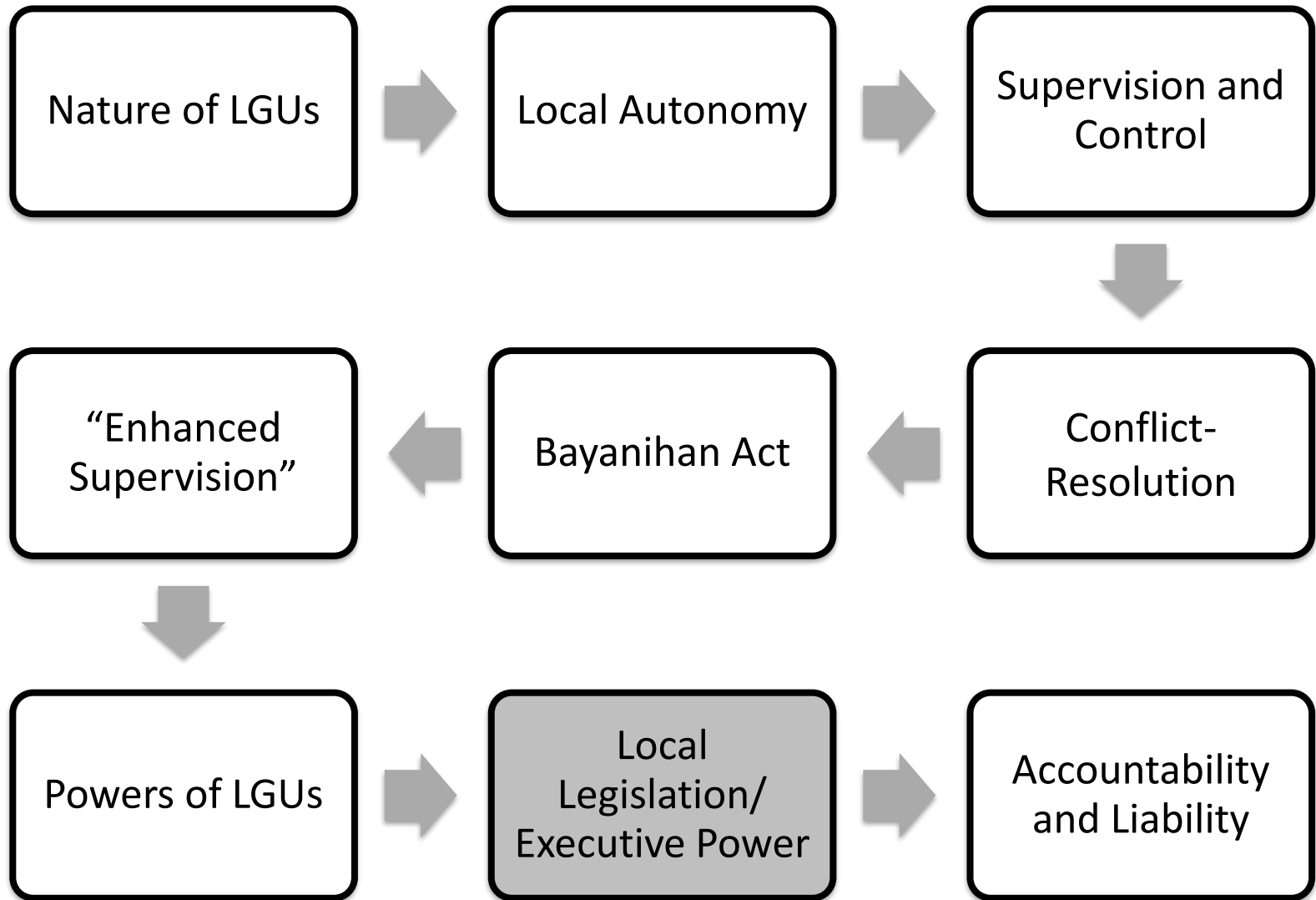
Revenue-Raising

- Incident of Fiscal Autonomy
- Constitutional Sources
 - Taxes
 - National Tax Allotment
 - Share in National Wealth
 - Fees and Charges
 - Other Sources
- Statutory Sources
 - Loans
 - Grants
 - Public-Private Partnerships
 - Bonds and Debentures
- Sources not exclusive/
residual power

Corporate

- Corporate succession
- Use corporate seal
- Sue and be sued
- Acquire and convey properties
- Enter into contracts
- Others

Topics



Part 8: (+) or (-)

1. A Municipal Legislative Council conducts 3 readings in 1 day.
2. A Mayor issues an executive order, without an enabling ordinance, imposing a liquor ban and providing for community service for violators.
3. A Mayor recalls a business permit for violation of the municipal curfew ordinance.
4. A Sangguniang Panlalawigan cites a person in contempt during a public hearing.

Legislative–Executive

Aspects	Legislative Act	Executive Act
Instrument	Ordinance or Resolution	Executive Order
Authority	Sanggunian	Local Chief Executive
Procedure	3 or 2 readings then LCE	LCE alone
Role of Other Branch	Approve or Veto if ordinance (can be overridden)	Empower, Ratify, Acquiesce or Countermand
Posting/ Publication	Required	Required
Higher Review	Supervising LGU (if ordinance)	Supervising LCE
Presumptions	Valid and Regular	Valid and Regular
Judicial Review	Declaratory Relief	Certiorari/ Prohibition

Ordinance-Resolution- Executive Order

Aspects	Ordinance	Resolution	Executive Order
Authority	Sanggunian	Sanggunian	Local Chief Executive
Substance	Equivalent to a Law	Sentiment/ Opinion	Force and effect of law
Nature	Governmental/ Public	Proprietary/ Private	Public or Private
Time	More or less permanent	Temporary	More or less permanent or Temporary
Requisites	<ul style="list-style-type: none"> ○ Follow Subordinate Legislation ○ 3 readings as a rule ○ Subject to veto and review ○ Form follows what law prescribes 	<ul style="list-style-type: none"> ○ Follow Subordinate Legislation ○ 2 readings as a rule ○ Not subject to veto and review (unless LDP and PIP) 	<ul style="list-style-type: none"> ○ Enforce Law ○ Quasi-Law ○ Details-Rules ○ Follow Subordinate Legislation + Observe Ordinances ○ Stop-Gap or Emergency Measures ○ Allowed by NGA
Examples	Tax, Fee, Expropriation, Appropriations	Commendation	Implementing Rules

Local Legislation

Delegated
*(Constitution
and Law)*

Subordinate
*(Implied
Restriction)*

Denominated
*(Proper
Procedures)*

Derivative *(from
people;
Initiative)*

Enjoys
Presumptions
(Subs & Proc)

Formal
*(Ordinance or
Resolution)*

Prospective/Op
erative Fact

Subject to Veto
and Review

Subject to
Admin/ Judicial
Review

Additional Notes

- Formal and regular sessions with quorum
- 3 readings in 3 session days (1 day possible)
- Maximum Penalties are set
- Community service and admonition are not penalties
- Notice and hearing not required, as a rule
- Full Publication not required all the time
- For contracts, prior legislative authorization or post-signing ratification (not required with filing of cases, unless law says otherwise)
- Sanggunians have no contempt and subpoena powers
- Mayor and Governor can veto on 2 grounds: ultra vires (question of law) or prejudicial to public welfare (question of fact)
- Barangay ordinances must be consistent with the city/ municipal ordinances
- Higher Supervising LGU can declare ordinances of Supervised LGU as ultra vires (but cannot change)
- DOJ and DBM can review tax and appropriations ordinances, respectively
- Declaratory relief is the judicial remedy

DILG

- Administrative Agency
- Public Office
- National Government Agency
- Alter-Ego

- Assist the President in exercising the power of supervision over all LGUs
- Strengthen the administrative capability of LGUs and develop the capability of local officials



Defines the
“Defined Areas”

Quarantine

ADVISORY

APR 18 2020

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, BARMM CHIEF MINISTER, DILG REGIONAL DIRECTORS, AND OTHERS CONCERNED

SUBJECT: SOCIAL DISTANCING AND BASIC INFECTION PREVENTION MEASURES UNDER COMMUNITY QUARANTINE

All local government units (LGUs) are therefore advised to discontinue the imposition of "narrow or limited window period" on the access to and operations of public and private establishments such as wet markets, supermarkets, grocery stores and pharmacies. The imposition of such restrictions further creates congestion of people who flock to these establishments at the same time, and poses risks on the implementation of social distancing. Scheduling and/or clustering of the communities and/or barangays who may be allowed to go out instead is highly encouraged.

MEMORANDUM CIRCULAR
No. 2020- 073

13 APR 2020

TO : CHIEF, PHILIPPINE NATIONAL POLICE
CHIEF, BUREAU OF FIRE PROTECTION
ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, HEADS OF LOCAL SANGGUNIANs, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, THE BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : GUIDELINES FOR THE CONDUCT OF THE EXPANDED TESTING PROCEDURES FOR COVID-19

- 3.3. Since the COVID-19 Testing Kits are still limited and there is an increasing demand for testing, the Conduct of the Expanded Testing for COVID-19 will STRICTLY follow this order of priority:
- 3.3.1. **1st Priority** - All patients including medical professionals and health workers that exhibits severe to critical symptoms of COVID-19 with known travel history or contact to a positive patient.
 - 3.3.2. **2nd Priority** - All medical professionals and healthcare workers with mild symptoms and known exposure to a positive patient. And all patients with mild symptoms of COVID-19 classified as PUIs who are (1) known to be high-risks with pre-existing medical conditions and/or member of the vulnerable groups [i.e. senior citizen, pregnant, with co-morbidities] and, (2) with known travel history or contact to a positive patient.
 - 3.3.3. **3rd Priority** - All medical professionals and health workers with no symptoms (asymptomatic) but with known exposure to a positive patient. And all patients with no symptoms (asymptomatic) with known travel history or contact to a positive patient.

Quarantine

OFFICE OF THE SECRETARY

ADVISORY

APR 11 2020

TO : DILG REGIONAL DIRECTORS, BARMM MINISTER OF LOCAL GOVERNMENT, PUNONG BARANGAYS AND OTHER BARANGAY OFFICIALS, AND ALL OTHERS CONCERNED

SUBJECT : PREVENTING THE USE OF BARANGAY SERVICE VEHICLES FROM TRANSPORTING UNAUTHORIZED PERSONS OR INDIVIDUALS WHO ARE NOT CONSIDERED FRONTLINERS AND STRICT IMPLEMENTATION OF THE ENHANCED COMMUNITY QUARANTINE

Further, all Barangay Officials are reminded to ensure that the following are complied with:

1. NO Barangay nor LGU checkpoints shall be established without the authority of the PNP.
2. Ensure the UNIMPEDED movement of all types of cargo (food and non-food), and allow the passage of personnel of business establishments permitted to operate during the Enhanced Community Quarantine, subject to the presentation of proof of employment, and residence.
3. NO Cedula or Community Tax Receipt requirement prior to the issuance of Barangay Quarantine Pass or Home Quarantine Pass or Quarantine related document.
4. Barangay Quarantine Pass or Home Quarantine Pass or Quarantine related document SHALL BE FREE OF CHARGE.
5. NO Voter's ID requirement prior to the distribution of food packs, relief goods, and the like. The LGUs must ensure however, to PRIORITIZE the indigent families or the most affected families within their jurisdiction.

Quarantine

MEMORANDUM CIRCULAR

No. 2020- 065

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS,
HEADS OF LOCAL SANGGUNIANs, PUNONG BARANGAYS, DILG
REGIONAL DIRECTORS, THE BARMM MINISTER OF LOCAL
GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : GUIDELINES FOR LOCAL GOVERNMENT UNITS IN THE PROVISION
OF SOCIAL AMELIORATION MEASURES BY THE NATIONAL
GOVERNMENT TO THE MOST AFFECTED RESIDENTS OF THE
AREAS UNDER ENHANCED COMMUNITY QUARANTINE

DATE : 30 MAR 2020

2.1.1. No local government unit may require that only voting residents in their area of jurisdiction shall be recognized as target beneficiaries. Non-residents that were stranded due to the community quarantine may be listed as beneficiaries, provided that they meet the qualifications defined in JMC No. 1.

2.3.4. LGUs shall not install or cause to install any form of signage or appendage crediting any local government official, or bearing his or her image, for the distribution of any of the social amelioration measures under JMC No. 1.

2.4. Failure of LGUs to comply shall be dealt with in accordance with Section 6 of RA 11469 and other relevant national laws and policies.

Quarantine

21 MAR 2020

**MEMORANDUM CIRCULAR
NO. 2020 - 062**

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, SANGGUNIANG PANLALAWIGAN/PANLUNGSOD/ BAYAN MEMBERS, PUNONG BARANGAY, DILG REGIONAL DIRECTORS, BARMM MINISTER FOR LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : SUPPLEMENTARY LGU GUIDELINES ON THE IMPLEMENTATION OF ENHANCED COMMUNITY QUARANTINE IN LUZON, AND STATE OF PUBLIC HEALTH EMERGENCY IN OTHER PARTS OF THE COUNTRY DUE TO THE COVID-19 THREAT

5.1.2. LCEs must remain present in their areas of jurisdiction. LGUs are expected to be the frontliner in times of crisis. As such, the Department has issued an advisory dated March 14, 2020 which bans the travel of local officials and requiring them to be at their areas of jurisdiction.

5.1.3. Conformity to the various issuances of the National Government. LGUs are strictly enjoined to use the guidelines and advisories as pillars in implementing local programs and activities relative to the State of Calamity. LGUs in close coordination with the PNP are advised to adhere to the guidelines and not to overextend its implementation, nor deliberately leave out its explicit provisions.

5.1.9. LGUs shall enforce the prohibition on mass gatherings. As Social Distancing is strictly enforced to combat the further spread of COVID-19, mass gatherings shall be strictly deterred by LGUs.

5.1.10. LGUs shall not use DepEd schools as quarantine or isolation areas. As a general rule, LGUs must refrain from using schools as quarantine or isolation areas unless explicitly allowed by the Department of Education and strictly following the guidelines it may set.

5.2.6. Suspension of mass public transportation. LGUs are to ensure the suspension of the operation of these forms of transportation.

5.2.6.1. Inclusion of tricycles, padyak, and other similar forms. For this purpose, and under DILG regulations, tricycles, *padyaks*, and other similar forms are hereby included in the category of mass public transportation.

5.2.11. Curfew. Curfews are to be construed as being in effect for the twenty-four (24) hours of the day pursuant to the general intent of the ECQ.

Quarantine

ADVISORY

Telephone Number 8876-3454

www.dilg.gov.ph

MAR 14 2020

ADVISORY

FOR : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, DILG REGIONAL DIRECTORS, BARMM MINISTER OF LOCAL GOVERNMENT, PUNONG BARANGAYS, SANGGUNIANG BARANGAY MEMBERS AND SANGGUNIANG KABATAAN CHAIRPERSONS AND ALL OTHER CONCERNED

SUBJECT : REMINDERS IN THE DISTRIBUTION OF RELIEF GOODS, FOOD PACKS, FACE MASKS, ALCOHOL, SANITIZERS AND OTHER SUPPLIES

DATE : 20 MAR 2020

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, BARMM CHIEF MINISTER, DILG REGIONAL DIRECTORS, AND OTHERS CONCERNED

SUBJECT : BAN ON COCK FIGHTING OR SABONG IN LIGHT OF THE COVID-19 THREAT

3. "Gate Pass", or similar document, issued by the barangay or other local government units to their constituents, shall be FREE OF CHARGE;

Cycling

MEMORANDUM

CIRCULAR NO. _

TO: ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, HEADS OF LOCAL SANGGUNIANs, PUNONG BARAGAYS, CHIEF, PHILIPPINE NATIONAL POLICE, DILG REGIONAL DIRECTORS, THE BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED.

SUBJECT: GUIDELINES FOR THE ESTABLISHMENT OF NETWORK OF CYCLING LANES AND WALKING PATHS TO SUPPORT PEOPLE'S MOBILITY

4.3. Identifying and Establishing of Cycling Lanes and Walking Paths Network.

LGUs shall review all local roads within its areas of jurisdiction, including provincial, city/municipal, and barangay roads, and determine sections that may be developed into a continuous cycling lanes network with walking paths, in consideration of the following objectives:

4.4. Clearing of Roads of Illegal Obstruction. LGUs shall strictly and effectively implement the Presidential directive to clear roads of illegal obstructions, including illegally parked cars on streets, pursuant to DILG MC No. 2020-027 dated February 7, 2020. Local roads cleared of illegal obstruction may be utilized as cycling lanes and walking paths.

4.6. Policies, Ordinances, and Issuances. LGUs shall pass such policies, ordinances, and issuances to support active transport as necessary. Said issuances may cover the following: (1) enforcement on prohibiting motorized transport in cycling lanes and walking paths; (2) policy on maintenance of cycling lanes and walking paths from illegal obstructions, (3) enforcement of the use of helmet and compliance to safety measures/ guidelines, (4) policy encouraging local manufacturing of bicycles and parts, and (5) policy on motorist education programs. .

4.9. Penalties. LGU officials who fail to comply with the provision of this Memorandum Circular may be penalized in accordance to existing laws and policies.

Face Masks

MEMORANDUM CIRCULAR
No. 2020 - 071

09 APR 2020

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, MEMBERS OF THE SANGGUNIANG, DILG REGIONAL DIRECTORS AND FIELD OFFICERS, BARMM MINISTER OF THE INTERIOR AND LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : MANDATORY WEARING OF FACE MASKS OR OTHER PROTECTIVE EQUIPMENT IN PUBLIC AREAS

With the intent of preventing further increase in COVID-19 cases in the country, and consistent with the recommendation of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID), through IATF-MEID Resolution No. 18, dated 1 April 2020, Local Government Units (LGUs) covered by the enhanced community quarantine (ECQ) are hereby enjoined to:

1. Strictly implement the mandatory wearing of face masks by all residents in public areas, whenever they are allowed to go out of their homes, at all times. LGUs shall issue local ordinances, executive orders or advisories on the mandatory wearing of face masks, to include imposition of sanctions to non-compliant residents as may be appropriate.

Public Transport

18 MAY 2020

MEMORANDUM CIRCULAR
No. 2020- 083

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, HEADS OF LOCAL SANGGUNIANs, PUNONG BARANGAYS, CHIEF, PHILIPPINE NATIONAL POLICE, DILG REGIONAL DIRECTORS, THE BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : GUIDELINES FOR LOCAL GOVERNMENT UNITS ON THE REGULATION OF PUBLIC TRANSPORTATION IN AREAS UNDER GENERAL COMMUNITY QUARANTINE AND INTERZONAL TRANSPORTATION

- 4.2. For areas under ECQ, public transportation shall continue to be suspended. Areas under GCQ shall allow for limited transportation subject to the guidelines as enumerated below, and to guidelines that maybe imposed by the Department of Transportation (DOTr), the Land Transportation Franchising and Regulatory Board (LTFRB), the IATF, and other relevant national agency of the government.

4.4.2.1.6. Tricycles may be allowed to provide feeder transport services subject to operational guidelines, and in no instance may a tricycle ferry more than one (1) passenger at a time.

4.4.2.1.7. **Special Permits-** The DOTr and the LTFRB shall issue special permits to PUVs allowed to operate during the GCQ; for tricycles and padyaks, the LGU shall issue the same permits.

4.4.2.1.11. Lifting of Number Coding- number coding of public transport vehicles shall be lifted during GCQ. LGUs are advised to refrain from imposing other similar forms of coding scheme that shall defeat the purpose of this provision.

4.7. **Local Policy Support-** All LGUs shall enact the necessary ordinances to support the implementation of measures to comply with these guidelines.

Cargos

MEMORANDUM

TO : PGEN ARCHIE FRANCISCO F GAMBOA, CHIEF PNP

ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, HEADS OF LOCAL SANGGUNIANs, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, THE BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : STRICT IMPLEMENTATION OF THE PRESIDENT'S DIRECTIVE ON UNHAMPERED MOVEMENT OF CARGOS FOR FOOD AND ESSENTIAL GOODS, AND OF CERTAIN PERSONNEL

DATE : 01 APR 2020

In order to further operationalize the unrestricted passage of essential goods, and personnel, all are hereby directed to:

1. remove all barangay checkpoints in all national highways and provincial roads; only checkpoints operated by the PNP shall be allowed;

2. ensure that all established checkpoints on interior roads should be under the supervision of the PNP; in such cases, PNP personnel may not be required to be present at such checkpoints at all times but the operation of such must be under the strict monitoring and supervision of the PNP;
3. only PNP personnel are allowed to inspect cargo trucks;
4. provide for unhampered passage of exempted cargo vehicles including personnel necessary to operate and facilitate the transportation of the cargo. In the implementation of such, the LGU must not impose unnecessary guidelines or protocols that would otherwise defeat the purpose of the exemption that is to allow for the speedy transport of essential goods and items, and the movement of necessary personnel;

Returning OFWs/ LSIs

MEMORANDUM CIRCULAR NO. 2020 - 087

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS AND FIELD OFFICERS, BARMM MINISTER OF LOCAL GOVERNMENT, AND OTHERS CONCERNED

CHIEF, PHILIPPINE NATIONAL POLICE

SUBJECT : DUTIES AND RESPONSIBILITIES OF LOCAL GOVERNMENT OFFICIALS, DILG REGIONAL DIRECTORS AND FIELD OFFICERS, PHILIPPINE NATIONAL POLICE, AND OTHERS CONCERNED ON THE MANAGEMENT OF RETURNING OVERSEAS FILIPINOS AND LOCALLY STRANDED INDIVIDUALS

DATE : 21 MAY 2020

- c. LGUs may provide transfer services to LSIs at ports, airports, and transport terminals within their areas of jurisdiction to transport them to their places of residence. Inter-LGU coordination is enjoined to manage the transfer of the LSIs, including the movement of people needing passage from one LGU to another.
- d. All receiving LGUs shall not deny the entry of LSIs with complete requirements, provided that prior coordination was made through the NTF and/or the Regional Task Forces (RTFs), and other concerned agencies as deemed necessary. The receiving LGUs, however, may subject the LSIs to its local health protocols and procedures, such as 14-day quarantine and rapid anti-body testing for COVID-19 disease, that are consistent with IATF policies.

Periods

MEMORANDUM CIRCULAR
NO. 2020- 085

20 MAY 2020

TO : ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS,
PUNONG BARANGAYS, PROVINCIAL/CITY MUNICIPAL
SANGGUNIAN, DILG REGIONAL DIRECTORS, THE BARMM
MINISTER FOR LOCAL GOVERNMENT, AND ALL OTHERS
CONCERNED

SUBJECT : ADOPTION OF ADMINISTRATIVE ORDER 30 ON THE
INTERRUPTION OF PERIODS FOR FILING AND SUBMISSION
OF DOCUMENTS, CANCELLATION OF PROCEEDINGS,
SUSPENSION OF DEADLINES FOR PAYMENT OF TAXES,
FEES AND OTHER CHARGES, AND ON THE MOVEMENT OF
TIMELINES FOR THE GRANT AND RELEASE OF BENEFITS

In view thereof, for the uniformity of the implementation on the deadlines of payments of taxes and other fees and charges, all LGUs are hereby directed to adopt the directives cited herein.

Funds

ADVISORY

MAY 18, 2020

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, BARMM MINISTER FOR LOCAL GOVERNMENT, DILG REGIONAL DIRECTORS, AND OTHERS CONCERNED

SUBJECT: DEFERMENT FROM THE UTILIZATION OF THE SPECIAL EDUCATION FUND (SEF) FOR THE ONGOING COVID-19 SITUATION

Therefore, all LGUs are advised that the proceeds forming the Special Education Fund cannot be utilized for any other purpose aside from those mentioned through existing laws. The SEF cannot be used to augment the budgetary allotment of LGUs for the ongoing COVID-19 situation.

MEMORANDUM CIRCULAR

NO. 2020 - 079

01 MAY 2020

TO : ALL REGIONAL, PROVINCIAL, HIGHLY URBANIZED CITY (HUC), INDEPENDENT COMPONENT CITY (ICC), COMPONENT CITY (CC), AND MUNICIPAL PEACE AND ORDER COUNCIL (POC) CHAIRPERSONS AND VICE CHAIRPERSONS, POC SECRETARIAT HEADS, BARMM CHIEF MINISTER, BARMM MINISTER FOR LOCAL GOVERNMENT, AND OTHERS CONCERNED

SUBJECT : CLARIFICATORY GUIDELINES ON THE USE OF PEACE AND ORDER COUNCIL (POC) FUNDS FOR COVID-19-RELATED PROGRAMS, PROJECTS, SERVICES, AND ACTIVITIES (PPSAs)

- 2.2. All programs, projects, services, and activities (PPSAs) of the local COVID-19 task force can be funded through the POPS Plan using POC Funds.

Funds



DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)
DEPARTMENT OF BUDGET AND MANAGEMENT (DBM)

Joint Memorandum Circular (JMC) No. 01
Date: 27 March 2020

To : Local Chief Executives, Members of the Local Sanggunian, Members of the Local Finance Committees, Local Accountants, Heads and Directors of the Central and Regional Offices/Field Offices of the DBM and DILG, and All Others Concerned

Subject : **ADDITIONAL GUIDELINES ON THE UTILIZATION OF THE TWENTY PERCENT (20%) OF THE ANNUAL INTERNAL REVENUE ALLOTMENT FOR DEVELOPMENT PROJECTS IN VIEW OF THE CORONAVIRUS DISEASE 2019 (COVID-19) SITUATION**

2.1 In addition to the allowable development projects under item 3.0 of DILG-DBM JMC No. 2017-1, the 20% DF shall likewise be allowed to be used for the following COVID-19-related expenses:

2.1.1 Procurement of personal protective equipment;

2.2 **Except for the allowable expenses enumerated in item 2.1 above**, the following expenditure items, as enumerated under item 4.0 of DILG-DBM JMC No. 2017-1, shall not be allowed to be charged against the 20% DF:

2.2.1 Personal Services expenditures, such as salaries, wages, overtime pay and other personnel benefits;

3.2 The utilization of the 20% DF, whether willfully or through negligence, for any purpose other than those expressly prescribed by law or public policy shall be subject to the sanctions provided under the Code and other applicable laws.

Budgets

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)
DEPARTMENT OF BUDGET AND MANAGEMENT (DBM)

Joint Memorandum Circular (JMC) No. 02
Date: **30 March 2020**

To : Local Chief Executives, Members of the Local Sanggunian, Members of the Local Finance Committees, Local Accountants, Heads and Directors of the Central and Regional Offices/Field Offices of the DBM and DILG, and All Others Concerned

Subject : **PROVISIONAL GUIDELINES ON THE PREPARATION AND APPROVAL OF THE ANNUAL INVESTMENT PROGRAMS OF LOCAL GOVERNMENT UNITS IN VIEW OF THE CORONAVIRUS DISEASE 2019 (COVID-19) SITUATION**

2.0 POLICY GUIDELINES

- 2.1 All COVID-19-related PPAs and expenses to be funded by the LGUs should be part of their respective approved AIPs. In case the COVID-19-related PPAs and expenses are not among those included in the approved AIP, the LDC shall prepare a supplemental investment program for the purpose, to be approved by the local sanggunian.
- 2.2 However, in view of the implementation of the ECQ and the physical distancing measures which renders the LDC unable to convene to prepare the AIP or supplemental investment program/s, the COVID-19-related PPAs and expenses may still be funded by the LGU concerned, provided that upon normalization of the situation, the LDC shall prepare the necessary AIP or supplemental investment program/s, to be approved by the local sanggunian.

Allowance

ADVISORY

APR 08 2020

FOR : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, PUNONG BARANGAY, DILG REGIONAL DIRECTORS AND THE BARMM MINISTER FOR LOCAL GOVERNMENT

SUBJECT : GRANT OF SPECIAL RISK ALLOWANCE TO FRONTLINE PUBLIC HEALTH WORKERS DURING THE PERIOD OF ENHANCED COMMUNITY QUARANTINE RELATIVE TO THE COVID-19 OUTBREAK

Administrative Order No. 28, entitled *Authorizing the Grant of Special Risk Allowance to Frontline Public Health Workers During the Period of Enhanced Community Quarantine Relative to the COVID-19 Outbreak*, which was signed on April 6, 2020, provides for the authorization of national government agencies (NGAs), government-owned or -controlled corporations (GOCCs) and local government units (LGUs) to grant a one-time COVID-19 special risk allowance (SRA), equivalent to a maximum of 25% of the monthly basic salary/pay to public health workers (PHWs) who have great exposure to health risks and physical hardships in line of duty in light of the COVID-19 pandemic.

Section 5 of the said Order stipulates that the grant of the SRA to PHWs in LGUs, including barangay health workers (BHWs), shall be determined by the respective Sanggunians depending on the LGU's financial capability, at rates not exceeding the amounts authorized, subject to a) the PS limitations under RA No. 7160 or the Local Government Code of 1991, in the case of employees of the LGU, b) available MOOE allotments in the case of COS/JO workers and BHWs, and c) conditions set in the said Order, chargeable against the FY 2020 funds of the LGU. Should there be insufficient funds to full cover the COVID-19 SRA, a lower but uniform rate may be granted for all qualified personnel. Other specific guidelines shall be referred in the hereto attached copy of the said Order.

Facilities

ADVISORY

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, DILG REGIONAL DIRECTORS, BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : DEPARTMENT OF HEALTH GUIDELINES ON THE USE OF DISINFECTION TENTS/MISTING CHAMBERS, AMONG OTHERS

DATE : APR 18 2020

Pending additional studies on demonstrating safety and efficacy, the use of disinfection tents, misting chambers, or sanitation booths for individuals without full PPE shall not be allowed.



JOINT DOH-DOT-DILG ADMINISTRATIVE ORDER NO. 2020-001

GUIDELINES ON THE OPERATION OF ACCOMMODATION ESTABLISHMENTS AS QUARANTINE FACILITIES FOR OFWS UNDER REPUBLIC ACT NO. 11469

C. TAKEOVER OF OPERATIONS

Section 18. Takeover of Operations. – Should an Accommodation Establishment identified as a suitable Quarantine Facility unjustifiably refuse or signify that they are not capable of operating for such purpose, the DOT and DOH may recommend to the Office of the President the take over their operations subject to the limits and safeguards enshrined in the Constitution.

For avoidance of doubt, takeover of operations shall mean that the National Government shall directly undertake the management and operations of the Accommodation Establishment, and may engage the services of the Accommodation Establishment's personnel and staff for that purpose. Ownership and all proprietary rights over the accommodation establishment shall remain with the owners of the enterprise.

In case of takeover of Accommodation Establishments, the Office of the President may provide compensation to the owners thereof as may be applicable under Section 4(h) of RA No. 11469.

Facilities

MEMORANDUM CIRCULAR

NO. 2020 - 067

TO : ALL PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, THE BARMM MINISTER OF LOCAL GOVERNMENT, AND ALL OTHERS CONCERNED

SUBJECT : ADDITIONAL GUIDELINES ON QUARANTINE AND ISOLATION MEASURES RELATIVE TO THE COVID-19 SITUATION

DATE : 02 APR 2020

2.1. All LGUs are enjoined to assist the Department of Tourism (DOT) in identifying hotels and other similar establishments within their areas of jurisdiction that may be utilized as quarantine facilities.

2.6. Inaction of LGUs, or any action considered excessive and inconsistent with the said provisions shall be dealt with in accordance to Section 6 of RA 11469 and other relevant national laws and policies.

Quarantine

Cotabato City EO No. 343-A (05.08.2020)

- Time restrictions on use of pass
- Odd-Even Scheme
- Sundays: No movement and clean up days
- Regulated hotel operations
- Skeletal Workforce for non-essential establishments
- Violations: penalized under RPC

Cotabato City EO No. 338-B (04.20.2020):

- Issuance of Quarantine and Work Passes by Mayor's Office

QC Mayor's Memorandum to Government and Public (05.15.2020)

- Prohibited activities (mass gatherings, physical classes, public transport except tricycles)
- Businesses (full, limited and no operations)
- Require pass to enter City
- Community testing
- Barangays: localized measures (passes, limit ingress and egress, enforce face masks)
- Violations: filing of criminal charges for violation of RA 11332 and RPC (resistance and disobedience to a person in authority)

Quarantine

Abra Memorandum Order No. 124 (04.02.2020)

- To Municipalities, Barangays and Private Establishments
- Set-up Decontamination Chambers (booth, foot baths) in entry and exit points

Ilocos Norte EO 62 (03.20.2020)

- Total Lockdown (all households) with exceptions
- Closure of Establishments
- Checkpoints
- Passage Requirements
- Penalties: Administrative and Criminal

Quarantine

La Union Governor Advisory No. 8 (03.23.2020)

- Scope: Component LGUs and Barangays
- Establishment of Checkpoints
- For strict compliance

La Union Governor Advisory No. 13 (03.23.2020)

- Manpower requirements
- Persons allowed to enter/exit
- Minimum inconvenience to persons
- Decontamination Facility

Oriental Mindoro Governor EO No. 26 (03.25.2020)

- Directed all barangays to monitor mandatory home quarantine and issue passes
- Directed law enforcements agencies to honor passes

Quarantine

*Cebu Governor EO No. 5-E
(03.14.2020)*

- Prohibit entry of domestic passengers via air travel

*Pasig Ordinance No. 15
(04.24.2020)*

- Permit to Leave Premises issued by PNP
- Allowable Usages and Exemptions
- Schedule per Barangay
- Penalty: P5k Fine or 6-month imprisonment

Total Lockdown

*Manila Mayor EO No. 22
(04.29.2020)*

- 48-Hour Lockdown
- District 1, Tondo
- Disease Surveillance,
Verification and Testing
- Directed PNP to enforce

Curfew

Makati Ordinance No. 74 (03.19.2020)

- Authorize Mayor to impose curfew
- 8 p.m. to 5 a.m. (with exceptions)
- Apprehension
- Graduated Penalties (P1k fine to P5k fine and/ or imprisonment)

Cebu Governor EO No. 5-G (.2020)

- Province-wide Curfew from 10 p.m. to 5 p.m.
- All LCEs enjoined to adopt counterpart EOs to be supported by ordinances

Mall Closures – Social Distancing

Mandaluyong Ordinance No. 761 (03.15.2020)

- Enumerated Malls
- Exempted Facilities
inside malls
- Penalty: P5k fine

Caloocan Ordinance No. 863 (04.16.2020)

- Specified Places and
Measures
- Responsible Persons
- Pavement Markings
- Graduated Penalties:
Reprimand to P5k fine
or 6-month
imprisonment

Face Masks

*Ilocos Norte EO No. 67
(04.01.2020)*

- Mandatory Use of Face Masks
- Penalty: Under RA 11332

*Aurora Ordinance No. 320
(04.03.2020)*

- Scope: All Persons
- Mandatory and Proper Use of Face Masks
- Penalty: Community Service, “Home-Arrest”; Fine or revocation or permit to be recommended to Municipality

Anti-Discrimination

Mandaluyong Ordinance No. 766 (04.08.2020)

- Covered Persons
- Unlawful Acts
- Enforcement: Barangay
- Graduated Penalty: P3k to P5k Fine and/ or 6-month imprisonment

Caloocan Ordinance No. 859 (04.08.2020)

- Covered Persons
- Prohibited Acts
- Graduated Penalty: P3k to P5k Fine and/ or 6-month imprisonment

Liquor Consumption and Sale

QC EO No. 31 (05.15.2020)

- Regulating sale of liquor (time and volume)
- Consumption only in private residences
- Violations: closure of business, permit revocation, filing of criminal charges for violation of RA 11332, etc.

Bataan Province EO No. 26 (03.22.2020)

- Prohibition to sell liquor, buy and serve
- Enforcement through Barangays and Police
- Component LGUs enjoined to adopt EO and impose as additional sanction revocation or suspension of permits

Oriental Mindoro Governor EO No. 28 (03.25.2020)

- Ban on selling
- Prohibited Consumption in Public Places
- All LGUs instructed to impose ban

Anti-Hoarding/ Anti-Over Pricing

Silang, Cavite Kautusang Bayan Blg 7 (03.18.2020)

- Limitasyon sa mga bagay na ipagbibili sa bawat tao bawat araw
- Bawal ang Panic-Buying at Hoarding
- Kaparusahan: P2,500 na multa, pag-sara at pag-tanggal ng Business Permit

Pasig Ordinance No. 9 (03.19.2020)

- Listed Commodities
- Complaint Desk
- Graduated Penalty: P4k to P5k Fine and/ or 6-month to 1-year imprisonment

Tricycles

*Makati Ordinance No. 140
(05.20.2020)*

- Authorized Mayor, to curtail losses, to:
 - designate a Temporary Tricycle Fare Scheme
 - Adjust Fare Rates

*Davao City EO No. 23-B
(04.06.2020)*

- Tricycle with 1 driver and 1 passenger in front and 1 at the back, observing distancing, allowed

Adoption of Higher LGU

*Cordova, Cebu EO No. 11
(05.19.2020)*

- Adopting Provincial EO
- Providing additional guidelines since it is adjacent to Lapu-Lapu City which is outside jurisdiction of Cebu Province

*Silang, Cavite, Kautusang
Bayan Blg. PB-8 (03.08.2020)*

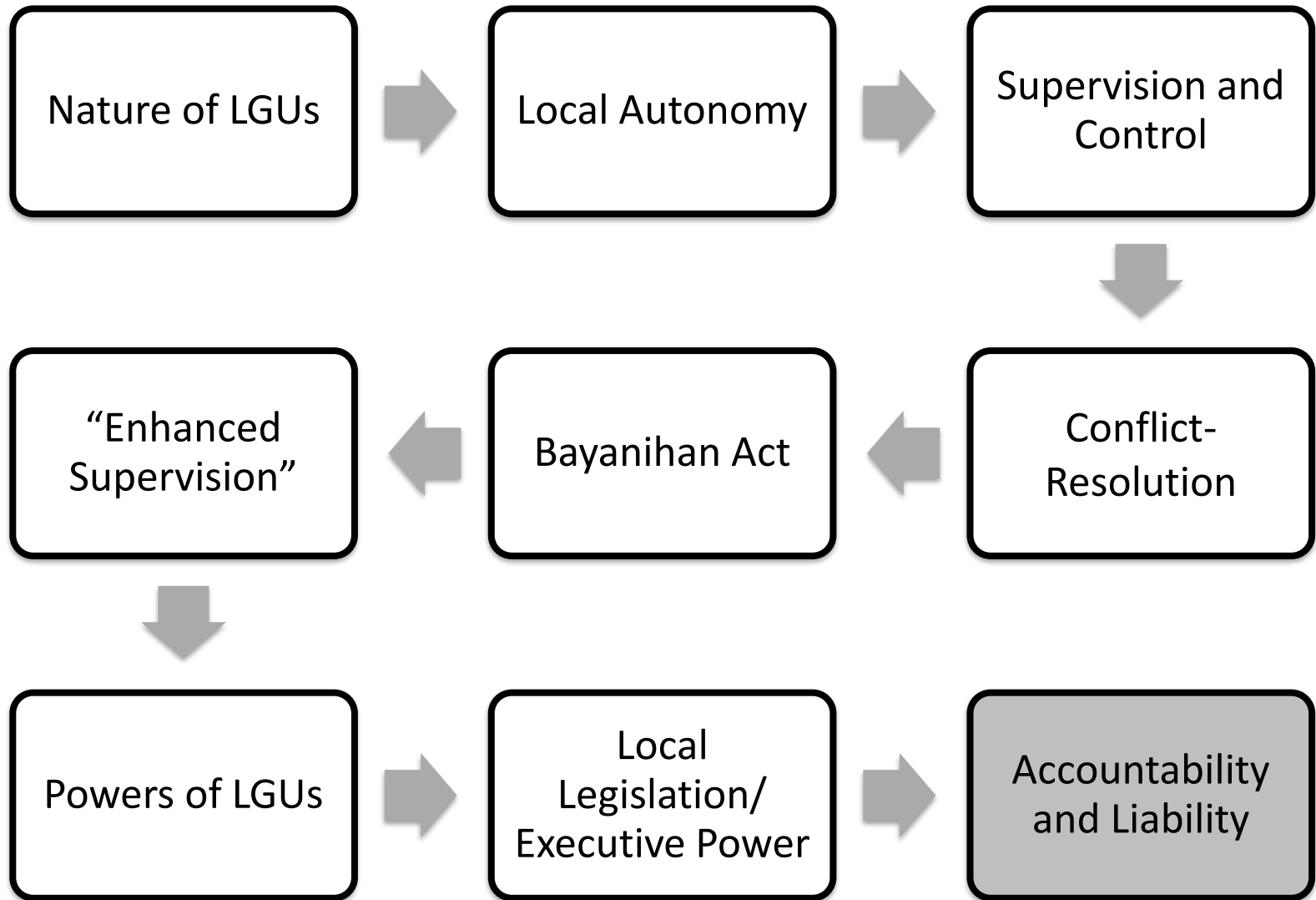
- Nakikiisa sa Pamahalaang Lalawigan at sa Pambansang Pamahalaan sa epektibong pagsugpo ng COVID-19, upang matiyak ang kalusugan at kaligtasan ng mga mamamayan at kapayapaan at kaayusan ng bayan

Contracts

*Valenzuela Resolution No.
1664 (04.03.2020)*

- Grants general authority to Mayor to sign COVID-19 related MOAs/ contracts
- Sanggunian also affirms and ratifies

Topics



Part 9: (+) or (-)

1. The DILG orders the removal of a Governor for violating a DILG Memorandum Circular.
2. A Sangguniang Panlalawigan suspends an erring Punong Barangay.
3. Provincial Governments are immune from suit.
4. A Mayor can be recalled this December.

Accountability and Liability

Corporate vs.
Personal

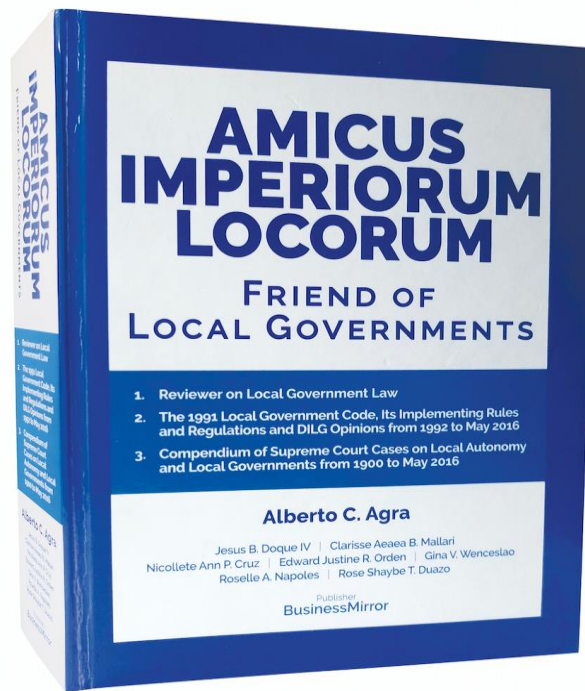
Suability vs.
Liability

Disciplining vs.
Investigating

Administrative
vs. Judicial

Suspension vs.
Removal vs.
Recall

Penalty vs.
Preventive



REVIEWER ON LOCAL GOVERNMENT LAW

Alberto C. Agra

(cases as of October 15, 2019)

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This presentation can
already be downloaded in
the website.

THANK YOU.
**LOOKING FORWARD TO A “BETTER
NORMAL.”**