



No. 3
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Understanding Legal Terms No. 1

SUPERVISION (over LGUs)

Supervision is the power to oversee and ensure that the supervised LGU is following/ not disobeying the law.

This power does not extend to (since this will amount to executive control which is not allowed):

1. Prescribing the manner by which an act should be done by an LGU;
2. Preempting action of the LGU;
3. Curtailing discretion and exercise of wisdom of the LGU;
4. Changing or substituting the decision of the LGU;
5. Deciding on behalf of the LGU;
6. Imposing limitations on the LGU when there are none imposed by law;
7. Ruling on factual questions; and
8. Requiring review of ordinances and executive orders when there is no law which requires such.

A supervisor can intervene by:

1. Disciplining the erring LGU official (after due process); and/ or
2. Declaring the act (Ordinance or Executive Order) as illegal or ultra vires.

However, there must be a law mandating/ permitting these.

At present, there are only 2 NGAs that possess such power:

1. DOJ (Tax Ordinances), and
2. DBM (Appropriation Ordinances).

Other NGAs cannot, on their own/ without a law, require review as this will violate local autonomy, amount to control, and constitute law-making.