



# **12 Features of Local Governments,**

# **12 Principles of Local Autonomy & 12 Trends in Local Governance**

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# **12 Features of Local Governments**



**Can Congress provide for a  
federal form of  
government?**

# (1) LGUs are Subdivisions



- Unitary, not federal, form of government
- LGUs are political and territorial subdivisions of one Unit (i.e., State)
- LGUs are intra-sovereign subdivisions of one sovereign nation (not “*Imperium in Imperio*,” not Independent Sub-National Units)





**Can Congress provide for the  
Autonomous Region of  
Bicol? Declare the *sitio* as  
the basic political unit?**

## (2) 5 Levels/ Types of LGUs

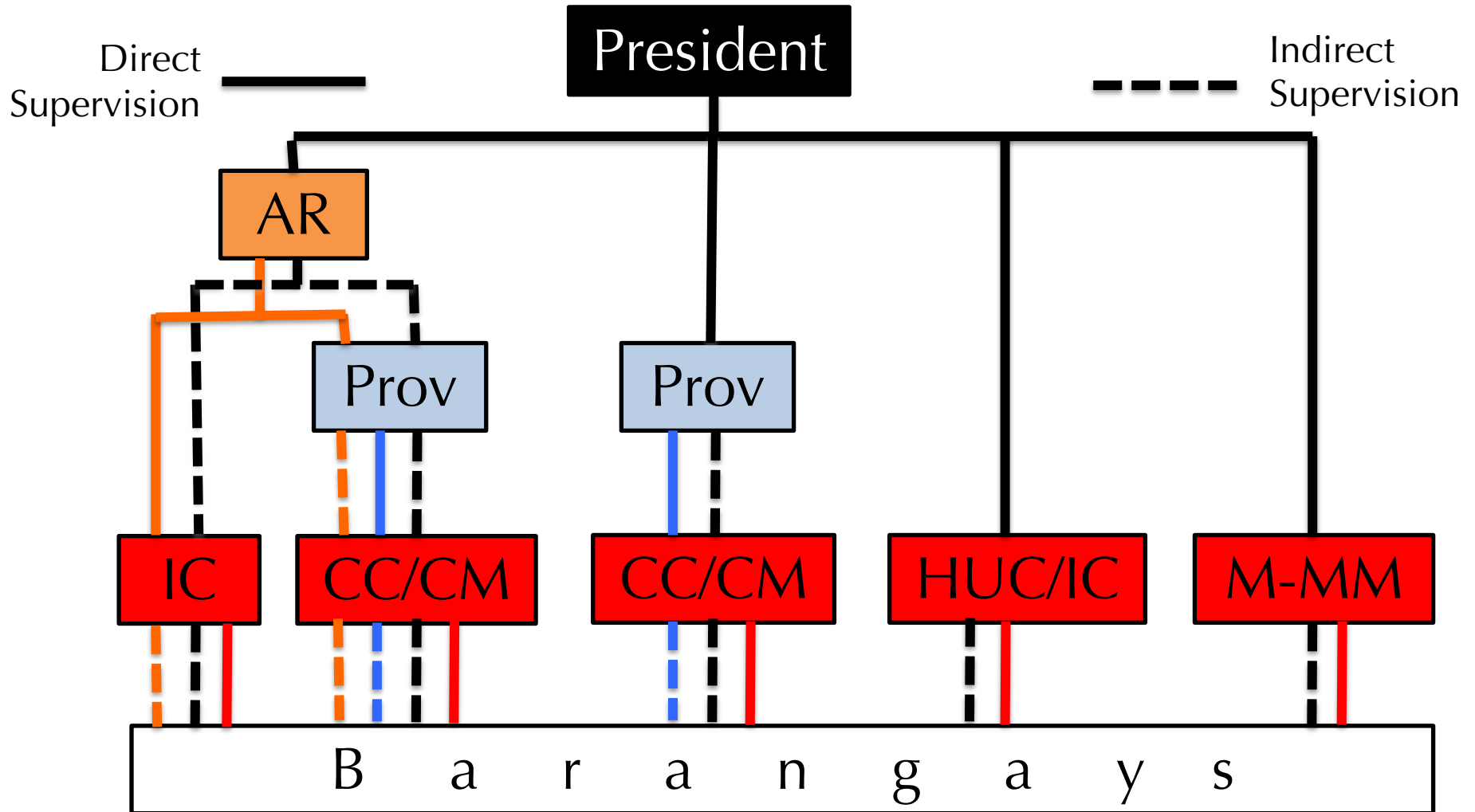


- Identified in the 1987 Constitution  
(cannot + or -)
- Levels:
  1. Autonomous Region (ARs) [Bangsamoro Autonomous Region in Muslim Mindanao]
  2. Provinces (in and out of ARs)
  3. Cities (Component; Independent and Highly-Urbanized)
  4. Municipalities (Component and 1 Independent)
  5. Barangays (Basic, Component)



**Can the President suspend  
a Mayor? Can a Provincial  
Council declare illegal a  
City Ordinance?**

# Hierarchy





**Is Quezon City a  
corporation like the  
Philippine Reclamation  
Authority?**

# (3) LGUs are Public Corporations

- Municipal Corporation Proper
- Administrative Agency
- Public Office
- Elements:
  1. Name
  2. Corporate Succession
  3. Inhabitants
  4. Area
  5. Corporate Powers
  6. Juridical Personality





**Has the Autonomous Region  
in the Cordilleras been  
incorporated?**

**Can a municipality create a  
barangay?**

# (4) LGU Creation a Legislative Act

- Congress can create Provinces, Cities, Municipalities and Barangays
- Provinces and Cities can create Barangays
- Congress sets the requirements
- Process:
  1. Creation (law or ordinance)
  2. Incorporation (approval in a plebiscite)
  3. Corporate Existence (qualification of elective officials)







**Can Manila levy business tax  
over a store in Pasay? Can  
the 2 Cities collaborate?**

# (5) Intramural Powers



- Territorial subdivisions
- Exercise powers within the territory
- May collaborate with other LGUs and Administrative Agencies



Can the **LLDA** demolish **fish pens** with municipal **business permits**?

Can **MMDA** require private **subdivisions** to allow non-residents to use their **roads**?

# (6) Integration is Indispensable

- National Development – Local Development connect (indispensability)
- Centralization – Decentralization mix
- National vs. Local Issues/ NGA vs. LGU Conflict-Resolution:
  1. Follow the law
  2. Absent a law:
    - a) National Dimension Rule
    - b) Local Dimension Rule/ Subsidiarity
- Integration
  1. Zoning Plans
  2. Development Plans
  3. Environmental Protection



# Conflict Resolution

## ***LGU Triumphed vs.***

- 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 vs. LGUs***

- 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)
- **MMDA (number coding-scheme for buses is within rule-making authority)**
- LWUA (water districts)
- DPWH (city engineer)
- CSC (dismissal)
- OP (discipline)
- Congress (jai alai franchise)



Can a **City** contract a **Private Company** for its **tax collection**? For the construction and operation of a **bridge**?

# (7) Dual Capacity of LGUs



- 2 Capacities

1. Governmental or Public
2. Proprietary or Private

- Relevance

1. Delegability
2. Liability for Death, Injury or Damage (distinction relevant before the 1991 Local Government Code)



**Who is the “Boss”/  
Principal of LGUs?**



## (8) Dual Agency of LGUs

- Agent of State in performance of Governmental/ Public functions
- Agent of the People/ Community in exercise of Proprietary/ Private functions





When sued, can a **Province** claim that, like the State, is it **immune from suit?**

Who is liable for **illegal dismissal of a provincial employee?**

# (9) Dual Accountability



- Corporate Accountability and Liability
  1. Not immune from suit
  2. Depending on circumstances, liable for acts and omissions
    - a) Official Acts
    - b) Sanggunian participation/ acquiescence
- Personal Accountability and Liability
  1. Public Office is a Public Trust
  2. Public Servants
  3. Liable for Crimes, Malfeasance, Misfeasance and Nonfeasance
  4. Removing Authority – Courts and People



*True or False:*  
**LGUs have inherent powers.**

# (10) Delegated Powers



- No Inherent Powers
- Nature of Powers
  1. Delegated
  2. Limited/ Qualified Self-Governance
  3. Residual
- Sources of Powers
  1. Constitutional
  2. 1991 Local Government Code
  3. Charters
  4. Other Statutes



*True or False:*  
**All LGUs have  
ordinances on Public-  
Private Partnerships.**

# (11) Diversity of Powers



- Classes of Powers

1. Uniformity of Powers (Constitution and general law)
2. Specific Powers (charters)

- Exercise of Powers is LGU-specific based on vision, needs, priorities, strategies, policies, activities and resources



*True or False:*

**A Local Chief Executive can  
preside over the sessions of  
the Sanggunian.**



# (12) Separation of Powers

- Separation of powers under the 1987 Constitution not applicable to LGUs
- Congress has control over LGU structure
- Congress allocates powers within a LGU
  1. Executive and Legislative branches in LGUs
  2. Currently, legislative separation of powers (except for Barangays)





# **12 Principles of Local Autonomy**



Can the **President** require  
**Barangays** to submit their  
**development plans** to DBM  
prior to the release of their  
share in **national taxes**?



# (1) Entitlement and Grant

- All LGUs enjoy local autonomy.
- Totality of powers dependent on laws and powers actually exercised by the LGU.



*Define:*  
**Local Autonomy**



## (2) Local Autonomy

- “Local Autonomy means a more responsive and accountable local government structure instituted through a system of decentralization.”
- Components:
  1. Address needs of people (agent of people)
  2. Performance
  3. Governance
  4. Rule of Law
  5. Transfer of Powers to LGUs
  6. Accountability/ Liability of Actions and Inactions (agent of the State)



Can a city **incorporate** a  
stock corporation?



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# 2 Views on Local Autonomy: **Centralist** and **Liberalist**

## **Centralist View of Local Autonomy**

***LGUs can only exercise those powers:***

1. Expressly given/ delegated to them,
2. Necessarily implied from expressed powers,
3. Incidental to expressed powers,
4. Consistent with the Constitution, Laws and LGU Charters, and
5. Consistent with Rules, Policies & Directives issued by National Agencies.

- “Cut-and-paste” and nothing else
- What is not given is withheld
- Restricted and limited

## **Liberalist View of Local Autonomy**

***LGUs can exercise those powers:***

1. Expressly given/ delegated to them,
2. Necessarily implied from expressed powers,
3. Incidental to expressed powers, and
4. Not inconsistent with the Constitution, Laws and LGU Charters.

- For as long as not prohibited by law & it will serve the general welfare, allowed.
- Broad and enhanced





# Rank from Superior to Less Superior:

- ☐ Ordinances
- ☐ Constitution
- ☐ 1991 LGC
- ☐ LGU Charter



## **(3) Limited Self-Governance**

- LGU powers:
  1. Broad but not absolute
  2. Delegated, not inherent
  3. Mandatory
  4. Discretionary
  5. Specific and Residual
- Follow Hierarchy (Subordinate Legislation)



*True or False*

**The 5 Types of LGUs  
enjoy the same level of  
local autonomy.**



## (4) 2 Levels

- Decentralization of Administration

1. Provinces, Cities, Municipalities and Barangays
2. Delegation of Regulatory Powers and Responsibility over Delivery of Basic Services

- Decentralization of Power

1. Autonomous Region(s)
2. Self-immolation
3. Abdication of power and freedom to chart destiny



**Can Congress repeal the  
3 governmental powers  
given to LGU?**

**Can a city issue  
franchises for jeepneys?**



(5) 5 *Des*

○ Decentralization consists of:

1. Delegation

- Police Power, Eminent Domain, Taxation and Legislation

2. Devolution

- Basic Service and Regulatory Powers + Assets and Personnel  
(*Note: Power not devolved is withheld*)

3. Deconcentration

- Central to Regional Offices

4. Democratization

- Cooperative Arrangements, Assistance, Local Special Bodies, Mandatory Consultation, Recall, Disciplinary Action

○ Co-exists with Centralization



Can a **city** order the  
**closure** of all **beerhouses**  
along a road? Impose a  
**curfew** on **minors**?

# (6) 3 Governmental/ Delegated Powers

## ○ Police Power

### 1. General Welfare

- a) General Legislative Branch (what law states)
- b) Police Power Proper (what law does not state)

### 2. 2 Components

- a) Lawful Subject, and
- b) Lawful Means

### 3. No payment for taking







## (6) 3 Governmental Powers

### ○ Power of Eminent Domain

1. Taking
2. Of property
3. For a public purpose
4. Upon payment of just compensation
5. Strict compliance with law
6. Ordinance
7. Regional Trial Court
8. Valid Offer



**Can a city levy socialize  
housing tax? Levy real  
property tax over the  
NAIA runway?**



## **(6) 3 Governmental Powers**

### **○ Power to Tax**

- 1. Raise revenues**
- 2. Activities and Persons**
  - a) Specified in law**
  - b) Not prohibited and not delegated to others**
- 3. Blanket Withdrawal of GOCC Tax Exemptions**



# Which of these statements are correct?

1. A provincial council cannot declare a municipal ordinance contrary to the general welfare.
2. Congress can provide for a party-list system in choosing local officials.
3. DILG cannot review and declare ordinances illegal.
4. DBM cannot impose a cap on allowances cities may give to judges.
5. As a rule, courts cannot review tax ordinances at the first instance.



## (7) Relationships

○ Executive Branch

Supervision

○ Legislative Branch

Control

○ Courts

Judicial Review

○ Other LGUs

Supervision

○ People

Agency



# (7) Relationships

## **Executive Supervision**

1. Review of Orders and Ordinances
2. Disciplinary Action
3. Integration of Plans/ Zoning
4. Boundary Disputes
5. Leaves/ Resignation/ Vacancies
6. Augmentation of Basic Services

## **Legislative Control**

1. Structure
2. Elective and Appointive Officials
3. Powers
4. Qualifications
5. Manner of Selection
6. Taxes
7. National Tax Allotment
8. National Wealth
9. Creation



**Can a province give financial assistance to a non-governmental organization and not give the same benefit to another?**



## (8) 2-Fold Nature

- Passive Nature

1. Grant of Powers
2. Uniform (general statute) or Specific (charter)

- Active Nature

1. Diversity
2. Exercise of Powers
3. LGU-specific based on vision, needs, priorities, strategies, activities and resources





When there is a **conflict**  
between an **NGA** and an  
**LGU**, who **prevails**?



## (9) Subsidiarity

- Local concerns are better addressed by concerned LGU
- LGUs have superior competence over local concerns (rather than national government, other administrative agencies)



*True or False:*

**The fiscal autonomy of LGUs  
is the same as the  
Constitutional Commissions.**



# (10) Fiscal Autonomy

- Indispensable to Local Autonomy
  1. Perform mandates
  2. Operation of LGU
  3. Attain vision and objectives
- Components:
  1. Sourcing of Funds
  2. Use of Funds (Budgeting and Prioritizing)
- Sources
  1. Constitutional
  2. Statutory



**Can a newly-elected mayor  
unilaterally cancel the  
contracts entered into by the  
previous mayor?**



## (11) Other Mandates

- Local Autonomy is one of many constitutional/fundamental mandates and policies
- Reconcile with, among others:
  1. Corporate Succession
  2. Due Process
  3. Environmental Protection
  4. Social Justice
  5. Public Trust
  6. Non-impairment of Contracts



**When in doubt, who  
prevails between a  
municipality and a  
barangay?**



## (12) Interpretation of Powers

- When law clear, apply law
- When law ambiguous:
  1. National Government vs. LGU: LGU
  2. Supervising/ Higher LGU vs. Supervised/ Lower LGU: Supervised/ Lower
  3. Grant or Withdrawal of Power: Grant
  4. Devolved Power or Not: Devolution
  5. General Welfare or Not: General Welfare
  6. Local Autonomy or Not: Local Autonomy
  7. Fiscal Autonomy or Not: Fiscal Autonomy





# **12 Trends in Local Governance**



**(1) Garcia/ Mandanas vs.  
Ochoa (*GR 199802, July 3, 2018*)**  
**and**  
**(2) Full Devolution**  
**(*EO 138, s. of 2021*)**

# 1987 Constitution

## 1991 Local Government Code



Local government units shall have a **just share**, as **determined by law**, in the **national taxes** which shall be **automatically released** to them.

*Section 6, Article X,  
1987 Constitution*

*IRA: Allotment of Internal Revenue Taxes.* — Local government units shall have a share in the **national internal revenue taxes** based on the collection of the third fiscal year preceding the current fiscal year as follows: xxx (c) On the third year and thereafter, forty percent (**40%**) Provided, That in the event that the national government incurs an **unmanageable public sector deficit**, the **President** of the Philippines is hereby authorized, upon the **recommendation** of Secretary of Finance, Secretary of Interior and Local Government and Secretary of Budget and Management, and subject to **consultation** with the presiding officers of both Houses of Congress and the presidents of the “liga”, to make the necessary adjustments in the internal revenue allotment of local government units but in no case shall the allotment be less than thirty percent (**30%**) of the collection of national internal revenue taxes of the third fiscal year preceding the current fiscal year: (*Section 284, 1991 LGC*)



# Mandanas v. Ochoa

*G.R. No. 199802, July 3, 2018*

## Base of the Just Share

- Congress has exceeded its constitutional boundary by limiting to the National Internal Revenue Taxes (NIRTs) the base from which to compute the just share of the LGUs.
- Section 284 has effectively deprived the LGUs from deriving their just share from other national taxes, like the customs duties.
- The phrase “as determined by law” follows and qualifies the phrase “just share,” and cannot be construed as qualifying the succeeding phrase “national taxes.”

IRA → NTA



# Mandanas v. Ochoa

*G.R. No. 199802, July 3, 2018*

## National Taxes (Inclusive list)

1. The NIRTs enumerated in Section 21 of the NIRC, as amended, to be inclusive of the **VATs, excise taxes, and DSTs** collected by the BIR and the BOC, and their deputized agents
2. Tariff and customs **duties** collected by the BOC
3. 50% of the VATs collected in the **ARMM**, and 30% of all other national taxes collected in the ARMM; the remaining 50% of the VATs and 70% of the collections of the other national taxes in the ARMM shall be the exclusive share of the ARMM pursuant to Section 9 and Section 15 of R.A. No. 9054
4. 60% of the national taxes collected from the exploitation and development of the **national wealth**; the remaining 40% will exclusively accrue to the host LGUs pursuant to Section 290 of the LGC
5. 85% of the excise taxes collected from locally manufactured Virginia and other **tobacco products**; the remaining 15% shall accrue to the special purpose funds pursuant created in R.A. No. 7171 and R.A. No. 7227
6. The entire 50% of the **national taxes** collected under Section 106, Section 108 and Section 116 of the NIRC in excess of the increase in collections for the immediately preceding year
7. 5% of the **franchise taxes** in favor of the national government paid by franchise holders in accordance with Section 6 of R.A. No. 6631 and Section 8 of R.A. No. 6632





# Mandanas v. Ochoa

*G.R. No. 199802, July 3, 2018*

## Automatic Release

- o Just share of the LGUs in the national taxes shall be released to them **without need of yearly appropriation**
- o Inclusion of the just share of the LGUs in the **annual GAAs** is unnecessary, if not superfluous

# Devolved Functions and Services: NG to LGU

The following functions are to be fully devolved:



Health



Infrastructure



Agriculture



Social Welfare



Natural  
Resource  
Management



Tourism

# Establishment of Growth Equity Fund (GEF)

Section 40, Rule XIII of IRR of EO No 138

- GEF proposed by ComDev to Congress
- To address issues on:
  1. Marginalization
  2. unequal development
  3. high poverty incidence and
  4. disparities in the net fiscal capacities of LGUs





**(3) Bayanihan Acts**  
**(RAs 11332 and 11469)**

**and**

**(4) Wearing of Face Masks**  
**(Cebu Province EO**  
**and Ordinance)**



# Provision on LGUs

Section 4(p). (p) Ensuring that all LGUs are acting within the letter and spirit of all the rules, regulations and directives issued by the national government pursuant to this Act; and implementing standards of CQ 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 towards a unified, cohesive and orderly implementation of the national policy to address COVID-19: *Provided*, That pursuant to the constitutional right of freedom of movement of persons, the IATF-EID shall be responsible for providing guidance on cross-border concerns, including, but not limited to, Locally Stranded Individuals (LSIs), OFWs, domestic travelers and residents, while the LGUs shall determine the policies and regulations within their respective jurisdictions;



# Bayanihan Act

## NG-Defined

LGUs 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

LGUs shall exercise local autonomy, provided, that they:

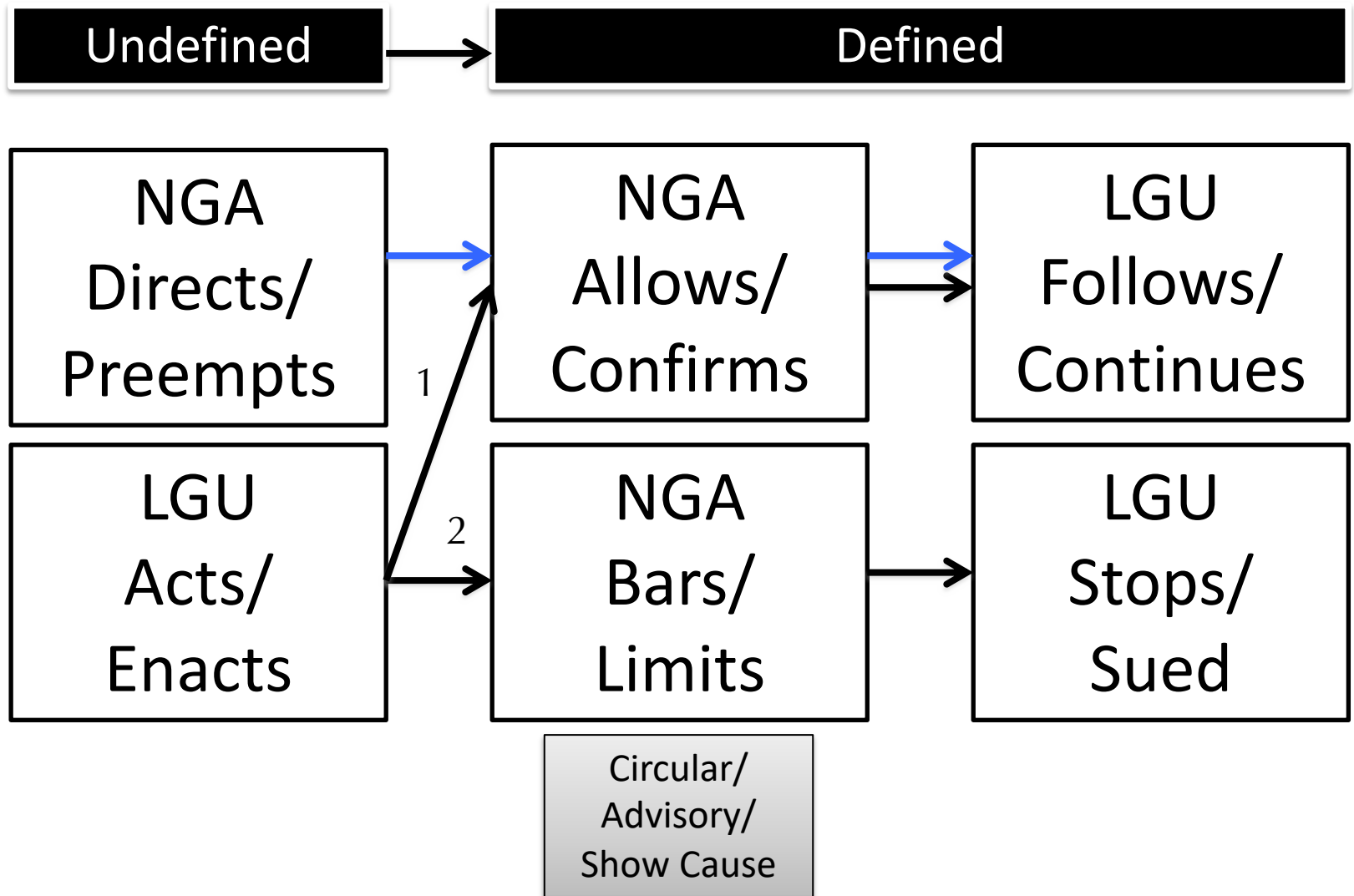
- Act within the parameters NG has set, and
- Fully cooperate towards a unified, cohesive and orderly implementation of the national policy to address COVID-19.

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)

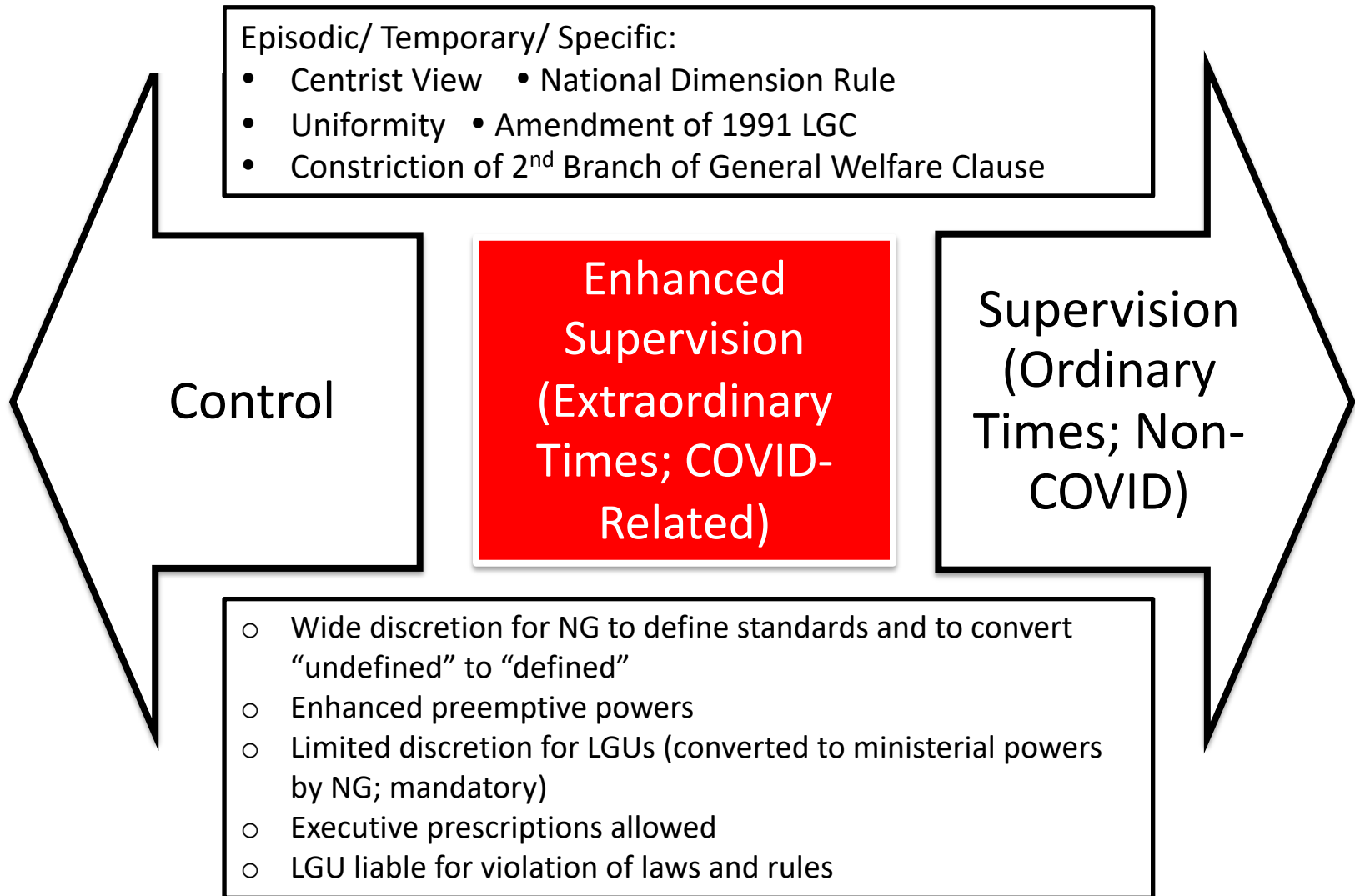


# Undefined to Defined





# Administrative Relationship





# 2 Views in Resolving Conflicts: Wearing Face Masks

## **View 1:**

**In favor of IATF/ DOH**  
***Mandatory Wearing of***  
***Face Masks in Public***

1. Pandemic is National, not Local.
2. National Government prevails in this case.
3. IATF and DOH have centralized powers.
4. Local autonomy of LGUs has limits.
5. LGUs must follow national policies.

## **View 2:**

**In favor of LGUs (Cebu Province)**  
***Optional Wearing of***  
***Face Masks in Public***

1. LGUs are frontliners.
2. LGUs are in a better position to assess local situations.
3. LGUs enjoy local autonomy.
4. LGUs promote the General Welfare.
5. No law requiring wearing of face masks.
6. The National Government, absent a law, cannot limit the powers of LGUs.

# Understanding Provincial Ordinances



## Provincial Ordinances:

1. Are presumed valid.
2. Must be followed.
3. Are not subject to review by the President and DILG.
4. Cannot be declared illegal by the President and DILG.
5. Cannot be declared contrary to public policy or the general welfare by the President and DILG.
6. Can be questioned before the Regional Trial Court (Declaratory Relief).



# **Territorial Issues:**

## **(5) Baguio**

### **and**

## **(6) Makati vs. Taguig**



# **New Baguio City Charter (RA 11689)**

## **Baguio Townsite Reservation and**

## **Watersheds**     **Gregorio | Manaig | Peña | Purisima | Tutanes**

- Plebiscite not required because the revised charter does not seek to create, divide, or abolish a local government unit, nor does it substantially alter the boundaries of the city.
- All alienable and disposable lands within the Baguio Townsite Reservation shall be disposed of and awarded by the DENR through the grant of residential free patent, townsite sales, or other modes of disposition pursuant to applicable statutes.
- The application of Republic Act No. 10023 shall always consider the zoning ordinance and the city land use plan.
- Conduct of a subdivision survey of all its alienable and disposable public lands which are part of its townsite reservation
- Special Committee on Lands
- Protect, conserve, develop, and sustainably manage its forestlands and watersheds, and impose penal sanctions on anyone who destroys or infringes on the said areas and water sources of the City
- Jurisdiction of BCDA over forest reservations and water sources within its lands
- The Camp John Hay Reservation is not part of the Baguio Townsite Reservation.

## COURT RULING

"xxx the contested areas, based on historical, documentary, and testimonial evidence, indeed fall within the jurisdiction of Taguig. xxx

"Considering the historical evidence adduced, cadastral surveys submitted, and the contemporaneous acts of lawful authorities, We find that Taguig presented evidence that is more convincing and worthier of belief than [Makati's]."

### HISTORICAL EVIDENCE, MAPS, AND CADASTRAL SURVEYS

- **Taguig** anchors its claim on the **1909 Survey Plan Psu-2031**, which provides that Fort McKinley was bounded to the north by the Guadalupe Estate and the San Pedro de Macati Estate, both located in Pasay (then Malibay).
- Makati claims this is fake and presented 3 documents to counter: an 1891 Spanish book of registry of real properties, a Spanish contract of sale, and a 1902 Map of Fort McKinley from the US archives.
  - From these, Engr. Almada, one of **Makati's expert witnesses, made a sketch map of the portion referenced to be under Makati's jurisdiction.**
- **SC finds Taguig's evidence more credible.**
  - Psu-2031's authenticity reinforced multiple times by expert testimonials.
  - It is used and mentioned in 13 presidential proclamations and in previous SC decisions.

### HISTORICAL EVIDENCE, MAPS, AND CADASTRAL SURVEYS

- By contrast, Makati's historical claim is anchored on a survey map produced by one of its expert witnesses, which is based mainly on a private contact and an entry from property registry dating back to the Spanish colonial period.
- **Between Psu-2031 and a survey map prepared at the instance of a party to the case, the former carries more weight as it is approved and adopted by the sovereign itself.**
- Makati counters that Taguig's submitted cadastral maps are not political boundary surveys, and the most significant political boundary survey in this case is that of Makati.
  - However, the **survey was prepared and approved after the critical date**, and common sense dictates that it was drawn precisely to improve Makati's claim on the area.
- **All told, Taguig's historical evidence, coupled with the cadastral surveys prepared by both cities before the critical date, preponderates over Makati's evidence.**



**(7) Metropolitan Davao  
Development Authority (MDDA)  
and (8) Metropolitan Manila  
Development Authority  
(MMDA)**

# Scope of Services

Muñoz, Parong, Rebosa, Tan

## **MDDA**

1. Development planning;
2. Transport management;
3. Solid waste disposal and management;
4. Flood control and sewerage management;
5. Urban renewal, zoning, land use planning, and shelter services;
6. Health and sanitation, urban protection, and pollution control; and
7. Public safety.

## **MMDA**

1. Development planning;
2. Transport management;
3. Solid waste disposal and management;
4. Flood control and sewerage management;
5. Urban renewal, zoning, land use planning, and shelter services;
6. Health and sanitation, urban protection, and pollution control; and
7. Public safety.

# Rule-Making Powers

Muñoz, Parong, Rebosa, Tan

## MDDA

1. Approve development plans, investment programs, and projects;
2. **Formulate and issue ordinances, resolutions, rules and regulations** deemed necessary by the MDDA to carry out the purposes of RA No. 11708;
3. Increase the rate of allowances and per diems of the members of the Council;
4. Recommend investment programming for its plans and programs, as well as supervise the implementation of plans and programs which include the formulation and coordination of its related activities;
5. Coordinate and work closely with the DOTr and its attached agencies on the grant of franchises to safe, reliable, and environment-friendly public utility vehicles within the MDDA jurisdiction;

## MMDA

1. Policy-making body of the MMDA;
2. Approve metro-wide plans, programs and projects and issue rules and regulations and resolutions deemed necessary by the MMDA to carry out the purposes of RA No. 7924;
3. May increase the rate of allowances and per diems of the members of the Council\*, shall fix the compensation of the officers and personnel of the MMDA, and approve the annual budget thereof for submission to the Department of Budget and Management;
4. **Promulgate rules and regulations** and set policies and standards for metro-wide application governing the delivery of basic services, prescribe and collect service and regulatory fees, and impose and collect fines and penalties.



# MDDA - Rule-Making

Muñoz, Parong, Rebosa, Tan

## Section 8. Functions of the Metropolitan Davao Development Council

1. Approve development plans, investment programs, and projects;
2. **Formulate and issue ordinances, resolutions, rules and regulations** deemed necessary by the MDDA to carry out the purposes of RA No. 11708;
3. Increase the rate of allowances and per diems of the members of the Council;
4. Recommend investment programming for its plans and programs, as well as supervise the implementation of plans and programs which include the formulation and coordination of its related activities;
5. Coordinate and work closely with the DOTr and its attached agencies on the grant of franchises to safe, reliable, and environment-friendly public utility vehicles within the MDDA jurisdiction;

## Section 9. Effectivity of Ordinances and Resolutions

1. An **ordinance or resolution** passed by the Council, **in the exercise of its rule making power** as provided in Section 8 hereof, shall be posted in a bulletin board at the entrance of the MDDA building in at least two (2) other conspicuous places in the office of the MDDA within ten (10) days from its approval and shall take effect fifteen (15) days after such posting.
2. **Ordinances with penal sanctions** shall be published in a newspaper of general circulation within Metropolitan Davao and shall take effect fifteen (15) days thereafter

# Key Takeaways

Muñoz, Parong, Rebosa, Tan

- The MDDA is not an LGU.
- The MDDA law does not violate fiscal autonomy.
- The MDDA law does not violate local autonomy.
- The MDDA is under the direct control of the President of the Philippines.
- The Chairman of the MDDA cannot be an elective official.
- The MDDA needs to conduct mandatory consultations with affected communities and secure prior approval from the Sanggunian before implementing national projects affecting the environment.
- The MDDA possesses greater rule-making powers than the MMDA.





**(9) Barangays and  
Barangay Elections  
and**

**(10) Sangguniang  
Kabataan Reform**





# Barangay

Basic Political  
Unit

LGU/ AA/ PO

Enjoys Local  
Autonomy

Fiscal  
Autonomy/  
Entitled to NTA

Fusion of  
Functions

Punong  
Barangay and  
Sanggunian

Term 3 years x 3  
terms

Next Election:  
December 5,  
2022 (RA 11462)

Sangguniang  
Kabataan (SK)

# SK Reform Act of 2015 (2022)

SK:

- Develop programs such as student stipends, food, and book and transportation to prevent incidence of out of youth; sports and wellness projects; skills training, summer employment, on-the-job employment, and livelihood assistance; promotion of agriculture, fishery, and forestry enterprises; environment protection; capacity building for grassroots organizations; and program to address “context-specific and intersectional vulnerabilities
- Formulate Comprehensive Barangay Youth Development Plan
- Comply with the government’s accounting and auditing rules and regulations set by the DBM and COA
- Adopt internal rules and procedures
- Set the schedule of their regular meetings





# **(11) Constitutional Changes and (12) Legislative Amendments**

# Form of Change

1. Adding or Deleting an LGU Type
2. Shift to Federal Form
3. Term of Local Officials
4. Structure of Local Governments
5. Contempt Power of Councils





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Thank you.

