

Progressive Codification for Local Legislation

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Breadth of Local Legislative Authority

Local Autonomy	Fiscal Autonomy	Residual
Subsidiarity/ Expertise	Local Dimension	Responsive
General Welfare	Discretionary Authority	No Prohibition

Limits of Progressive Codification

Hierarchy of
Policies

Subordinate
Legislation

Germane to
Purposes

Not Inconsistent
with Law

Reasonableness

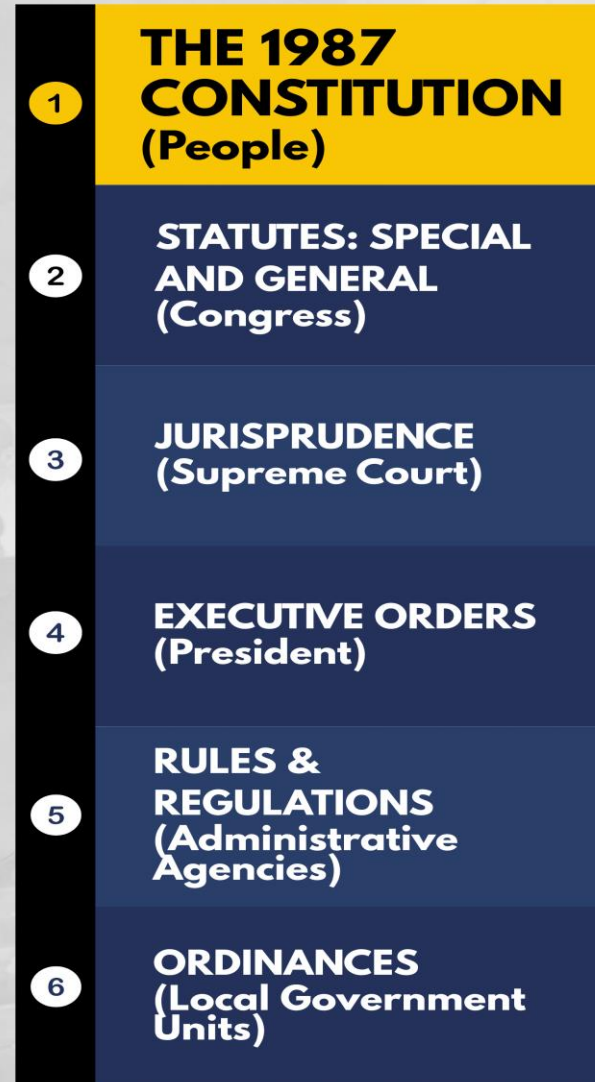
Subject to
Review

Compliance with
Procedures

Separation of
Powers

Accountability/
Liability

Hierarchy of Policies



CONSTITUTIONAL STUDIES NO. 3

HIERARCHY OF POLICIES



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Conflict Resolution

In Favor of National

- Driver's Licenses (LTO)
- Fishpens (LLDA)
- Lotto Outlets (PCSO)
- Mining (DENR)
- MMDA (Single-Ticketing)
- Practice of Profession (PRC)
- Cable TV Operations (NTC)

In Favor of Local

- Cap on Judges' Allowances (DBM)
- Declare Tax Excessive (DOJ)
- Expropriate Agricultural Land (DAR)
- Zoning Ordinance (DENR)
- Open Subdivisions (MMDA)
- Devolved Personnel (DSWD)
- Building Code (NTC)

Progressive Codification

- The **systematic, continuing, and forward-looking process of compiling, updating, and harmonizing local ordinances and resolutions**
- into **coherent codes** that reflect both **traditional governance needs and emerging issues**.
- Unlike static codification, it is **dynamic and innovative**, ensuring that local legislation **keeps pace** with social, technological, and economic change.

Static vs. Progressive Codification

Areas	Static	Progressive
Nature	Compiling without substantially revising/modernizing (backward-looking)	Systematizing, introducing reforms, innovations and new areas of governance (forward-looking)
Characteristics	<ul style="list-style-type: none">○ Archiving○ Consolidating○ Binding○ Reorganizing○ Minimal or no innovation○ Accessibility	<ul style="list-style-type: none">○ Updating○ Improving○ Anticipating emerging needs○ Integrating local laws with national policies○ Future-proofing

Core Features

Systematization

Regular Updating

Harmonization

Transparency & Accessibility

Participation & Innovation

Piecemeal Legislation vs. Codification

Areas	Piecemeal	Codification
Nature	1-by-1; Reactive to immediate issues	Integrating and systematizing
Scope	Case-by-Case	Comprehensive
Characteristics	<ul style="list-style-type: none">○ Scattered and sometimes overlapping○ Can lead to inconsistency or conflict among ordinances○ Harder to track and apply	<ul style="list-style-type: none">○ Consolidates existing and new ordinances into one document○ Promotes clarity, accessibility, and legal certainty○ Easier to enforce, monitor, and update

Traditional vs. Progressive Codification

Areas	Traditional	Progressive
Nature	1-Time compilation	Continuous, forward-looking
Focus	Compile, Avoid Duplication	Innovation and adaptation
Scope	Only Traditional Areas	Traditional and Emerging Areas
Approach	Irregular updating (only when mandated)	Constant updating, periodic review, proactive addition

Areas of Codification

Categories	Traditional	Innovative
Revenue and Finance	Revenue	Digital Economy & E-Commerce; Other Taxes
Environment and Resources	Environment	Climate Resilience National Projects
Land & Infrastructure	Land Use & Zoning	Smart City & IT
Social Development	Gender & Development	Sports & Wellness
Health & Safety	Health & Sanitation	Digital Health
Governance & Partnerships	Administrative and Accountability	Public-Private Partnerships Real Estate Investment Trusts People's Participation

Proposed PPP Ordinance



Structure and Mechanisms

Codification Committee

Regular Review

Public Consultation

Publication and Digitization

Councilors

Role

1. Policy Framers
2. Codifiers
3. Bridge between National and Local Laws
4. Responders to local developments

Functions

1. Legislative Planning and Prioritization
2. Drafting and Structuring Codes
3. Consulting and Seeking Popular Participation
4. Monitoring and Updating
5. Undergoing Continuing Education

Councilors, are you?

Vision-Oriented

Innovative

Adaptive

A
Comprehensive
Thinker

Collaborative

Accountability-
Oriented

Systematic

Organized


A Learner

Exposed

Progressive

Grounded

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Together, let us learn-unlearn-relearn.

Thank you.