Strengthening Local Autonomy through Legislation

from Jurisprudence to Statutory Reform

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The Local Government Units

Section 1, Article X, 1987 Constitution

Autonomous Regions
Provinces
Cities
Municipalities
Barangays

- Constitutionally-protected
- Exclusive List (Congress cannot add or delete)
- 2 Identified ARs but only 1 incorporated
- Sangguniang Kabataan is not an LGU
- Legislative creation

Nomenclature



Local Governments



Local Government **Units**



Territorial and Political **Subdivisions**



Municipal Corporations Proper

“Units” and “Subdivisions”

LGUs are subdivisions/ parts of 1 whole/ unit (State)

Unitary form of Government under the Constitution

Congress cannot, by ordinary legislation, effect a shift to a federal form.





Constitutional Mandate and Grant

Section 2, Article X
1987 Constitution

- The territorial and political subdivisions
- shall enjoy **local autonomy**.

Local Autonomy Defined

Section 3, Article X, 1987 Constitution

Local autonomy means

a more responsive

and accountable

local government structure instituted

through a system of decentralization.

2 Levels of Local Autonomy

Political Autonomy (AR)

Administrative Autonomy (P | C | M | B)

2 Components of Local Autonomy

Political and Administrative Autonomy

Fiscal Autonomy

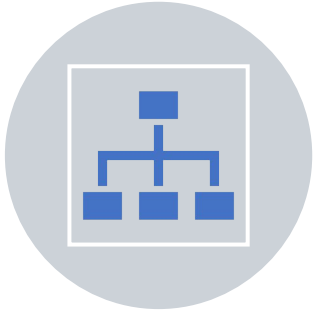
Nature of Local Autonomy



Broad but not absolute and unbridled



Legislative Limits to Discretion



Totality of Powers: Delegated and Residual



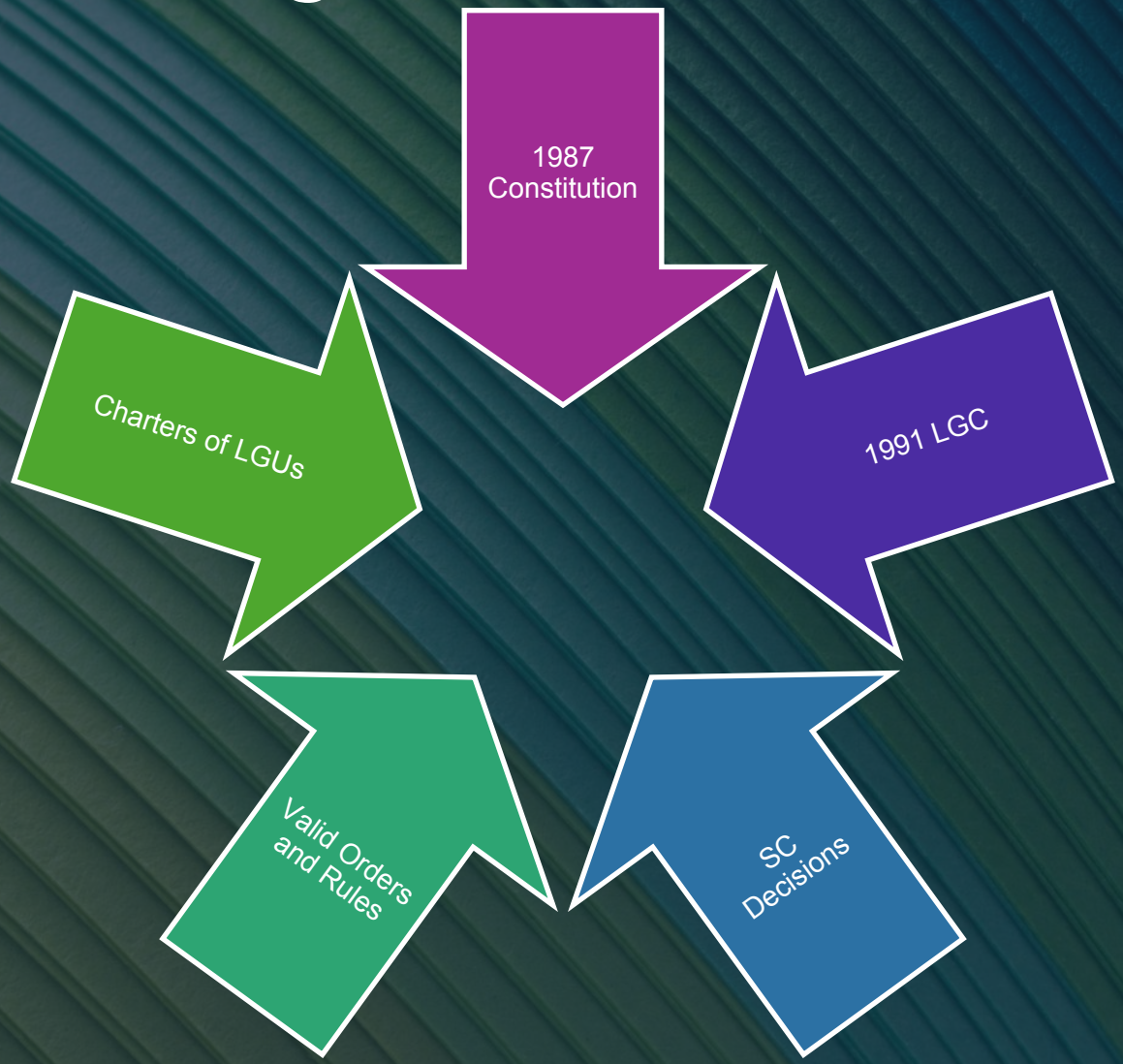
Expansive and Liberal View

Liberal View of Local Autonomy

LGUs can exercise:

- Expressly delegated powers
- Implied and incidental to express powers
- Powers which are not prohibited by law and where the general welfare will be served

Boundaries of LGU Powers
Subordinate Legislation



Limitations on Executive Supervision

The Executive Branch cannot:

Declare	LGU acts prejudicial to the general welfare
Prescribe	The manner by which LGUs shall act
Revise	LGU priorities
Alter	LGU policies and programs
Limit	LGU discretionary power

Standards in Resolving Conflicts

Follow the law. If no law or law vague then …

In favor of National

- Integration
- Subordinate Legislation
- National Dimension Rule

In favor of LGU

- Subsidiarity
- Superior Competence
- Local Dimension Rule

6 Proposals

Incorporate Jurisprudential Principles into Legislation

1. 2 Levels of Local Autonomy
2. 2 Components of Local Autonomy
3. Liberal View of Local Autonomy
4. Boundaries of LGU Powers
5. Limitations on Executive Supervision
6. Standards in Resolving Inter-Governmental Conflicts



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