

Modernizing Local Democracy through Civil Service Reforms: The Philippine Decentralization Policy

Dr. Edna E. A. Co

University of the Philippines

Center for Integrative and Development Studies

5 July 2017, Sofitel Philippine Plaza Hotel

I. INTRODUCTION & BACKGROUND

- 1.1. Philippine Republic Act 7160 (Local Government Code 1991) enacted in 1991 under President Corazon Aquino based on 1987 Constitution It upholds Decentralization & Participation in Governance
- 1.2. Started Implementation in 1992 under President Fidel V. Ramos
- 1.3 Provided Political and Administrative Powers to Local Governments to make Decisions, Raise Revenues, Chart their Own Development whilst remaining under A Unitary System

1.4. Devolved Functions (Basic Services):

- A. Health
- B. Social Welfare & Development (including Day Care)
- C. Environment and Natural Resources
- D. Public Works & Highways
- E. Tourism
- F. Agriculture

1.5. Taxation & Fiscal Powers

- A. Share from National Budget (Internal Revenue Allotment)
- B. Taxation Powers at Local Level

1.6. Other Powers

- A. Local Legislation & Resolutions
- B. Accreditation of Organisations for Participation in Development Councils
- C. Local Mediation (“Lupong Tagapamayapa”)
- D. Creation of Local Special Bodies
- E. Other Defined Powers (Youth Council or SK)
- F. Leagues of Local Government
- G. Corporate Powers

Significant Outcomes of Decentralization

1. Remarkable Performance of some Local Government Units

1.1. Brings government closer to people in the communities

1.2. Basic services and functions of governance are accessible to the constituents and the communities

1.3. Local government ventures into innovative, creative governance methods and what works

2. Challenges to Local Governance

2.1. “Patches of Good Local Governance” or only “Islands of Good Governance” (WB)

2.2. Persistence of Local Political Dynasties

2.3. Continued Uneven Level of Development among Territories

2.4. Persistence of Poverty

Challenges...

2.5. Conflicts/disputes around territorial boundaries among local government units

2.6 Partial achievements in the Devolution of Powers, authorities, services

2.7 Competency of Human Resources is a barrier to the full absorptive capacity of local government

2.8 Accountability of public servants is variable and sometimes inconsistent

2.9 Fiscal Management & Taxation Remain as Major Concerns

**After 26 years, the LOCAL GOVERNMENT CODE 1991
IS FINALLY BEING REVIEWED AND REVISED BY THE
LEGISLATURE!**

THE REVIEW OF THE LOCAL GOVERNMENT CODE
FOCUSES ON NINE (9) KEY REFORM AREAS, ONE
OF WHICH IS THE **HUMAN RESOURCES** and
DEVELOPMENT OF THE LOCAL GOVERNMENT

II. HUMAN RESOURCES & DEVELOPMENT CHALLENGES

- 1. INSTITUTIONALIZING HUMAN RESOURCE
MANAGEMENT OFFICE (BOOK 1, TITLE 3 “HUMAN
RESOURCES AND DEVELOPMENT”)
< COVERS 22 SECTIONS**
- 2. DISCIPLINARY ACTIONS (BOOK 1, CHAPTER 4)
< COVERS 9 SECTIONS**

Coverage of Human Resources and Development:

1. Organizational Structure & Staffing Pattern
2. Responsibility for Human Resources & Development
3. Civil Service Law, Rules and Regulations and other Related Issuances
4. Limitation on Appointments
5. Public Notice of Vacancy, Personnel Selection Board
6. Compensation of Local Officials & Employees
7. Resignation of Elective Local Officials
8. Grievance Procedure
9. Administrative Discipline
10. Preventive Suspension of Appointive Local Officials & Employees

Coverage of HRD...

11. Administrative Investigation
12. Disciplinary Jurisdiction
13. Execution Pending Appeal
14. Prohibited Business & Pecuniary Interest
15. Practice of Profession
16. Statement of Assets & Liabilities
17. Oath of Office
18. Partisan Political Activity
19. Appointment of Elective & Appointive Local Officials:
Candidates who lost in an Election
20. Additional or Double Compensation
21. Permission to Leave Station
22. Annual Report

III. PROPOSED REFORMS ON HUMAN RESOURCES AND DEVELOPMENT FOR THE LGC 1991

1. MAKE THE CREATION OF HUMAN RESOURCE OFFICE AND THE APPOINTMENT OF A HUMAN RESOURCE OFFICER IN THE LOCAL GOVERNMENT MANDATORY TO ENSURE THAT LOCAL CHIEF EXECUTIVE APPOINTEES MEET THE CIVIL SERVICE QUALIFICATIONS AND TO LIMIT THE DISCRETION OF THE LOCAL CHIEF EXECUTIVE ON APPOINTMENTS

2. BUILD THE COMPETENCIES OF DEPARTMENT HEADS OF LOCAL GOVERNMENT UNITS AND SET HIGHER STANDARDS **

**** LENIENCY FOR 4TH TO 6TH CLASS MUNICIPALITIES REGARDING THE QUALIFICATIONS OF LGU EMPLOYEES SHOULD BE CONSIDERED (DUE TO THE DIFFICULTY OF RECRUITING HUMAN RESOURCES WITH THE PRESCRIBED QUALIFICATIONS IN THESE TERRITORIES)**

3. IDENTIFY POSITIONS THAT SHOULD BE MANDATORILY PERMANENT

4. FINETUNE THE DEFINITION OF HUMAN RESOURCE CLASSIFICATIONS (Such as “EMERGENCY”, “CASUAL”, “JOB ORDER”, “CONTRACTUAL”), THEIR FUNCTIONS & FUNDING SOURCE

5. ADDRESS THE POSSIBLE CIRCUMVENTION OF THE PROHIBITION ON APPOINTMENT OF LOSING CANDIDATES THROUGH THEIR ENGAGEMENT IN CONSULTANT CAPACITY

6. DEFINE THE CIRCUMSTANCES WHEN LOCAL OFFICIALS ARE PROHIBITED TO PRACTICE THEIR PROFESSION?

7. CLARIFY THE EXTENT OF DISCIPLINARY POWERS OF THE “SANGGUNIAN” OVER ITS MEMBERS & BARANGAY OFFICIALS TO MAKE THE INTERNAL RULE OF PROCEDURES CONSISTENT TO THE PROVISION OF THE LOCAL GOVERNMENT CODE

8. THE CODE SHOULD DISTINGUISH BETWEEN “SANGGUNIAN” CASES WITH OMBUDSMAN CASES

9. THE DISCIPLINARY PROCESSES OF THE “SANGGUNIAN” OVER BARANGAY CAPTAINS SHOULD BE STRENGTHENED; OTHERWISE, LEAVE THE DISCIPLINARY PROCESSES TO THE OMBUDSMAN

Reforms Concomitant to Provisions in Book 2 (Fiscal Matters) and Book 3 (Local Government Units)

1. The 45%-55% Personal Services (PS) cap should be reviewed to lift the constraint on hiring plantilla positions in the LGUs and to respond to real needs
2. Proposed positions that may be exempted from the PS cap : health workers, day care personnel, & “tanod” (justice)
3. Review the residency requirements for local treasurers (Local treasurers may not necessarily require residency in the same territory where he/she serves)
4. Review whether the LGUs should be prohibited from extending financial assistance to the Judiciary, PNP, and BFP

5. Create a Municipal General Services Officer (MGSO) post
6. Create Persons with Disability Affairs Office (PDAO), Cooperative Officer post, and the Internal Audit Service Office in all LGUs
7. Revisit the functions of the Local Accountant in relation to the creation of the Internal Audit Office(r).
8. Add to the LGC the mandatory positions but leave the qualification requirements to the Civil Service Commission

IV. CONCLUSION

1. Although the local government has its own code, the quality and standards of public service should be benchmarked with the standards of the national Civil Service to upgrade the competency, capability, and standards of human resources and development at local level.

Consequently the quality of services at the local level are improved.

2. Reduce wide discretion of local authorities even as the respect for the limitations of 4th to 6th class municipalities are recognized

3. The quality of local human resources determine the absorptive capacity of LGUs for devolved functions.

Thanks!

