

Policy Recommendations for the Philippines

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Introduction

The Partnership for Democratic Local Governance (DELGOSEA) started with the replication of best practices on local governance in February 2011. Since this time, 16 pilot cities in the five countries Cambodia, Thailand, Indonesia, the Philippines and Vietnam, have gathered experiences in implementing success stories from other countries in their own city. Transferring a best practice beyond political frameworks and cultural backgrounds of course might have impacts on the design of each replication project.

So this paper shall share first insides of challenges and restrictions the countries faced implementing project on good local governance. This paper will specifically concentrate on the situation faced in the Philippines. The short and coherent recommendations will be followed by an analysis which explains the need for change and adaptation of certain public policies. The analysis is based on the experiences made in Alaminos City, Bacolod City and the ManLuNa (Manticao, Lugait and Naawan) and BinKiSu (Binuangan, Kinoguitan and Sugbongcogon) cluster of municipalities in Misamis Oriental within the country's political framework. The last part will then outline a clear advocacy part, taking into account the national policy-making opportunities.

With this paper, DELGOSEA wishes to strengthen the awareness of policy- and decision-makers and lobby for better frameworks allowing for better local governance in the Philippines.



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A Project implemented by the consortium: Konrad-Adenauer-Stiftung e.V., Thailand Environment Institute (TEI), Local Government Development Foundation Inc. (LOGODEF), United Cities and Local Governments for Asia and Pacific (UCLG-ASPAC), Association of Indonesian Regency Governments (APKASI), Association of Cities of Vietnam (ACVN), and National League of Communes/Sangkats of the Kingdom of Cambodia (NLC/S).

Recommendations

Based on the experience of pilot LGUs in the Philippines replicating the best practices from other countries, the following are the policy recommendations:

National Level:

1. Clear guidelines for inter-local cooperation particularly on the sharing of financial and non-financial resources in the joint delivery of basic services and implementation of cluster development plans to be issued by the DILG and, if necessary, through either the amendment of the LGC by Congress or issuance of Executive Order (E.O.) from the Office of the President;
2. Issuance of Executive Order enjoining the cooperation between LGUs and NGAs, e.g. Dept. of Tourism (DOT), National Commission for the Culture and Arts (NCCA), National Historical Institute (NHI), Dept. of Education (DepEd), in the preservation, conservation of historical/cultural heritage and the documentation of the history of each LGU;
3. Support the enactment of House Bill No. 1808 or the Agri-Tourism Promotion Act;
4. Amendment of the local government code or the issuance of either an executive order from the Office of the President on the framework and guidelines for the people-public-private partnership (PPPP) involving social and non-profit endeavors, e.g. Bacolod Youth Home, constructed wetland; and
5. Amendment of RA 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, to include provision for funding in the implementation of the law by LGUs;

Local Level

1. Approval by the LGUs concerned of the guidelines on inter-local cooperation as a framework for local development;
2. Creation, by ordinance, of the municipal/city/provincial historical and cultural commission composed of LGU officials, private sector, academe and civil society organizations;
3. Enact an ordinance prescribing guidelines, rules and regulations regarding home stays for tourists patterned after the home stay guidelines prepared by the Department of Tourism;



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4. Additional budget allocation to the LGUs in order to establish or set up an electronic records management system;
5. Formulation of operating manual on inter-local cooperation particularly in Misamis Oriental;
6. Contract or memorandum of understanding (MOU) between the LGU and the land owner to have a binding agreement in the implementation of socially desirable and environment friendly programs or projects; and
7. Passage of an ordinance that would institutionalize the DELGOSEA project and ensure continued budget allocation even there is a change in leadership

Problem Analysis

a. Alaminos City (Constructed Wetland)

There are two key issues encountered by Alaminos as a pilot city during the process of replication. First is administrative that has something to do with the following considerations; a) mode or manner on how the land will be acquired to be used for the construction of the wetland. This is one of the major concerns of the local government since in order for the project to be implemented physical infrastructure is a careful consideration. This involves the identification of the exact or specific area where the wetland would be constructed and the arrangement between the LGU and the private owner; b) there are no recurring annual appropriations from the LGU for its maintenance that would affect the overall success and sustainability of the project. It concerns the allocation of funds from the city government as well as identifying some personnel that would be tasked for the day to day operations of the wetland. The second issue is political in nature that is interconnected with one another due to these two factors; a) there is no appropriate legal cover for the continued operation of the project. This threatens the implementation of the project since it is not institutionalized. There are still no measures on the part of city council to pass an ordinance that would ensure the projects' sustainability which would lead to the other factor; b) there is no solid community support in the event of a change in local administration. Leadership is very crucial since the midterm election is just around the corner; since the former factor was not yet addressed by the LGU, a changed in leadership might jeopardize the whole project.

b. Misamis Oriental (Old Phuket Town)



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The pilot city identified at least three major challenges, these are; 1) the problem in terms of inter-local cooperation particularly in the clustering of the municipalities; though there is a constitutional-legal basis for inter-local cooperation there is a slow adoption and it lacks clear guidelines or operative policies coming from the national government to be used for its implementation; 2) absence of an electronic Database Management for data collection. This is very important in the identification as well as the mapping or survey of historical places. Through an electronic Database Management system, it will become much easier and systematic for the pilot city to find and collate data and pinpoint as well as put together the historical places that are spread out in many different locations; and 3) the absence of guidelines and policy instruments by the NGAs regarding cultural issues. There are no clear policy directions or guidelines on the part of the National Government to the LGUs on the administration and maintenance of their historical, cultural, and architectural heritage. This in effect compels the LGUs to adapt their own policies and guidelines without proper coordination to the NGAs.

c. Bacolod City (People, Private, Public, Partnership -PPPP)

There are also two major challenges that the pilot city encountered during their process of replication. The first is one is the absence or unavailability of site or lot for the youth home. Though there is an ideal land owned by the local government for the establishment of the youth home, it is intended for other use or project since the intended replication of the best practice came in late after the comprehensive development plan of the LGU was made. Second is the budgetary constraint. This is the immediate consideration in implementing the project since funding is not available due to the accomplished allocation of the budget to the several departments and priority projects by the LGU.

Advocacy Plan

Introduction:

With barely few months remaining for the completion of the DELGOSEA Project, the project team has come up with a strategy of organizing a *National Advocacy Convention* which is anchored on the following objectives:

1. To conduct a dialogue with the policy makers regarding the policy recommendation of the pilot cities;
2. To flesh out different issues and concerns on how to amend the Local Government Code



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3. To discuss and explain to the audience (students, the academic community, NGOs/CBOs, POs, and other stakeholders) what the DELGOSEA project is all about
4. To conduct a press conference to let the public know about the advocacy of the project and policy recommendations of the pilot cities which are instrumental in the amendment of the amendment of the local government code

The convention to be hosted by UE Dept. of Political Sciences will be held at the *University of the East – Manila* sometime 16 August 2012 at the *University Conference Hall*. The advocacy plan of each pilot city will be presented with the invited policy makers both from the House of Representatives and the Senate as well as representatives from the Executive department particularly from the Department of Interior and Local Government (DILG). It will also be attended by the representatives from the PCGLG, ULAP, LMP, LPP, LCP, members from the academe, and students from different colleges and universities.

National Level

Recommendation 1:	Clear guidelines for inter-local cooperation particularly on the sharing of financial and non-financial resources in the joint delivery of basic services and implementation of cluster development plans
Specify:	Amendment of Local Government Code
Requested Amendment:	CHAPTER 3. - INTERGOVERNMENTAL RELATIONS Article One. - National Government and Local Government Units <ul style="list-style-type: none"> ▪ Institutionalize Incentives for Adequate Local Revenue Generation ▪ Provide more incentives for Inter-local Cooperation ▪ Mandate the DILG to issue implementing rules and regulations on inter-local cooperation
Addressee:	Executive Department through DILG, Legislative Department (Upper and Lower House through the Committee on Local Government)
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	DELGOSEA National Advocacy Convention



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Recommendation 2:	Issuance of Executive Order enjoining the cooperation between LGUs and NGAs, e.g. Dept. of Tourism (DOT), National Commission for the Culture an Arts (NCCA), National Historical Institute (NHI), Dept. of Education (DepEd), in the preservation, conservation of historical/cultural heritage and the documentation of the history of each LGU;
Specify:	Executive Order to be signed by the President enjoining NGAs regarding the the preservation, conservation of historical/cultural heritage and the documentation of the history of each LGU
Requested Amendment:	CHAPTER 2. - GENERAL POWERS AND ATTRIBUTES OF LOCAL GOVERNMENT UNITS SEC. 12. <i>Government Centers.</i> - Provinces, cities, and municipalities shall endeavor to establish a government center where offices, agencies, or branches of the national government, local government units, or government-owned or -controlled corporations may, as far as practicable, be located. In designating such a center, the local government unit concerned shall take into account the existing facilities of national and local agencies and offices which may serve as the government center as contemplated under this Section. The national government , local government unit or government-owned or -controlled corporation concerned shall bear the expenses for the construction of its buildings and facilities in the government center <ul style="list-style-type: none"> ▪ Strengthen Mechanism of Coordination between government agencies at the local level
Addressee:	Executive Department through DILG, Legislative Department (Upper and Lower House through the Committee on Local Government)
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	DELAGOSEA National Advocacy Convention



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<i>Recommendation 3:</i>	Support the enactment of House Bill No. 1808 or the Agri-Tourism Promotion Act;
Specify:	Passage of HB No. 1808
Requested Amendment:	New law
Addressee:	Congress (both Upper and lower House); Office of the President
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	DELGOSEA National Advocacy Convention

<i>Recommendation 4:</i>	Amendment of the local government code or the issuance of either an executive order from the Office of the President on the framework and guidelines for the people-public-private partnership (PPPP) involving social and non-profit endeavors, e.g. Bacolod Youth Home, constructed wetland; and
Specify:	Clear guidelines and policies from the National Government on how to implement PPP
Requested Amendment:	Enactment of a Law regarding PPP
Addressee:	Executive Department through DILG, Legislative Department (Upper and Lower House through the Committee on Local Government)
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	DELGOSEA National Advocacy Convention

<i>Recommendation 5:</i>	Amendment of RA 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006
Specify:	Amendment on some of the provisions of RA 9344



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Requested Amendment:	To include provision for funding in the implementation of the law by LGUs
Addressee:	Executive Department through DILG, Legislative Department (Upper and Lower House through the Committee on Local Government)
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	DELGOSEA National Advocacy Convention

Local Level

<i>Recommendation 1:</i>	Approval by the LGUs concerned of the guidelines on inter-local cooperation as a framework for local development
Specify:	Guidelines and policies for Inter-local Cooperation
Requested Amendment:	Adoption of guidelines and policies for inter-local cooperation among the concerned LGUs
Addressee:	Members of the ManLuNa and BinKiSu clusters, Misamis Oriental
Submitted by:	MANLUNA and BINKISU Inter-Municipal Teams
How to Advocate:	LMP, LPP, LOGODEF and the Misamis Oriental Provincial DILG shall encourage the LCEs of member municipalities

<i>Recommendation 2:</i>	Creation, by ordinance, of the municipal/city/provincial historical and cultural commission composed of LGU officials, private sector, academe and civil society organizations
Specify:	Institutionalization at the Local Level of creating a Historical/Cultural Commission
Requested Amendment:	New ordinance
Addressee:	Provincial/City/Municipal Legislative Councils (Sanggunians) and



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	LCEs
Submitted by:	MANLUNA and BINKISU Inter-Municipal Teams
How to Advocate:	LMP, LPP, LOGODEF and the Misamis Oriental Provincial DILG shall encourage the Sanggunians and LCEs of member municipalities

<i>Recommendation 3:</i>	Enact an ordinance prescribing guidelines, rules and regulations regarding home stays for tourists patterned after the home stay guidelines prepared by the Department of Tourism
Specify:	Institutionalization at the Local Level of creating a "Home Stay" Program
Requested Amendment:	New Ordinance
Addressee:	Provincial/City/Municipal Legislative Councils (Sanggunians) and LCEs
Submitted by:	MANLUNA and BINKISU Inter-Municipal Teams
How to Advocate:	LMP, LPP, LOGODEF and the Misamis Oriental Provincial DILG shall encourage the Sanggunians and LCEs of member municipalities

<i>Recommendation 4:</i>	Additional budget allocation to the LGUs in order to establish or set up an electronic records management system
Specify:	Increase in budget allocation by the National Government
Requested Amendment:	Amendment on how IRA is being computed by the National Government
Addressee:	Executive Department through DILG, Legislative Department (Upper and Lower House through the Committee on Local Government)
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)



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How to Advocate:	DELGOSEA National Advocacy Convention
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Recommendation 5:	Formulation of operating manual on inter-local cooperation particularly in Misamis Oriental
Specify:	Creation of a Manual for Inter-local Cooperation
Requested Amendment:	General Guidelines among LGUs for Inter-local Cooperation
Addressee:	Provincial/City/Municipal Legislative Councils (Sanggunians) and LCEs
Submitted by:	MANLUNA and BINKISU Inter-Municipal Teams
How to Advocate:	LOGODEF and the Misamis Oriental Provincial Government and Provincial DILG shall encourage the Sanggunians and LCEs of member municipalities

Recommendation 6:	Contract or memorandum of understanding (MOU) between the LGU and the land owner to have a binding agreement in the implementation of socially desirable and environment friendly programs or projects
Specify:	New
Requested Amendment:	Inclusion of providing incentives for land owners in the Provincial, City , and Municipality Development Plan
Addressee:	DILG
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	DELGOSEA National Advocacy Convention

Recommendation 7:	Passage of an ordinance that would institutionalize the DELGOSEA project and ensure continued budget allocation even there is a change in leadership
Specify:	Sustainability of the Project in the Pilot LGUs
Requested	New ordinance



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Amendment:	
Addressee:	Provincial/City/Municipal Legislative Councils (Sanggunians) and LCEs
Submitted by:	Philippine Consortium of Good Local Governments, Union of Local Authorities, League of Municipalities of the Philippines, League of Provinces of the Philippines, League of Cities in the Philippines, Local Government Development Foundation, DELGOSEA (EC and KAS)
How to Advocate:	LMP, LCP, LPP, LOGODEF and the Misamis Oriental Provincial DILG shall encourage the Sanggunians and LCEs of member municipalities

Conclusion

The 'Partnership for Democratic Local Governance in Southeast-Asia' project (DELGOSEA) will support any national effort towards the implementation of the above mentioned policy-recommendations.

DELGOSEA Philippines provides the policy-makers with holistic support in order to pursue the implementation of these policies. The national network of stakeholders in the Philippine Consortium of Good Local Governance (PCGLG) as well as the experiences made in the best practice cities and pilot cities form a coherent and comprehensive basis for policy-makers to tap. DELGOSEA Philippines offers assistance through networking with the Philippine partner, LOGODEF, as well as through access of DELGOSEA website: www.delgosea.eu.

The DELGOSEA network, which consists of 32 partner cities and 11 Local Government Associations (LGAs) in five countries, will contribute to the implementation of the recommendations by providing the empirical and academic knowledge gathered through analysis and project implementation. All DELGOSEA publications are available to policy-makers in order to share already acquired knowledge and experiences.

Furthermore, DELGOSEA provides the policy-makers with a vast network of experts - our strategic partners - who have been involved in one or more instances of the project's life cycle.

On the transnational level, DELGOSEA is establishing ties with ASEAN in order to alleviate the policy-recommendations to the whole Southeast-Asian community. The support of ASEAN then shall be used to support and guide national initiatives in implementing the policy-recommendations.



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Following DELGOSEA's policy recommendations will contribute to the improvement of living conditions of disadvantaged groups in Philippines by increasing their participation in local planning and decision-making.



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