

THE ORGANIZATIONAL IMPLICATIONS OF REGIONAL AUTONOMY: FOCUS ON THE STRUCTURES OF THE AUTONOMOUS GOVERNMENTS

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The Autonomous Regional Governments that have been set up in Regions IX and XII are the first of their kind in the local government system of the Philippines. Their establishment is an unprecedented experience in Philippine Public Administration. The organization, however, of regional governments throughout the country has already been envisioned by the Five-Year (1978-82) Development Plan. As the plan states:¹

"The main strategy for realizing these (development goals) will be further decentralization of national government operations to the regions and the *evolutionary development of regional governments* within the context of enhancing local autonomy." (Under scoring supplied)

The evolutionary process has already begun in Regions IX and XII. According to the Reorganization Commission, if the experiment in organizing the regional governments for each of these two Autonomous regions does succeed, then such could possibly serve as models to be followed when the time comes to organize the regional governments for the rest of the regions of the country. Hence, what we have now in the Autonomous Regions may well be the prototype of a possible future national network of regional governments in our country.

Thus, the importance and significance of examining the various aspects of the regional governments in Regions IX and XII (the very purpose of this convention) cannot be overemphasized. This paper will concern itself particularly with the organizational aspects.

On March 23, 1979, the (Interim) Batasang Pambansa enacted Batas Pambansa Blg. 20 entitled, "AN ACT PROVIDING FOR THE ORGANIZATION OF THE SANGGUNIANG PAMPOOK IN EACH OF REGIONS NINE AND TWELVE PROVIDING FUNDS THEREFORE, AND FOR OTHER PURPOSES."

Batas Pambansa Blg. 20 called for the election of the members of the Sangguniang Pampook (SP), the Regional Legislative Assembly, for each of the Autonomous Regions. It provided that the SP was to be composed of 21 members, 17 regular representatives from the different provinces and component cities in each region, and 4 sectoral representatives i.e., one from each of these groups in the region: the youth, agricultural workers, non-agricultural workers and professionals. It further provided that "the President may appoint five additional members if, in his judgment, any other sector is not properly represented in the SP as a result of the elections."

Section 10 of the said Act provided that the Lupong Tagapagpaganap ng Pook (LTP), the Regional Executive Council, shall be composed of a Chairman and four members who shall be appointed by the President (Prime Minister) on recommendation of the Sangguniang Pampook and who may or may not be members thereof."

Thus, by virtue of such Act, elections for regular members of the Sangguniang Pampook were held on May 7, 1979, and for sectoral members twenty days later. The winning candidates were sworn into office by the President on June 12, 1979 during the Independence Day ceremonies held at the Quirino Grandstand in Manila.

In order to expedite the organization and operation of the Sangguniang Pampook and Lupong Tagapagpaganap ng Pook, the President issued LOI 884 dated June 27, 1979. In it, he directed a number of agencies whose functions had bearing to the Autonomous Regions (i.e., NEDA, MLGCD, MB, MF, MND, COA, NTRC, and PCR) to conduct studies, coordinate and meet among themselves, and prepare recommendations on the matter. In addition, the President created a three-man committee composed of the Chairman of the Presidential Reorganization Commission, as chairman, and the Ministers of the Budget, and Local Government and Community Development as members, to thresh out the various working relationships that may eventually be encountered in the organization of the Autonomous Governments. Finally, consultation-meetings were conducted by the PCR with the various parties concerned, i.e., the elected regional assemblymen, the local government officials and regional directors in the Autonomous Regions.

As a result of the above-mentioned series of meetings and discussions and as a result of the various studies conducted by the

different concerned agencies identified in LOI 884, Presidential Decree No. 1618 was promulgated on July 25, 1979.

A discussion of PD 1618, entitled IMPLEMENTING THE ORGANIZATION OF THE SANGGUNIANG PAMPOOK AND THE LUPONG TAGAPAGPAGANAP NG POOK IN REGION IX AND REGION XII AND FOR OTHER PURPOSES follows:

Scope of Regional Autonomy

Internal Autonomy is the key concept behind the establishment of a legislative and executive machinery in Regions IX and XII. In other words, the extent of autonomy must meet the following conditions: (1) it must be within the framework of the national sovereignty and territorial integrity of the Republic of the Philippines, and (2) its powers and responsibilities must be in accordance with the provisions of the Constitution and the laws of the land.

With such type of autonomy, the Autonomous Regions are empowered to undertake all administrative matters for their respective regions. However, they are not to act on matters that are clearly within the jurisdiction and competence of the national government which include, but are not limited to, the following:²

1. National defense and security;
2. Foreign relations;
3. Foreign trade;
4. Currency, monetary affairs, foreign exchange banking;
5. Disposition, exploration, development, exploitation or utilization of all natural resources;
6. Air and sea transport;
7. Postal matters and telecommunications;
8. Customs and quarantine;
9. Immigration and deportation;
10. Citizenship and naturalization;
11. National economic, social and educational planning; and
12. General auditing.

The Sangguniang Pampook

The Sangguniang Pampook (SP) is the legislative body of the Autonomous Government. It is composed of 21 members, 17 regular and 4 sectoral, all of whom are elected at-large or region-wide. The SP shall exercise local legislative powers over regional affairs within

the framework of national development plans, policies and goals in the following areas:³

- 1) Organization of a regional administrative system;
- 2) Economic, social and cultural development of the Autonomous Region;
- 3) Agricultural, commercial and industrial progress for the Autonomous Region;
- 4) Infrastructure development for the Autonomous Region;
- 5) Urban and rural planning for the Autonomous Region;
- 6) Taxation and other revenue-raising measures as provided for in PD 1618;
- 7) Maintenance, operation and administration of schools established by the Autonomous Region;
- 8) Establishment, operation and maintenance of health, welfare and other social services, programs and facilities;
- 9) Preservation and development of customs, traditions, languages and culture indigenous to the Autonomous Region; and
- 10) Such other matters as may be authorized by law, including the enactment of such measures as may be necessary for the promotion of the general welfare of the people in the Autonomous Region.

In addition, the Decree provides that the President shall exercise the necessary powers to ensure that the enactments of the SP are in compliance with national legislative functions.

The members of the SP are to receive an annual salary of P24,000 and hold a term of office for three years.⁴ In addition, an SP member may engage in business or in the practice of his profession unless such activity will give rise to a conflict of interest by reason of his position as such member, or unless he is concurrently the Chairman, or a member of the Lupong Tagapagpaganap.⁵

The Lupong Tagapagpaganap ng Pook

The Lupong Tagapagpaganap ng Pook (LTP) is the executive body of the Autonomous Government. It is composed of a Chairman and four members who are appointed by the President on recommendations of the SP. The LTP members need not necessarily come from the SP. However, any elective official who is appointed to the LTP, whether as Chairman or as a member, is required to vacate his elective position. This does not, however, apply to his being a member of the SP.

The Chairman is the Chief Executive Officer of the staff of the LTP. On behalf of the LTP which may be characterized as a collegial body, the Chairman is responsible for the day-to-day management of the administration of the region. As a body, the LTP formulates operational policies and other policy matters, including approval of the LTP budget. If he deems necessary, the LTP Chairman may give individual executive responsibilities, or definite areas of assignment to any LTP member.⁶

As the executive unit of the region, the LTP implements, or where appropriate, causes and supervises the implementation of policies, programs and legislation enacted by the SP.⁷

The LTP has a staff support organization that will provide it with the necessary technical and administrative assistance in the performance of its duties. It must be noted that PD 1618 provides that this organization initially supplies the administrative and technical support requirements of the SP. The administrative organization is composed of the Office of the Lupong Tagapagpaganap ng Pook including the following services:⁸

1. the policy and planning service;
2. the financial and management service; and
3. the administrative service.

In addition, it has the following branches:⁹

1. the local governments branch; and
2. the regional offices branch.

The personnel of the LTP administrative organization are to be appointed by the LTP Chairman.

The LTP Chairman and members are responsible to the President and to the SP for the proper administration of the region. They shall keep the President and the SP informed at all times of the status of their administration.

Like the SP members, the LTP Chairman and members hold a term of three years. The LTP Chairman receives an annual salary of P50,000, while the LTP members, P45,000. If a member of the SP is appointed to the LTP, he shall receive only his salary as the chairman or as a member of the LTP.

The Law-Making Process

Every bill enacted by the SP has to be approved or vetoed by

the LTP Chairman within 30 days after receiving it. If it is not acted upon within this period, the bill becomes a law, just as if it were approved. If vetoed, the Chairman returns it to the SP together with his objections. However, the SP may over-ride the Chairman's veto with a veto of two-thirds of all its members.¹⁰

At the beginning of each regular session of the SP, and from time to time, the LTP Chairman shall present the program of the Autonomous Region to the SP, and recommended for their consideration other measures which he deems necessary and proper.¹¹

The Development Planning Process

It is the responsibility of the SP to determine the goals and objectives of the Autonomous Region. On the basis of such determined goals and objectives, the Regional Development Council prepares the Regional Development Plan. Under the set-up in the Autonomous Region, the LTP Chairman is the *ex-officio* RDC Chairman, in the place of the Regional Commissioner whose office was abolished by virtue of PD 1639 issued on September 20, 1979.

After the plan is formulated, the RDC courses it through the LTP for submission to and adoption by the SP. The plan, as adopted, is then submitted to the President through the National Economic and Development Authority (NEDA). The NEDA assesses the plan's inter-regional implications in conformance with regional planning standards and guidelines set by the NEDA, with the end in view of integrating it into the National Development Plan. After the plan is sanctioned by the President and the NEDA, the LTP then implements the plan.

Pending the formulation of the National Development Plan for the succeeding period, the LTP may, through the RDC, prepare interim regional plans for the Autonomous Region within the framework of regional goals and objectives set by the Sangguniang Pampook.¹²

*Relationships with National and Local Governments and Other Entities.*¹³

(1) With the National Government

National laws, as far as legislation is concerned, remain supreme over regional laws enacted by the SP. Therefore, the President has

the power of general supervision and control over the Autonomous Regions. In this connection, the President may call upon the MLGCD to assist him in his exercise of general supervision over the area, particularly in matters relating to the administration of the regions and their relationship with the local units therein.

Finally, the LTP is required to report regularly to the President on the status of development programs in the region. Along with this are included necessary recommendations on any actions that the LTP feels should be taken by the National Government to hasten development efforts in the area. The LTP shall also turn in regular reports to the Office of the President regarding the performance of the local government officials.

(2) With Certain Regional Directors

The LTP exercises full supervision and control over the implementation of regional development projects solely funded by the Autonomous Regions.

It has the power to oversee the activities and performance of certain regional directors in the area. (According to the decree, the power to oversee refers to the identification, planning, programming, prioritization, and implementation of socio-economic regional development projects funded out of national funds. It also includes the evaluation of such from a regional perspective in order to ensure that their implementation is done according to approved plans, schedules and procedures). The LTP's power to oversee in such a manner extends to the following areas: education and culture; health; public highways; agriculture; social services and development; public works; human settlements; industry; and youth and sports development — the latter three upon the establishment of their regional offices.

It must be noted at this point that to enable the various regional directors to respond more rapidly to the requirements of the Autonomous Regions LOI 895 and 897 delegating authority to the regional offices were issued on July 25, 1979.

LOI 895 aimed to further strengthen the administrative capacity for regional operations. Accordingly, additional administrative authority was delegated to the regional directors of ministries, bureaus and agencies of the Executive branch. These were in addition to those previously delegated under LOI 448 issued on August 12, 1976.

On the other hand, LOI 897 delegated substantive authority to selected regional offices of some ministries whose functions had previously not been considered vital in the development efforts of the Autonomous Regions. These ministries were the following: (1) Agriculture; (2) Education and Culture; (3) Health; (4) Public Highways; (5) Public Works; and (6) Social Services and Development.

(3) With Service-Wide Agencies

This specifically refers to the Ministry of the Budget, the Commission on Audit, the Civil Service Commission, and the Ministry of Finance. They are required by the decree to make the necessary amendments and adjustments in their respective regulations and procedures for the end purpose of making them consistent with the concept of regional autonomy and responsive to the Autonomous Region's development needs.

(4) With the Local Governments

The following regulatory powers of the MLGCD with respect to local governments have been delegated to the LTP:¹⁴

- a. The conduct of periodic performance audits;
- b. The investigation of administrative complaints against local officials without prior clearance from the President pursuant to LOI 231;
- c. The approval of development plans of all local units within the region, the funding of which comes from the 20% development fund under PD 144;
- d. The approval of travel (local and foreign) of local government officials as defined by PD 1618;
- e. The approval of leaves, exemptions, allowances and other privileges for local government officials, as specified in PD 1618.

In addition, the regulatory and supervisory powers of the Regional Commission under LOI 290 have been assumed by the LTP.

Funding¹⁵

The sources of funds of the autonomous government are as follows:

1. Taxes, fees and charges through the enactment of regional

tax measures in accordance with guidelines issued by the Minister of Finance;

2. Appropriation and grants-in-aid from the national government. An amount equal to at least 1/13 of 1% of the total national internal revenue tax collections is to be appropriated annually for each of the Autonomous Regions. This is separate and distinct from the 20% national internal revenue tax allotments to local governments provided under PD 144;

3. Amounts realized from commercial, industrial and agricultural projects owned and/or controlled by the Autonomous Region in accordance with national plans and policies;

4. Amounts realized from the operations of public utilities owned and operated by the Autonomous Region;

5. Contributions from the local governments comprising the Autonomous Region as may be provided by law;

6. A percentage of the national income from mines and mineral resources from within the region as provided by law;

7. Transfer of proceeds of certain national and local taxes as may be prescribed by law; and

8. Donations, endowments and other forms of aid from individuals, organizations, or governments in accordance with national policy.

The organizational set-up of the Autonomous Governments as constructed from PD 1618 and available records follows.

Note

On September 20, 1979, the President signed PD 1639 abolishing the Office of the Regional Commissioner in each of the Autonomous Regions. This decree authorized the transfer of the ORC's appropriations, properties, and assets and liabilities,, including the necessary personnel to the Sangguniang Pampook, which in turn is expected to transfer the same to the Lupong Tagapagpaganap ng Pook upon its organization.

As this paper was being prepared, several observations have already been raised concerning the structure of the Autonomous Governments.¹⁶ For example, it was observed that the collegial nature of the LTP, though it may insure rational decision-making process of the body. Another observation raised was that the Regional Office Branch of the LTP may not be necessary since its functions could be performed by the RDC itself whose ex-officio

chairman is the LTP head. Finally, there have been observations concerning the necessity of a technical staff for the LTP to assist it in the formulation of a comprehensive socio-economic program. Likewise, the need for a technical staff for the SP as a whole to assist it in its legislations has been raised.

These, and other related issues may be further discussed in the open forum.

Sources

Hermosa, Jesus R. "The Autonomous Regions: A Policy Evaluation," unpublished Masters thesis in National Security Administration, NDCP, May 1980.

"The Relevance of the Autonomous Regional Government in Regional Administration," paper prepared by the Presidential Commission on Reorganization for the symposium on the Regional Autonomous Government, Zamboanga City, November 5 and 6, 1979.

Brillantes, Alex B., Jr. "Development Council as Coordinating Mechanisms for the Planning and Implementation of Development Programs and Projects: Focus on Region II," unpublished Masters thesis in Public Administration, UP College of Public Administration, October 1979.

Presidential Issuances:

- a. PD 1618
- b. LOI 884
- c. LOIs 895, 896 and 897

Notes

¹Chapter 20. Philippine Five-Year Development Plan 1978-82.

²Section 4, Presidential Decree No. 1618, July 25, 1979.

³Section 7, *Ibid.*

⁴Sections 10 and 11, *Ibid.*

⁵Section 12, *Ibid.*

⁶Section 19, *Ibid.*

⁷Section 18, a. *Ibid.*

⁸ Section 15, *Ibid.*

⁹ *Ibid.*

¹⁰ Section 18, *Ibid.*

¹¹ Section 20, *Ibid.*

¹² Section 37, *Ibid.*

¹³ Chapter VII, *Ibid.*

¹⁴ Section 39, *Ibid.*

¹⁵ Section 21, 22 and 23, *Ibid.*

¹⁶ These observations were raised by Col. Jesus R. Hermosa in "The Autonomous Regions: A Policy Evaluation". His study was being finalized when this paper was being prepared.