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Assessing Local Governance and Autonomy in the Philippines:

Three Decades of the 1991 Local Government Code

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Maria Ela L. Atienza and Jan Robert R. Go

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Maria Ela L. Atienza² and Jan Robert R. Go³

Abstract

This discussion paper looks at the issues and concerns of decentralization, democratization, and development visà-vis local governments in the Philippines. Briefly looking at the relevant concepts as well as historical and legal contexts of local governments and central-local relations, it begins with a review of the reforms introduced by the 1991 Local Government Code (Republic Act No. 7160).

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There is particular emphasis on assessing the impact of the 1991 Local Government Code on local governments, central-local relations, people's participation, and development after three decades of implementation across different administrations to the present since the enactment of the Code. Then, it discusses development. continuing issues and challenges related to improving local governance, autonomy, and central-local relations in the Philippines. Finally, the study assesses the different suggested changes or reforms in central-local relations and local governments, including proposed amendments to the Local Government Code and the 1987 Constitution. The study draws from available academic literature, government documents, literature from nongovernment and international agencies, media reports, proceedings of public fora, and focus group discussions.

Keywords: 1991 Local Government Code; autonomy; decentralization; devolution; local governments; local governance; development; democratization.

Introduction

It has been three decades since the passage of the 1991 Local Government Code (Republic Act No. 7160). The 1987 Constitution instructed Congress to enact a new law that will operationalize its vision of decentralization and autonomy for the subnational units of the government, as well as organic acts for autonomous regions in Cordillera and Muslim Mindanao. During the deliberation of the Code in Congress, the promise was a strengthened local governance system coupled with greater fiscal and administrative autonomy. Several powers and responsibilities originally under the different national government agencies have been shared or transferred to their local counterparts. Thirty years later, however, local government units (LGUs) still struggle to keep up with the tasks decentralized and devolved under the Code. While there have been formal and legal frameworks in place since 1991, the substantive aspects of local governance and autonomy remain wanting. For example, elections for local officials are regularly conducted and follow established procedures but are not necessarily free and fair. "Local officials are generally expected to act responsibly and with accountability, following institutional mechanisms. However, not all local officials are viewed as responsive and accountable" (Atienza et al. 2020a, 37). Some LGUs do not take advantage of institutional mechanisms to promote or facilitate economic development despite their availability. These are just some of the many issues surrounding the implementation of the Code.

In view of the above, this discussion paper looks at the issues and concerns of decentralization, democratization, and development vis-à-vis local governments in the Philippines. In particular, the focus is on three aspects of local governance, namely central-local relations, people's participation, and economic development. Moving forward from the three decades of experience under the Code, we identify the continuing issues and challenges related to improving local governance, autonomy, and central-local relations in the Philippines. Benefitting from the authors' earlier projects using a constitutional performance assessment framework (Atienza et al. 2020a and 2020b), this current study draws from available academic literature, government documents, literature from nongovernment and international agencies, media reports, proceedings of public fora, and focus group discussions.

The 1987 Constitution's Provisions on Local Governments and The 1991 Local Government Code

The 1935 Constitution does not have a separate article on local governments, owing to the triumph of the group in the 1934 Constitutional Convention who considered national state control more important than local governments. But from 1946 to 1972, the overall trend in terms of policies and interaction of different levels of governments was decentralization (Atienza 2006, 422–23). It was the 1973 Constitution that had a separate article on local governments. However, because martial law was declared in 1972, the overall trend

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was greater political centralization with a few policies favoring formal decentralization (424–25). In contrast, the 1987 Constitution has a more extensive article on local governments (Article X) than its counterpart in the 1973 Constitution.

After the 1986 EDSA People Power, the Philippine government under President Corazon Aquino renewed its commitment to greater decentralization as a means of attaining its development goals and objectives. This was expressed in the goals of the new administration's development program entitled "The Policy Agenda for People Oriented Development." The program said that the government's role and structure would be guided by the key organizational principles of decentralization, among others (425).

The administration's commitment to achieving greater decentralization was further enhanced by the 1987 Constitution's more extensive provisions on local autonomy. Article II (Declaration of Principles and State Policies), Section 25, states, "The State shall ensure the autonomy of local governments." In Article X (Local Government) the following important provisions are included:

- 1. Creation of autonomous regions in Muslim Mindanao and the Cordilleras;
- 2. Enactment of a Local Government Code;
- 3. Granting to local government units (LGUs) the power to create their own sources of revenues and to levy taxes, fees, and charges;
- 4. Providing local governments a just share of the national taxes which shall be automatically released to them;
- 5. Entitling local governments to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas;
- 6. Sectoral representation in legislative bodies of local governments; and
- 7. Providing for regional development councils or other similar bodies composed of local government officials, regional heads of departments and other government offices,

and representatives from nongovernment organizations (NGOs) within the region for purposes of administrative decentralization to strengthen the autonomy of the units thereon and to accelerate the economic and social growth and development of the units in the region. (Atienza 2006, 425)

The provision for autonomous regions is a distinct and major innovation in the 1987 Constitution, with no counterpart in the 1935 and 1973 Constitutions (Casambre 2006, 442). In contrast, the provision to create a Local Government Code is not entirely new, as there was already a 1983 Local Government Code established pursuant to the 1973 Constitution. However, whatever local autonomy was being promoted by the 1983 Code was negated by other centralizing tendencies under Marcos until 1986 (Atienza 2006, 424). It was only after the 1986 People Power that there was renewed and more substantial aspiration that local governments will be given enough powers and responsibilities to be partners in development and democratization.

A new Local Government Code (LGC), or Republic Act (RA) No. 7160, was passed into law in 1991 and was promulgated starting 1992. Its provisions promote not only local autonomy and devolution of powers and responsibilities to local governments but also democratization. There are also provisions promoting administrative effectiveness and local development. The Code also has provisions incorporating the reforms mentioned in Article X of the 1987 Constitution, namely (1) granting LGUs the power to increase their revenues; (2) increasing LGUs' share in national revenues to 40 percent; (3) entitling LGUs to a just "share in the proceeds of the utilization and development of the national wealth within their respective areas" (LGC, Chapter 1, Section 3D); (4) sectoral representation in the local *sanggunian* or legislative councils; and (5) providing for the creation of local development councils (LDCs) from the barangay to the regional levels that not only include representatives of LGUs, local departments, and Congressional representatives, but also representatives from civil society.

When the LGC was passed, the law was hailed as a radical law transforming central-local relations in the Philippines. Hutchcroft (2010, 442) said it was "the most innovative political reform during the Aquino years." From a comparative perspective, Turner (1999, 237) remarked that "it marks a break with the traditions of centralization that have generally characterized South-East Asia." In terms of the global trends since the 1990s, Ellison (1998, 2) noted that, "What is happening here is indicative of, part of, both a leader of and a participant in, a vast global shift in governance."

Local Governments after the 1991 Local Government Code

For the purposes of this discussion paper, we limit our focus on specific issues regarding the implementation of the 1991 Local Government Code, taking into consideration the more recent context and developments.

Central-local Relations

Given a national government that is historically formally centralized, on the one hand, and the clamor for greater autonomy from the local level, on the other, it is inevitable that there will be tensions between the national government agencies and their local counterparts. At the same time, there are also cases of high dependence on the national government on the part of local offices because of their lack of capacity. This is true in the cases of health, social welfare, disaster risk reduction and management (DRRM), and basic education. The Department of the Interior and Local Government (DILG) officials in Leyte, for instance, noted that regional offices, instead of local government offices, still control and dominate the delivery of social services and agricultural services (FGD #1 2019). In certain cases, because of the problems shown in local development planning, LGUs are not able to contribute substantially to national plans as envisioned by the Code and thus, the National Economic Development Authority (NEDA) continues a more top-down technocratic planning style. Some barangay officials also complain that devolved agency representatives at the local level also bypass or do not coordinate or consult with the barangays in performing their duties (FGD #2 2019).

Cases of tensions and conflicts are seldom large-scale. Most of the time, issues ensue between national and specific LGUs on implementation of national laws and directives. Perhaps the largescale central-local conflict in recent times centers on the distribution of the internal revenue allotment (IRA). Led by members of the House of Representatives and provincial governors of Bataan and Batangas, local governments filed cases against the national government for failing to give the proper amount of IRA to each locality as early as the time of former president Fidel V. Ramos. This resulted in a positive decision from the Supreme Court in 2018 and given finality in 2019. In their decision that is now more popularly known as the Mandanas-Garcia ruling, the Court ruled that the "pie" where national income is sourced should be expanded from just the internal revenue collections to include other taxes that were earlier excluded by the national government in its computation (see Buan 2018). Thus, instead of just getting a share in the IRA, LGUs should receive a share in the national tax allotment (NTA).

While the intervention of the Court has been welcomed by local governments and recognized by the national government, this practice of Court intervention in both small- and large-scale conflicts between the two tiers of government is a cause of concern. It has judicialized politics, such that political offices and agencies, which ought to be self-regulating and correcting, are now being subjected to judicial rectification.

At the same time, the increase in the base of shares of the annual national income or taxes that will go to the LGUs is not an assurance that all LGUs can suddenly perform the devolved functions expected of them by the Code as well as other laws. The increasing difficulties in the national and local economies, exacerbated by the pandemic, do not guarantee that the NTA shares will be enough. This issue is further exacerbated by Executive Order 138 issued in 2021 which calls for full devolution of all responsibilities to LGUs as mandated by the Code and other laws (to be discussed further in the latter part of this discussion paper).

People's Participation

The hallmark of any democracy is the participation of its citizens in state and governmental affairs. Under the 1991 Local Government Code, the following mechanisms of people's participation are allowed:

- 1. Three sectoral representatives in the local councils or sanggunian (women, workers, and other sectors as may be determined by the specific sanggunian);
- 2. One-fourth of membership in the local development councils (LDCs) and local special bodies (LSBs) from civil society and the private sector;
- 3. Partnership with civil society and the private sector in the delivery of services and local development;
- 4. Recall and initiative procedures for erring local government officials; and
- 5. Mandatory public consultations and hearings.

Thus, civil society and the private sector can participate in local governance and have joint undertakings with LGUs. The Code also states that there should be preferential treatment for marginalized sectors and people empowerment.

But while these mechanisms are enshrined in the Code, they are not always implemented or followed all the time. In the case of sectoral representatives in the local sanggunian, most legislative councils at different levels do not include them since there is still no national law passed by the two Houses of Congress regarding the manner of their selection. Are they to be elected as well? Who are qualified to vote for them? Or will they be appointed? By whom, from where, and how? These remain questions in the absence of an enabling law.

As for the rest of the mechanisms for greater participation of other sectors in local governance, the situation varies per local government. There are collaborative, multilevel governance examples of successful innovations brought about by cooperation between LGUs, national government agencies, civil society organizations (CSOs), the private sector, educational institutions, and funding agencies (See Galing Pook website for outstanding LGUs.). But the vibrancy of civil society and quality of democracy are limited and uneven across LGUs. While Philippine civil society's vibrancy in community and sectoral organizing, as well as local advocacy, have been well-documented, Holmes (2016, 110, 114) also noted that this is limited. As based on a 2010 survey, less than five percent of Filipinos are members of CSOs. In addition, CSOs are also "project-oriented" and "fund-dependent" as they are constrained by available donor funds and the timeframe of their projects in local areas. Continuity and scaling-up of good projects are thus difficult.

There seems to be "widespread use of multiple venues for citizen participation, specifically in the Local School and Local Health Boards as well as non-Code-mandated sectoral venues such as the solid waste management board, fisheries, and aquatic management councils" (The Asia Foundation 2010). However, there is low or limited participation of civil society and the private sector in LDCs and local planning. Substantial participation of CSOs could still be improved. In some cases, those who are said to be representatives of civil society and the private sector in the LDCs and LSBs and accredited by the LGUs are allies or relatives of local officials, and not selected by genuine civil society organizations and the private sector.

In addition, there are also instances when local officials are not very receptive to CSOs' participation and development planning itself; LDCs barely meet the required number of sessions mandated in the Code; local technical staff are limited; and the local chief executives (LCEs) usually have dominant power in the budgeting and expenditure process, which can be affected by patronage culture (Holmes 2016; The Asia Foundation 2010). During the Benigno Aquino III administration, a reform initiative called the Bottom-Up Budgeting (BuB) program was introduced to make the budgetary process "more responsive to local needs." This has resulted in more active participation of CSOs in local development planning, though overall impact to democratization is still limited (Holmes 2016, 119– 20). Again, local capacities and accountability mechanisms affect success of good governance reforms and programs. The recall and initiative processes have limited use. Instead of being a mechanism for accountability, recall elections have been abused due to local political power struggles or interference at the national level.

As far as people's participation in barangay assemblies is concerned, it is very difficult for barangay officials to encourage constituents to attend meetings. Those who attend regularly are the beneficiaries of the government's conditional cash transfer program because they are mandated to attend barangay meetings to continue getting the assistance; the rest must be attracted through raffles or freebies. It seems like the traditional Filipino trait of *bayanihan* or voluntarism is no longer as evident as before, as seen in low interest in attending barangay assemblies and other community activities (FGD #2 and #3 2019; Atienza, Eadie, and Tan-Mullins 2019, 144).

In sum, aside from the variations in terms of vibrancy and presence of civil society and the private sector, as well as the quality of democracy across LGUs in the country plus the lack of an enabling law for sectoral representation in local legislative councils, other factors affect the actual participation of civil society and the private sector in local governance. In some cases, despite the existence of the Code since 1991, many people still lack information about these local processes and local governance in general. The dominance of political families, clans, and local bosses in certain areas coupled with patronclient relations result in continued poverty and a lack of substantive participation of people in these areas.

Economic development

The Code provides for mechanisms for local governments to facilitate and promote economic development at their respective levels. This includes giving LGUs a corporate personality, which enables them to transact with private firms, enter into loans, and formulate policies that will control and manage the local economy (for more discussion on decentralization and economic development, see Guevarra 2000). Since the enactment of the Code in 1991, LGUs have engaged in public-private partnerships (PPPs), where private firms initially invest in building infrastructure and facilities that will be turned over to the LGU after an agreed period. However, this scheme is largely seen in bigger and richer units like cities and upperincome class municipalities. This can be attributed to the capacity of these units to sustain economic activity in their locality. Poorer units, with less economic activity, may not be viable for investors to enter in PPPs.

Another option is for LGUs to secure loans. Government banks provide medium- and long-term loans to LGUs mainly for their infrastructure programs. Since infrastructure has been devolved to the local level, most of the LGUs took advantage of this scheme to build farm-to-market roads, waiting sheds, rural health units, classrooms and school buildings, and other facilities. While at first glance, this is good, primarily because the infrastructure needs of the locality will be easily provided by the LGU, the loans may put the unit at risk. Most loans have terms longer than a mayor's tenure in office. This means that LGUs must pay for loans even beyond the term of the local chief executive (mayor or governor). This is particularly true for upper- to middle-income municipalities. The local policy agenda, along with the change in leadership at the local level, may also shift or change.

To facilitate economic development, the local councils are empowered to formulate economic and taxation policies in their localities. Each LGU also has an LDC, which lays down the local development plan. However, not all local councils have been proactive with their economic role, and not all LDCs are properly organized as mentioned earlier in the subsection on participation. This results in problematic local development plans that are mostly LCE-driven and not considered properly by NEDA. Local councils and executives, even in highly urbanized cities, are also adamant to update their local taxation schedules because of their possible political implications. Higher taxes are usually equated to losing the next elections, a risk that most politicians are not willing to take (FGD #1). What is not considered here is the possible positive effect of an updated tax schedule on the delivery of services, such as in education, which sources its funds from the real property tax. If we look at per capita GDP at constant 2000 prices in PhP for major administrative regions relative to the national figure (Cabuay and Hill 2019, 167–68), Metro Manila (National Capital Region), followed by CALABARZON, dominate the national economy, with Cebu and Davao cities also leading their respective region's growth and dynamism. However, "ARMM remains the poorest region with its per capita income equivalent to only 17 percent of the national figure and just 6 percent of that of Metro Manila in 2016 (Cabuay and Hill 2019, 168). Dynastic political structures that dominate many local governments, despite some progressive political dynasties, also limit political and economic competition, as well as economic development" (Atienza et al. 2020a, 39).

Conclusions, Continuing Issues and Challenges

The full implementation of the 1991 Local Government Code is still far from being a reality. In terms of democratization, one of the issues is the openness and fairness of local elections. Aside from the dominance of political families and dynasties in each locality, there are also issues of political violence that affect the freedom of voters to choose their candidates without fear or threats. In addition, while there are accountability and transparency mechanisms available, accountability issues and problems of corruption are still present at the local level. There are also institutional mechanisms in the 1991 Code allowing for the participation of citizens and groups in local governance; however, these are not followed in practice, and there is still no enabling law for the selection of sectoral representatives in the local sanggunian.

In terms of decentralization, the Code "has devolved significant powers and regulatory functions to LGUs." Formally, "this has empowered most LGUs but also given them significant challenges" (Atienza et al. 2020a, 38). Local governments are tasked by the Code to deliver several very important public goods and services, such as health, social welfare, agriculture, environment, and infrastructure for education; however, the extent of service delivery varies across LGUs since basic services are not provided in all LGUs. Richer cities can provide additional services to their constituents, while poorer municipalities are not able to provide all services due to budget limitations. The national government still flexes its muscles over LGUs, and despite more than three decades of decentralization, there are many LGUs still reliant on the national government. This is very evident during the pandemic response of the national government. When there are tensions between central and local governments, the Supreme Court is increasingly being called to intervene.

Finally, in terms of development, many LGUs still have constraints in promoting local economic development even if they already have taxing powers. Local officials must balance their political careers, on the one hand, and improve the generation and collection of local income, on the other. On top of this, corruption and the inability to right-size the local bureaucracy are still problems at the local level.

In sum, although it has been 36 years since the ratification of the 1987 Constitution and 31 years since the enactment of the Local Government Code, wide disparities in local governments' performance across the country persist. Performance is affected by limitations in the Code and the electoral system, as well as the discrepancy in the quality of local leadership, staff expertise, local civil society presence, and citizens' awareness and participation; ability to generate local resources; persistence of political patronage, clans, and corruption; and national executive dominance. Despite examples of trailblazing LGUs, there is general underperformance in many aspects of local governance. Local democracy and people empowerment are still uneven (Atienza et al. 2020a).

The COVID-19 pandemic since 2020 has further exposed the diversity in the performance and capacities of LGUs to address crises, as well as the problems of coordination and power relations between the national and local governments. However, the pandemic also showed promising signs of inter-LGU cooperation and coordination (Atienza et al. 2020b). All these issues cannot be addressed simply with the Supreme Court's Mandanas-Garcia ruling that increases the base of revenue transfers to LGUs starting 2022. Given that the pandemic has depleted the resources of both national and local governments, and the fact that the President issued Executive Order

No. 138 in June 2021, which puts the burden of full devolution as envisioned in the LGC on LGUs supposedly starting 2022, more steps need to be undertaken by all stakeholders to address challenges.

The year 2022, which is an election year with the May presidential, national, and local elections, was also significant for local governance. The year marks the beginning of the implementation of the Supreme Court's Mandanas-Garcia ruling which increased the base of national fiscal transfers to LGUs, and Executive Order No. 138 which calls for full devolution. However, expectations about local governance and more devolution needs to be tempered. Unlike his predecessor, Ferdinand Marcos, Jr. did not give a clear program on local governments and even charter change during the campaign. This was quite puzzling given that he served as provincial governor and ran under a party called Partido Federal ng Pilipinas, a small party in coalition with administration parties. However, in the Philippines where political parties are weak, personalities and political clans with resources are dominant, and candidates are not required to participate in national debates to discuss their programs of government, Marcos Jr. won without participating in many debates, and campaigned with very general messages including unity without going into specific issues, including local governments and autonomy. In his first State of the Nation Address to the two houses of Congress in July 2022, he did not discuss the future of devolution, the role of local governments as well as autonomy in Muslim Mindanao.

But despite this absence of clear commitment to the process of devolution, democratization, and local autonomy on the part of the new president, the same problems of LGUs as well as advocates of devolution and autonomy remain. In fact, just recently, officials with the Department of Budget and Management, the Department of Finance, and the Inter-Agency Committee on Devolution said that "the national government should extend the timeline of the devolution of some functions to LGUs amid the implementation of the Supreme Court's (SC) Mandanas-Garcia ruling" by a few more years (Robles 2022). This is because there is a "need to fully prepare and capacitate LGUs" to perform all their functions effectively and efficiently (Wong as cited in Robles 2022). In effect, this will require an amendment to Executive Order No. 138. There is also one think tank that supports this postponement of full devolution (Cabalza and Andrade 2022). A congressman recently also appealed to the executive and legislative branches of government calling for the postponement of devolution, saying that LGUs are not yet ready for full devolution and citing the misalignment in the national tax allocation sharing formula and the cost of devolved functions to LGUs (Begas 2022)—facts that academics and other experts have already pointed out since the beginning of the implementation of the 1991 LGC.

Recommendations⁴

Based on the preceding assessment of local governance and autonomy in the Philippines and the status of implementation of the 1991 Local Government Code, we do not recommend or support the full shift to a federal form of government as initially advocated by the Duterte administration during the first half of its term. Instead, we would like to recommend the following:

- 1. Amendments to the 1987 Constitution
 - Making the ban or limit on political dynasties selfexecuting by defining what a political dynasty is;
 - Reforming the party and electoral systems, with the end goal of strengthening political parties with clear programs, and penalizing turncoats;
 - Developing a true proportional representation system, instead of the current party-list system both at the national and local levels, that may also include some degree of closed representation incorporating a "zipper" / "zebra" style in the list of nominees to ensure more women candidates in the House of Representatives in combination with district representatives and in the local councils or sanggunian;

⁴ These are updated recommendations based on the ones we made in Atienza et al. 2020a and 2020b and #PILIpiLUNAS2022 2022.

- Allowing the formation of other autonomous regions or regional arrangements out of provinces and cities, like Metro Manila, that consider themselves and are judged by the DILG and other government agencies ready to assume additional responsibilities in addition to the two autonomous regions already identified in Article X;
- Strengthening regional development councils for more efficient regional planning and implementation; and
- Institutionalization of the Mandanas-Garcia ruling in the Constitution.
- 2. Amendments to the 1991 Local Government Code and Other Laws
 - Stipulation in the LGC of the process of selecting the three sectoral representatives in the local councils or sanggunian, or for Congress to pass a separate legislation stipulating the manner of selecting the three local sectoral representatives;
 - Introduction of some degree of closed proportional representation system in local council elections that allow for more women representatives through the "zipper" or "zebra" system;
 - Institutionalization of the Mandanas-Garcia ruling in terms of the base of the IRA / NTA in the LGC;
 - Amendment of the distribution formula of the 40-percent share in national revenues in the Code to make sure that provinces and municipalities, who absorbed most of the devolved responsibilities and services, as well as poorer LGUs, can get more shares than cities and more economically developed LGUs;
 - Inclusion of some conditionalities attached to fiscal transfers, including good governance performance scores and incentives for raising local revenues;

- Requiring all elected and re-elected local officials as well as local appointees to attend a mandatory set of training programs to orient or update them about their responsibilities, local processes, and new national laws affecting local governance, similar to the mandated continuing legal education of judges and lawyers under the judiciary;
- Strengthening regional development planning and giving RDCs budget to implement plans;
- Professionalization of barangay governments and officials equal to higher-level local officials, i.e. giving them regular government salaries, instead of just honoraria and subjecting them to performance standards applied to all government employees; and
- Possible inclusion of a ban or limit on political dynasties at the local levels of government, similar to what has been achieved in the Sangguniang Kabataan Reform Act of 2016.
- 3. Administration and People's Participation in Local Governance
 - Greater coordination between national agencies and their regional offices, on the one hand, and LGUs, on the other, in the planning and delivery of services and performances of shared or related responsibilities;
 - Stronger implementation of accountability and transparency mechanisms;
 - Continuing information dissemination and participatory consultations by national government agencies like the DILG and other concerned groups such as universities and civil society for all LGUs and local officials not just about the LGC but also other relevant laws and proposed reforms, including charter change proposals;

- Continuing skills trainings and appropriate qualifications for local personnel, e.g. budgeting, preparing tax codes, ordinance making, proposal making, etc.; and
- More information dissemination and skills training for citizens and communities not just in livelihood and other practical local concerns but also knowledge in terms of basic laws of the country, their rights and responsibilities vis-à-vis local and national officials, particularly in demanding accountability and transparency, and voters' education.

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Government Documents Cited

- The Constitution of the Republic of the Philippines. 1987. https://www.officialgazette.gov.ph/constitutions/1987-constitution/
- Republic Act No. 7160. 1991. "An Act Providing for a Local Government Code of 1991." 10 October 1991. https://www .officialgazette.gov.ph/1991/10/10/republic-act-no-7160/

Focus Group Discussions (FGDs)

- FGD #1. 2019. Department of Interior and Local Government (DILG) Leyte Officials. Tacloban City. 10 May 2019.
- FGD #2. 2019. Barangay Chairs of Carigara, Leyte. Municipal Hall, Carigara, Leyte. 29 May 2019.
- FGD #3. 2019. Barangay Chairs in Samar and DILG Samar Officials. Basey, Samar. 31 May 2019.

References

- Atienza, Maria Ela L. 2006. "Local Governments and Devolution in the Philippines." In Philippine Politics and Governance: An Introduction, edited by Noel M. Morada and Teresa Encarnacion Tadem, 418–27. Quezon City: UP Department of Political Science, in collaboration with the Commission on Higher Education.
- Atienza, Maria Ela L., Aries A. Arugay, Francis Joseph A. Dee, Jean Encinas-Franco, Jan Robert R. Go, Rogelio Alicor L. Panao, and Alinia Jesam D. Jimenez. 2020a. Constitutional Performance Assessment of the 1987 Constitution: Summary of Findings. Stockholm: International Institute for Democracy and Electoral Accountability (IDEA); Quezon City: UP CIDS. https://www.idea.int/publications/catalogue/constitutional-performance -assessment-1987-philippine-constitution/
- Atienza, Maria Ela L., Aries A. Arugay, Jean Encinas-Franco, Jan Robert R. Go, and Rogelio Alicor L. Panao. 2020b. "Constitutional Performance Assessment in the Time of a Pandemic: The 1987 Constitution and the Philippines' COVID-19 Response." International IDEA Discussion Paper 3/2020. Stockholm: IDEA; Quezon City: UP CIDS. https://doi. org/10.31752/idea.2020.36
- Atienza, Maria Ela, Pauline Eadie, and May Tan-Mullins. 2019. Urban Poverty in the Wake of Environmental Disaster: Rehabilitation, Resilience, and Typhoon Haiyan (Yolanda). Oxon and New York: Routledge.

- Begas, Billy. 2022. "Cash-strapped LGUs not yet ready for full devolution—Richard Gomez." Politiko, 29 November 2022. https://politics.com.ph/2022/11/29/cash-strapped-lgus-not -ready-for-full-devolution-richard-gomez/
- Buan, Lian. 2018. "Supreme Court: LGU shares shall be sourced from all national taxes." *Rappler*, 4 July 2018. https://www.rappler. com/nation/206467-supreme-court-decision-lgu-shares-allnational-taxes/
- Cabalza, Dexter Jeannette I. Andrade. 2022. and "Think not tank: LGUs yet readv for devolution." 12 December Philippine Daily Inquirer, 2022. https:// newsinfo.inquirer.net/1704054/think-tank-lgus -not-yet-ready-for-devolution
- Cabuay, Christopher and Hal Hill. 2019. "The Philippine Economy: Renewed Dynamism, Old Challenges." In From Aquino to Duterte (2010-2018): Change, Continuity—and Rupture, edited by Imelda Deinla and Björn Dressel, 145–83. Singapore: ISEAS–Yusof Ishak Institute.
- Casambre, Athena Lydia. 2006. "Autonomous Regions: The Cordillera Autonomous Region." In *Philippine Politics and Governance: An Introduction*, edited by Noel M. Morada and Teresa Encarnacion Tadem, 441–57. Quezon City: UP Department of Political Science, in collaboration with the Commission on Higher Education.
- Ellison, Kenneth H. 1998. "Emerging Styles of Governance: A Global Context." *Philippine Journal of Public Administration* 42 (1 and 2) (January – April): 1–16.
- Galing Pook (Gantimpalang Panglingkod Pook) Foundation. http:// www.galingpook.org
- Guevarra, Milwida M. 2000. "Decentralization and Economic Development: The Philippine Experience." *Hitotsubashi Journal of Economics* 41 (2): 97–109. https://www.jstor.org /stable/43296033

- Holmes, Ronald D. 2016. "Local Governments, Civil Society, Democratization, and Development." In *Chasing the Wind: Assessing Philippine Democracy*, 2nd ed., edited by Felipe B. Miranda and Temario C. Rivera, 107–41. Quezon City: CHR Philippines and UNDP.
- Hutchcroft, Paul. 2010. "Dreams of Redemption: Localist Strategies of Political Reform in the Philippines." In *The Politics of Change in the Philippines*, edited by Yuko Kasuya and Nathan Gilbert Quimpo, 418–44. Pasig City: Anvil Publishing.
- Robles, Diego Gabriel C. 2022. "Experts push to extend devolution transition." *BusinessWorld*, 3 October 2022. https://www .bworldonline.com/top-stories/2022/10/03/477951/experts -push-to-extend-devolution-transition/
- Task Force on a Blueprint for Building the Nation (#PILIpiLUNAS2022). 2022. #PILIpiLUNAS2022 Governance Agenda: Pag-Angat at Pagsulong Tungo sa Magandang Buhay at Bukas (Executive Summary). Quezon City: UP Diliman Office of the Chancellor, 29 April 2022. https://cids.up.edu.ph/ download/pilipilunas2022-governance-agenda
- The Asia Foundation. 2010. *Synopsis of Findings: Eleventh Rapid Field Appraisal (RFA) of Decentralization in the Philippines*. Transparent Accountable Governance Project, The Asia Foundation.
- Turner, Mark. 1999. "Philippines: From Centralism to Localism." In Central-Local Relations in Asia-Pacific: Convergence or Divergence?, edited by Mark Turner, 97–110. Hampshire, London and New York: St. Martin's Press.

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