

Atty Romeo Plata, Discussant for Magno Paper

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Thank you so much, Dr. Magno, for inviting us. On behalf of the members of the League of Municipalities, we are very glad that you have given us this opportunity to speak before you and give some remarks and comments. We would like to share the ideas that we have, most especially on the part of Local Governance or Participatory Local Governance.

Dr. Magno has cited some issues specifically on devolution, decentralization, Participatory Local Governance and vulnerable sectors. Before I proceed, I would like to give you an insight into what the League of Municipalities of the Philippines is all about. Actually the League of Municipalities of the Philippines is a creation of law, by virtue of Republic Act 7160, which is the Local Government Code of 1991. There are so many leagues, as mentioned by our dear Dr. Magno, aside from our League, which consists of 1,500 municipalities all over the country. Actually, we have an additional municipality in Mindanao, so we are right now 1,501 municipalities. These are represented by their respective Local Chief Executives, or the Mayors. So through the creation of this League, the membership of every municipality in the Philippines is mandatory. Once it becomes a barangay, once it becomes a city or municipality, it eventually or automatically ipso facto becomes a member of LMP.

We are very happy that the Government has enacted this law, and the father of the Local Government Code as we well know is Sen. Pimentel. Although we see the beauty of decentralizing the functions of the Government—the functions are given, there is a new way to administer its respective jurisdictions through the League of Municipalities—the problem is the funding, which was left at the national level. For example, in Health Care, the funding still stays with the DOH. We do not fault the DOH because the funding has been left with it, but it's the local governments that now do the work. So the LGUs should also be given the finances needed. How can you run a hospital and pay the health workers without the necessary funds? That's the big problem.

So we favor devolution, decentralization, because we are now more aware of what the needs of our constituents are, unlike the national government which is so politicized that those who are at the top don't see the ones at the bottom.

Aside from that, Dr. Magno cited the importance of Participatory Local Governance. Well, we agree that it is really important, and if you will notice at the local level, the participants are the actual residents or the constituents of a municipality, barangay or city. However, at the national level, the participants are the Local Chief Executives who represent the residents of the municipalities, because they are the ones who will be affected. A classic example is the problem we observed with Solid Waste Management, which is Republic Act 9003. As you well know, the deadline for this is February next year (2006). Under the law it says an open dump site should be converted into a control dump site, and a control dump site should be converted into a sanitary landfill. That is a big problem for us because we do not know where the funding should come from. Many of our good senators and congressmen say the funding is found in the IRA or the Internal Revenue Allotment. They do not know that there are classes of municipalities. We have first down to sixth class municipalities. Oftentimes, in order to run a municipality, a budget is needed, and the budget for a sixth class municipality is P20 million a year maximum. How much does it cost to create or to set-up, to establish, a sanitary landfill when you belong to a sixth class municipality? This is unlike Quezon City, which has P6 billion pesos for its collection, disposal of garbage, and if you have that kind of fund, it's ok. As you well know, the majority of the members of the League of Municipalities of the Philippines—more than 60%—belong to the third, to the fourth, down to the sixth class of municipalities. Only 40% are identified as first up to third class municipalities. This is why it is a big problem.

Aside from funding requirements, what we also need from the national government is technical assistance. Not all of our mayors are scientists; many are unlearned—not that we are putting them down, but this is the situation. You will observe that many of our mayors have not completed their high school education, and you will be presenting them with a law that is written in English without any guidelines, either in Tagalog or in the local dialect. How can you expect them to implement the law?

At present, there are many congressmen who have become mayors. They are "resting" now because their reasoning is that their children will replace them, then their wives—it's like substitution, because there is a term limit. So, among those congressmen who are now mayors, they see that the work they have done in congress now becomes a problem because they themselves are now affected. The Solid Waste Management Act was passed in Congress in 2000, so after the end of their term in Congress in 2004, as mayors they now see how difficult it is to implement this law. Of course, they have not solicited suggestions from their constituents, who are the ones who will be implementing the law. Once I attended a session of the Joint Congressional Committee, and if they are criticized for passing such laws, what happens is, for example in the Solid Waste Management Act, there are penal provisions, so that under the law, there are criminal and administrative liabilities for not abiding by the law. So now there are many mayors—especially here in the city, there are 11 mayors—who have already been sued by the IBP or the Integrated Bar of the Philippines, and the Philippine Bar Association. Cases have been filed against the mayors because of

this, and we expect that more mayors will be penalized, including those who are former congressmen.

So that is a big problem, but we see solutions to these problems—it's not just the problems that we see. We have introduced suggestions to the House of Representatives and even to the Senate, that we should cluster the municipalities. If there is a municipality that cannot handle its problems on its own, it should be included in a cluster, so that they will be facing their problems as part of a joint effort. The problem now is the "NIMBS" syndrome, the "Not In My Backyard" syndrome. "Don't throw your garbage in our territory." An example of this is, right now in Makati, how much is land per square meter? Probably P10,000 minimum, it's very expensive there. So how can you set up a sanitary landfill there? It would be more feasible to set one up in Montalban where land is less expensive. What I'm trying to say is, just because a municipality has more money, it can afford to buy land and set up a landfill in another municipality, and let the residents there suffer from the smell.

So, clustering is one solution, and we are still working it out. In our set-up we have 79 provinces, and in those provinces we have Chapter Presidents, and they are the ones we are consulting. We are promoting the idea of clustering rather than having cases filed against everyone.

So, we understand that Participatory Local Governance is very important on the part of the Local Government Units. Lastly, with regard to the Vulnerable Sectors, it is not just the women who are vulnerable, but also the Senior Citizens. This is why we have an Office of the Senior Citizens Affairs in every municipality. This is what we are promoting now in the LMP, because we know that it is not just the youth who are important but also the elderly. In our findings, in our researches, there are 890 OSCA offices all over the country right now, including the cities. There are fewer cities compared to municipalities, so the solution we have seen is to prepare our Local Government Code. Meaning to say, here is the pie, it is big. There are billions of pesos for funding in the pie. But most of the pie goes to the cities, considering that they are fewer than us—around 179, compared to the municipalities that number 1,501. More of the funding goes to them, so while we do not want to create enemies of our counterparts, all we are saying is for them to give us a bigger share, for us to at least give the basic services, quality basic services, to the constituents of every municipality.

With that, I would like to thank you for giving us the opportunity to share with you our insights regarding the presentation of Dr. Magno. Thank you and good morning.