



FEDERALISM AND THE LOCAL GOVERNMENT UNIT IN THE PHILIPPINES

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Abstract

Federalism is a type of government in which the power is divided between the national government and other governmental units. This study aims to provide answers to the consequence and benefits of federalism as a system's that helps to have a progress to one's local government. The following are the questions: What is the effect of federalism as a system in a local government unit? Does Federalism shape the actions and decisions of local government unit? Why does Federalism affect the leadership of: 1) Mayors 2) Barangay Chairman and its officials. What is the effect of Federalism in the economic development of one's local government unit? The research design used for this study is qualitative design because this will be conducted through an interview via face to face, video call or chat, which will give us data, reliable to achieve the purpose of this study. In this research, the respondents of this study are the selected Local Government Unit officers such as Barangay Captain, Mayors, and Counsellor's. This can be done by asking questions about the specific topic. All respondents agreed that Federalism as a system is effective in economic growth. According to the respondents that Federalism boosts the economy of one's LGU because the authority is already given to the LGU officials where they are independent in implementing policies that can help the economy grow. Most of the respondents are undecided whether Federalism affects the leadership of LGU officials. They believe that it depends on the elected officials whether they have an effective leadership or not, and also it depends on how they handle and makes decision in LGU. The researchers conclude that having Federalism as a system is an effective and efficient tool towards one's Local Government Unit. Federalism helps Local Government Unit to be more productive and progressive in development of the LGU. It helps to shape the actions and decisions made by the local government officials.

Keywords: Effectiveness, Federalism, Local Government Unit, Unitary, Devolution



INTRODUCTION

Federalism is a type of government in which the power is divided between the national government and other governmental units. Using federalism as a system, possible there is a better change to one's local government. This would be explained how federalism help improve one's community and if it is a good idea or not. The authority and power to handle federalization in one's local government is the Mayors and *Punong Barangay*.

The Constitution of the Philippines recognizes the importance of local governments. It provides as a policy that "the State shall guarantee and promote the autonomy of the local government units -- especially the *barangays* -- to ensure their fullest development as self reliant communities." Local governments constitute the foundation of the entire structure of the government. The acts of the local government units affect the ordinary citizen more directly than those of the national government. The average citizen has more and closer contacts with the local governments and their agencies than with the national or provincial government and is more concerned with the local affairs than with those of the national or provincial in scope.

The *Punong Barangay* is empowered to enforce all laws and ordinances; maintain public order; ensure the delivery of basic services; enforce laws and regulations relating to pollution control and protection of the environment; adopt measures to prevent and control the proliferation of squatters; and adopt measures to prevent and eradicate drug abuse, child abuse, and juvenile delinquency. The *Sangguniang Barangay* can enact ordinances; levy taxes and other revenue measures; provide for construction and maintenance of *barangay* facilities and other public works; regulate use of public facilities, including waterworks; etc.

Mayors generally head the political and administrative parts of urban governments that are so important to low income groups with regard to the potential for getting or building housing (or land for housing) and being able to pursue livelihoods, having access to

water, sanitation, health care and education, and often for the rule of law. Local governments are particularly relevant to people's daily lives as they manage the infrastructure and services that directly influence quality of life. Mayors generally have some influence on the form of the city's current and future development, including its success in attracting new investment. They are also likely to influence the form and extent of the urban centers physical expansion (and whose needs are accommodated in this expansion) by the extent of their commitment to managing land use in ways that allow low-income groups to get land for housing.

In some contexts, mayors have considerable importance for the nature of the government's relations with urban poor groups – for instance, in opening and maintaining dialogue with these groups or other groups whose needs have been given inadequate attention

(including women, youth or children), and in piloting institutionalized change that can transform the ability of an urban government to address the needs and interests of the poor – for instance, through introducing or supporting participatory budgeting or choosing to support representative organizations of the urban poor.

Currently, the country is in the form of unitary government- means the central government is the highest governing power were they delegate tasks or policies and the local state government will exercise them. Under a federal government, power is divided between the central government and local state governments. Each state shall be empowered to handle their own laws, finances, development plans, health, education, and infrastructure, among others. Under federal setup, some regions may thrive using their strategic advantages in their natural resources. Local government unit power over their own resources will help boost regional development.

Statement of the Problem

This study aims to collect and provide answers to the consequence and benefits of federalism as a system's that helps to have a progress to one's local government. The following are the questions:

· What is the effect of federalism as a system in a local government unit? · Do Federalism shape the actions and decisions of local government unit? · Why do Federalism affect the leadership of;

1) Mayors

2) *Barangay Chairman* and its officials

· What is the effect of Federalism in the economic development of one's local government unit?

Objectives

To know the effectiveness of Federalism as a system in the local government unit.

To understand how Federalism affects the leadership of Mayors and Brgy. Chairman and its officials.

To determine how Federalism shapes the actions and decision making of one's local government unit

Significant of the Study

This study aims to know how federalism works as a system in a local government. This would help to recognize how it would provide the local government into a better community in having federalism. Moreover, it would identify if federalism can work as a system and showing

the challenges and benefit on it once it will apply to a local government. Furthermore, this study will highlight what are the different power of the Mayor and *Punong Barangay* in accordance with the law, this will give a lot of knowledgeable information about their scope of powers and functions in governance. This study helps to identify how important the power and function of Mayor and *Punong Barangay*, also give the idea of the limitation of their functions. This study aimed to evaluate the power of Mayor and *Punong Barangay* in their governance.

REVIEW OF THE RELATED LITERATURE

Related Legal Basis

Republic Act No. 7160, or the Local Government Code of 1991 aims to provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources. It is also aims to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative and referendum. Moreover, require all national agencies and offices to conduct periodic consultations with appropriate local government units, nongovernmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions. This would help the local government to stand and be responsible of its member. They will stand independently and be a leader to create and improve their community into better place to live in.

Federal Constitutional Law of Austria, this law aims to commits itself to comprehensive national defense. Its goal is to safeguard its independence toward the outside and the unity of the Federal territory, especially for the maintenance and defense of the permanent neutrality. A country can stand alone without the help of the any other country. Aiming for a progressive, productive and improving its economy growth of a country. The initiative of a leader will help to create a better version of his country that will make a worthwhile living.

Related Literature

Federalism is a system of government in which the same territory is controlled by two levels of government. Generally, an overarching national government is responsible for broader governance of larger territorial areas, while the smaller subdivisions, states, and cities govern the issues of local concern. Both the national government and the smaller political subdivisions have the power to make laws and both have a certain level of autonomy from each other.

While the Philippines is divided into 18 regions, these regions do not necessarily represent political or administrative units below the national government. Local government

units are sub-divided into provinces or highly urbanized cities, such as the city of Manila, which is not a part of a province but its own separate political unit, and then further sub-divided into municipalities and barangays. The barangay is the smallest administrative or local government unit in a province or independent city. Like the American federal system, each local government unit is sovereign and has its own rights, responsibilities, and duties, but each local unit is also subservient to the respective higher governmental authority. In the case of the Philippines, the barangay is under municipalities, which is under the province, which is under the federal government. Each local government unit has the right to exist and its boundaries cannot be altered without a plebiscite by the political unit's population. The 1987 Philippine Constitution limits local office holders to three year terms and not more than three consecutive terms. Each local unit of government will participate in elections to select the local government officials. Each local government unit has the right to generate revenue to be used exclusively by that respective political unit.

Based on the book of Paul R. Edleman, PhD, the current local government and barangay system in the Philippines is the result of the 1986 People Power Revolution that removed Marcos from power and the subsequent 1987 Constitution. The new Constitution codified the existence of the local government units, including the barangay system, and granted each unit a level of autonomy. The move towards decentralization of power was in part a reaction to the centralization of authority under martial law, but the powers and duties of the local government units were further defined and further decentralized with the passage of the 1991 Local Government Code as a means to draw support from local authorities. The 1991 law was revolutionary in that it ran counter to the tradition of centralization in most Southeast Asian nations (Atienza, 2006).

Atienza (2006) also notes that this devolution was important in the Philippines for five reasons:

- 1) It gave local governments control over many of the basic social services, such as health and agriculture.
- 2) It gave local government's enforcement power over many laws and regulations, including environmental laws and food inspection
- 3) It gave local government the authority to tax and increased the share of funding from the national government to the local *barangay*
- 4) It enhanced local civil society by allowing local political units the ability to create locally elected governing assemblies, including at the *barangay* level, to govern over the local population and the ability of the population to vote on local referendum

5) It encourages local governments to form partnerships with the private sector to promote local development.

Today, the *barangay* is the smallest unit of government in the Philippines. Each *barangay* is headed by a *barangay* captain and *barangay* assembly, each elected by the citizens of the *barangay*. Consisting of nine members, the *barangay* assembly is composed of seven council members plus the *barangay* captain and the chairperson of the local *barangay* Youth Council. *Barangays* are responsible for governing and managing the population and territory within their respective borders. Like a city council in the United States, the *barangay* assembly and captain meet in regular public forums to discuss and debate local issues and laws. Their activities can include allocating funding for roads and infrastructure projects, formalizing funding requests to the higher municipal or province governments, creating the *barangay* budget, setting local curfews, to organizing and sponsoring community and cultural activities. The *barangay* caption is the *barangay*'s chief executive officer. Their duties may include the following:

- Enforce laws;
- Sign contracts;
- Maintain public order;
- Preside over the *barangay* assembly;
- Coordinate the *barangay* development council;
- Approve the allocation of funds;
- Enforcement of environmental laws;
- Administer the operations of the local dispute resolution council or Katarungang Pambarangay;
- Ensure the delivery of basic services
- Promote the general welfare of the *barangay*

According to Elliot Bulmer, the following are the advantages and disadvantages of a Federal System:

Advantages:

Scale

Increasing the size of the political unit has a number of consequences. As the geographical distance between the government and the people grows, the more difficult it becomes for the people to make their voices heard, the more elites at the centre begin to dominate the political process and the less likely it becomes that the rulers will understand the needs, aspirations and priorities of the people. This can lead to unpopular, inappropriate and unworkable policies, as well as to a sense of alienation and frustration that can damage the reputation of the political system as a whole. Federalism can help resolve this problem, since it

enables substantial powers to be exercised at the state or provincial level, in order to give people greater opportunities to exercise democratic control and to tailor policies to their own needs, while entrusting to the centre only those powers that need to be handled centrally.

Diversity

One of the main benefits of federalism is that it provides a framework for the recognition of ethnic, religious, linguistic or other cultural communities, reflecting their desire to be recognized as a people with a distinct identity and particular interests. By guaranteeing substantial autonomy to such groups, federalism can allow them to exercise partial self-government through state, provincial or regional institutions while still sharing certain functions with other communities through federal or national institutions. By satisfying demands for autonomy and recognition, a federal constitution may protect minorities, prevent conflict, increase the legitimacy of democratic institutions and reduce pressure for secession. However, federalism (at least as it has traditionally been understood and practiced) is appropriate only where these communities are territorially concentrated; if ethnic, religious or linguistic communities are not concentrated in particular geographical areas, other ways of combining self-rule with shared rule might be preferable (see section 10 of this Primer on possible alternatives to federalism).

Coming together and holding together

Historically, small states that were confronted by common enemies or existential challenges would sometimes come together in unions, leagues or confederations that were bound together by a treaty or founding agreement. This would enable these states, without sacrificing autonomy in most aspects of domestic policy, to share certain powers and functions, particularly in relation to foreign affairs, defense and trade. In several respects, however, these early unions were more like today's intergovernmental organizations than modern federal countries. Their confederal assemblies were conventions of delegates from the states, not truly national parliaments.

Through successive waves of democratization, federalism has spread around the world. Federal systems can now be found in emerging and consolidated democracies; in common-law and civil-law jurisdictions; in countries with presidential, semi-presidential and parliamentary executives; and on every inhabited continent. Thus, we see two approaches to federalism: a 'coming together' federalism in which formerly independent countries unite into a federal state, and a 'holding together' federalism in which a formerly unitary state seeks a federal solution to the problems of scale and diversity.

Federal government is rooted in constitutionalism and pluralism

Federalism requires power-sharing between federal institutions and those at the subnational level, such that neither level of government has absolute power. A well functioning federal system is by definition constitutional and pluralist, since it is based on discussion and negotiation between balanced center of power and the recognition of minorities under a broad framework of agreed constitutional rules.

The power-sharing base is broadened

Federalism allows political groups that are minorities on the federal or national level to hold office at the state or provincial level. This can have a beneficial effect in promoting political inclusion and a balance of power in countries with a dominant party at the national level. In South Africa, for example, the African National Congress party has won large majorities at every national election since the transition to democracy in the 1990s, but the opposition Democratic Alliance has enjoyed power in the Western Cape Province. The broader base of office holding at subnational levels may also provide greater opportunities for women, ethnic minorities, poor people and other traditionally under-represented demographics to be elected to office.

Innovative and pragmatic approaches to policy development are encouraged

By allowing subnational units to develop their own policies to meet their own needs, federalism can promote innovation and experimentation in policymaking, enabling states or provinces to pioneer innovative policies that would not be politically viable at the national level.

The burden on central authorities is reduced

Federalism frees the central government from having to handle much of domestic administration and service delivery, enabling it to focus on strategic challenges and national priorities.

Resources are shared across geographical space

Federalism is a way of ensuring the wider distribution of public resources through revenue sharing and other forms of fiscal arrangements that guarantee an agreed share of resources to all areas of a country. Federalism may also encourage more geographically diverse economic and social development, in contrast to a unitary state where everything—money, power, culture—gravitates to the capital.

Capacities and democratic responsibilities are developed

State, provincial or regional institutions provide a useful training ground for citizens, representatives and public officials. In a centralized country, politics takes place in the capital, and those who are far removed from the capital have few opportunities to participate in holding office and making decisions; in a federal country, many more people have the opportunity to participate in public life.

Disadvantages:

Duplication of work and lack of coherence

Federalism can duplicate government functions and lead to the delivery of overlapping or contradictory policies at different levels of government. Although constitutions often attempt to specify which level of government has primacy in each area of policy, many policies cut across these functional boundaries or can affect other policies in unpredictable and undesirable ways. As a consequence, the responsibility of each level of government for policy outcomes and service delivery may be hindered by the actions or inactions of other levels of government. It can become difficult for citizens to know where responsibility lies and to use this information to hold public officials to account.

Additional operating costs

Maintaining multiple levels of government is expensive. More public institutions mean higher costs for offices, staff, salaries and allowances, and meeting these costs may place a heavy burden on the treasury of a less economically developed country.

Increasing regional discrepancies of wealth, resources and outcomes

Unless an effective mechanism for revenue sharing is in place (requiring richer states or provinces to subsidize poorer ones), federalism can lead to increased inequality between subnational units because of their different natural resources or other revenues or levels of development. Federalism may also cause a widening disparity of outcomes in terms of the provision and quality of public services.

Harmful economic competition between subnational units

A related point is that if the unit of social and economic regulation is smaller than the unit of free trade and of capital movement (e.g. if working conditions or environmental regulations are determined by subnational units), then a 'race to the bottom' might result, as

subunits compete to attract capital by lowering wages and costs. This can undermine solidarity and make it more difficult to pursue economically progressive policies.

Judicialization of politics

A strict constitutional division of power between levels of government may result in an increased political role for the judiciary, as disputes between the competences of national and subnational institutions are resolved in the courts rather than through elected legislatures. In all democratic countries it is necessary to maintain a careful balance between the independence and neutrality of the judiciary, on the one hand, and the responsiveness and inclusivity of the judiciary on the other, but in federal countries striking such a balance is particularly important.

Potential exclusion of minorities

While federalism can provide opportunities for autonomy and recognition for cultural minorities, it can also expose minorities within constituent units to discrimination and oppression, particularly if states/provinces/regions are established on ethnic, linguistic, cultural or religious lines but contain within them minorities belonging to different groups. A strong central government, on the other hand, may protect such locally concentrated minorities and ensure the equal protection of the law.

The strengthening of local elites who misuse power

Powerful interests can misuse subnational governments for private gain at the expense of the common good. Corruption, always difficult to eradicate, may be especially hard to tackle at the state, provincial or regional level, where it may be embedded in local networks and take place far from the eyes of national anticorruption authorities. In situations where many voters are economically or socially dependent on local elites (for example, because those elites control access to employment, land or other goods), the greatest challenge is to ensure that decentralized government is decentralized democracy, and not decentralized oligarchy or autocracy.

Ineffective governance because of a lack of capacity

Subnational governments may be ineffective owing to a lack of the human and financial resources necessary to fulfil their functions. Constitution-makers should be aware of the risk of overburdening weak and newly established governing institutions with

demands that they cannot meet—to do so would risk disillusionment, distrust and discontent.

Instability and threats to democracy

The multiple center of power associated with federalism may have a destabilizing effect and can, in the absence of a consolidated democracy, create additional risks of conflict. While federalism may satisfy demands for autonomy and thereby diminish the desire for secession, it may also provide an institutional platform for secessionist demands. These demands, if not accommodated through a further transfer of powers, could result in a destabilizing and potentially violent secession or to anti-democratic measures in order to suppress secessionism.

RESEARCH METHODOLOGY

Research Design

The research design that will be used for this study is qualitative design because this will be conducted through an interview via face to face, video call or chat, which will give us more information or data, reliable to achieve the purpose of this study.

Research Respondents

In this research, the respondents of this study are the selected Local Government Unit officers such as Barangay Captain, Mayors, and Counsellor's. This can be done by asking questions about the specific topic.

Data Collection

The researcher used the interview and survey method of gathering data, in which they conducted interviews to the specific person that serves as the respondent, and ask a careful, specific and understandable questions to the person interviewed. They interview the respondents through face to face, chat or phone and video calls.

The researchers conducted the interview through face to face, or phone calls, video call and chats.

Research Environment

This study was conducted within the selected municipalities in Cebu Province specifically in Bantayan Island, Carcar City, Pinamungajan, Santander and Tabogon.



Data Gathering Method

We choose a specific place to gather the information needed, sending letters for to the respondents and ask for their approval and availability for the interview. The researchers will introduce their names, topic, the purpose of the research and a brief discussion about the topic. Next, ask the respondents to introduce themselves and give some important background, the researchers will ask the formulated questions to start the interview and explain further what are the specific answers that we need to know and the said interview will be recorded if video call, or calls. The last thing to do is to keep the recordings, screenshot the conversation if chat and give appreciation speech for those officers who are gladly participated to make the study done more reliable and truthful.

ANALYSIS AND FINDINGS

Here, the analysis and interpretation of data gathered whose main objective is to find out if Federalism works in a local government unit.

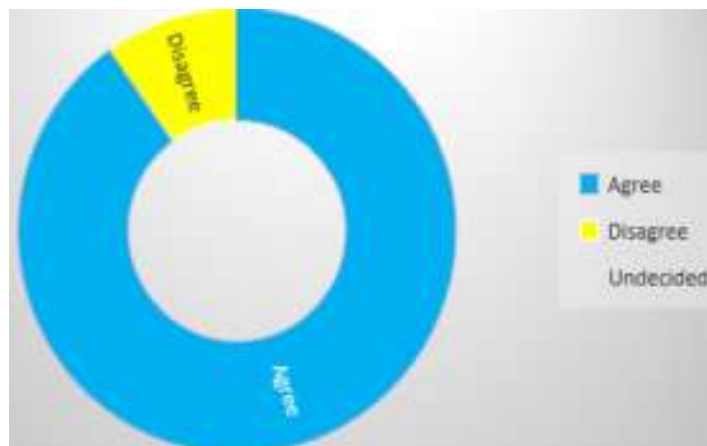


Figure 1: Federalism as a system (Effective)

Most of the respondents believed that Federalism as a system is an effective and efficient tool in creating decisions in one's Local Government Unit. It helps to improve the system and progress the efficiency of the workers and the effectiveness of every decision of a leader.

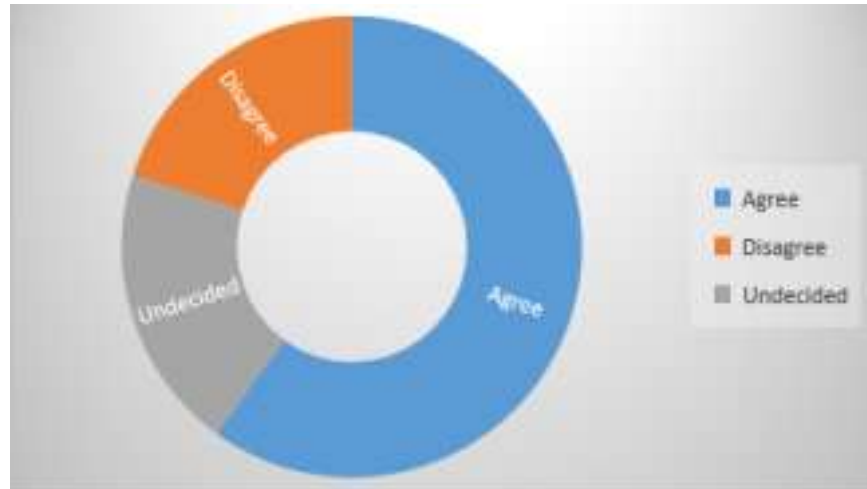


Figure 2: Positive Impact of Federalism

In this figure, it shows here that Federalism that most of the respondents believes that having Federalism as a system will give positive impact towards the LGU. Some of them is uncertain because for them, they cannot assure that Federalism will give positive impact towards the LGU. For them, it depends to the person who takes the position on how they will use Federalism that would reflect a positive outcome towards the LGU.

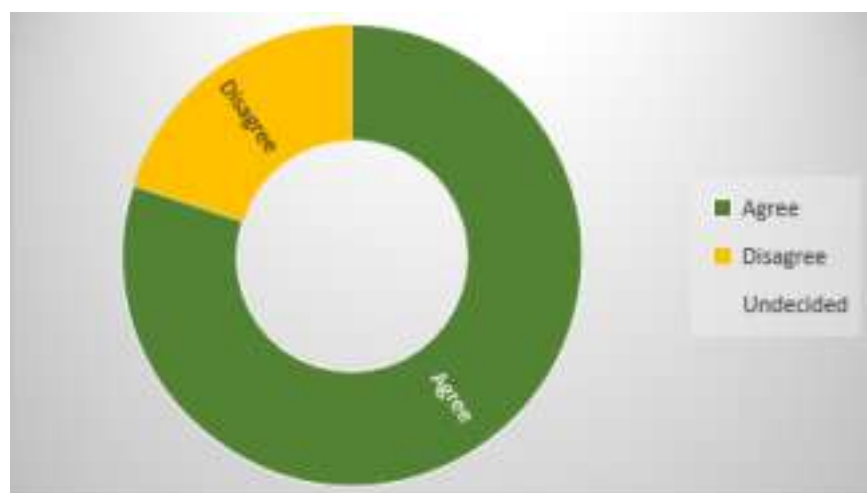


Figure 3: Effectiveness of Federalism in decision making.

It shows here that most of the respondents agreed that in doing decision making Federalism will effectively help the Local Government Unit. This would help to create a better decision that would really help one's community. It also helps the leader to determine directly if there are problems happened.

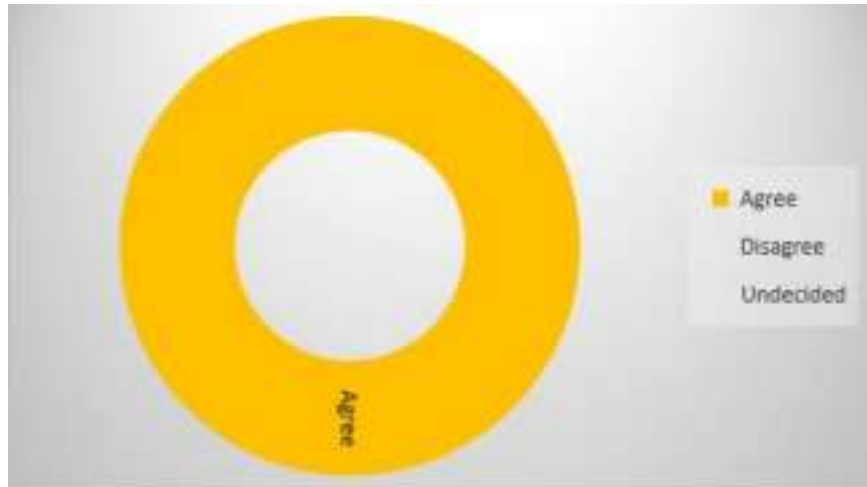


Figure 4: Reduces conflict in decision making.

The figure shows that all respondents agreed that Federalism reduces conflict in terms of decision making in LGU. This represents that all respondents think that Federalism is effective in making decisions.

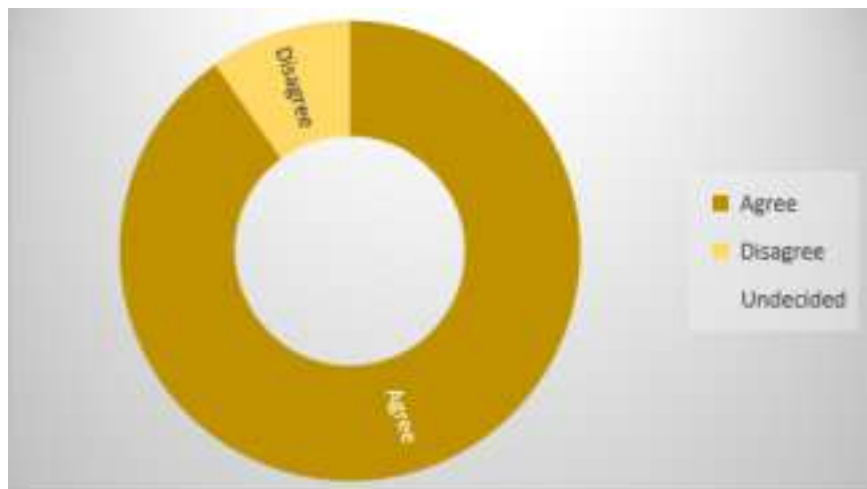


Figure 5: Federalism helps LGU to be progressive

Out of 10 respondents, 90% agreed that Federalism helps LGUs to be progressive in their governance. 10% of them disagreed that Federalism is not helpful for one's Local

Governments progressiveness. In this figure, some respondents think that Federalism would truly help the LGU more progressive in many ways.

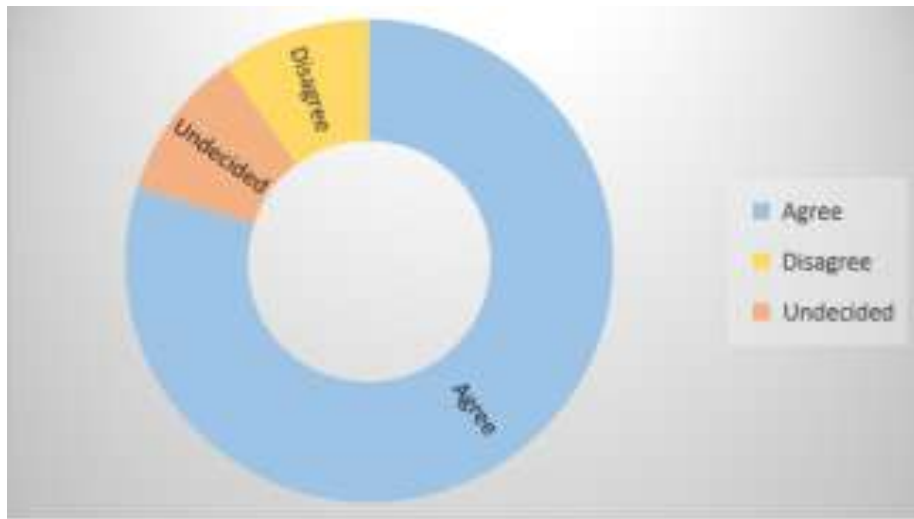


Figure 6: The implementation of Federalism

Figure 6 shows that 80% of the respondents agreed that they are in favor of the implementation of Federalism while 10% disagreed while 10% are undecided. In this figure, most of the respondents agreed to implement the Federalism and there are few that did not agree, and some are undecided. The implementation of Federalism is very crucial, and it needs proper handling and observation.



Figure 7: Federalism boost the economy of one's LGU

Figure 7 shows that all respondents agreed that Federalism as a system is effective in economic growth. According to the respondents that Federalism boosts the economy of one's LGU because the authority is already given to the LGU officials where they are independent in implementing policies that can help the economy grow.

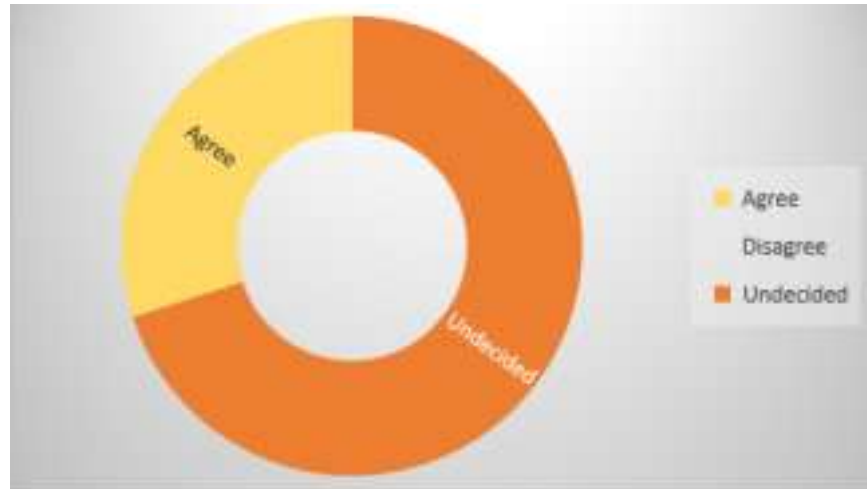


Figure 8: Federalism affects the leadership of LGU's Officials

The figure 8 shows that most of the respondents are undecided whether Federalism affects the leadership of LGU officials. They believe that it depends on the elected officials whether they have an effective leadership or not, and also it depends on how they handle and makes decision in LGU.

CONCLUSION AND RECOMMENDATIONS

The overall results that we gathered clearly shows that most of the respondents agreed that Federalism is an effective system in one's Local Government Unit. The figures above show the results of the data gathered of the different Municipalities of Cebu Province. Each of the respondents have different perspective but have the same goal.

The researchers conclude that having Federalism as a system is an effective and efficient tool towards one's Local Government Unit. Federalism helps Local Government Unit to be more productive and progressive in development of the LGU. It helps to shape the actions and decisions made by the local government officials.

Based on the conclusion, the researchers recommended that implementing federalism is an effective system towards a productive and progressive Local Government. In addition, the next researchers are advised to find out how important federalism is the one's Local Government once it is being implemented effectively and efficiently.

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