

A Simple Reference Guide to Action



Tasks and Responsibilities
Checklist
4th Edition

THE PROVINCIAL GOVERNOR

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List of Acronyms

AO	Administrative Order
BLGS	Bureau of Local Government Supervision
CSO	Civil Society Organization
DILG	Department of the Interior and Local Government
ELA	Executive and Legislative Agenda
EO	Executive Order
HLURB	Housing and Land Use Regulatory Board
ICC	Indigenous Cultural Community
IEC	Information, Education and Communication
IP	Indigenous People
IRA	Internal Revenue Allotment
LGA	Local Government Academy
LGC	Local Government Code
LGPMS	Local Governance Performance Management System
LGU	Local Government Unit
MC	Memorandum Circular
MMAA	Muslim Mindanao Autonomy Act
NGO	Non-governmental Organization
OIC	Officer-In-Charge
PD	Presidential Decree
PM	Presidential Memorandum
PO	People's Organization
PPA	Programs, Projects and Activities
PPFP	Provincial Physical Framework Plan
PSO	Private Sector Organization
RA	Republic Act
SWM	Solid Waste Management

The Provincial Governor, as the chief executive of the provincial government, is mandated to exercise powers and perform duties and functions necessary to promote the general welfare of the province and its inhabitants.

~The Local Government Code of 1991~

1 SETTLING IN THE FIRST 100 DAYS

For a Provincial Governor, the first 100 days are among the crucial ones, especially if he or she is a first-termer. During this period, three aims are essential:

- ☑ To perform well;
- ☑ To effectively communicate the image of the future of the province he or she seeks to create, dedicating his or her term in building the foundation of that future; and
- ☑ To build a partnership with all sectors in the province towards the eventual realization of that future.

Following is the list of tasks and responsibilities of, and reminders to, the Provincial Governor.

Upon assumption

- ☐ Subscribe to an oath of office and require all newly elected provincial officials to do the same [Section 92 (a), LGC]
- ☐ File a sworn statement of assets, liabilities and net worth, list of relatives within the fourth degree of consanguinity or affinity in government service, financial and business interests, and personal data sheet [Section 91 (a), LGC]

Organize or reorganize, and ensure the functionality of the following:

- Provincial School Board [Section 98 (b)(1), LGC]
- Provincial Health Board [Section 102 (a) (1), LGC]
- Provincial Development Council [Section 107 (c), LGC]
- Provincial Peace and Order Council [Section 116, LGC; EO No. 309, s. 1988, as amended]
- Provincial Board of Assessment Appeals [Section 227, LGC]
- Provincial Bids and Awards Committee [RA No. 9184]
- Provincial Finance Committee [Section 316, LGC]
- Provincial Disaster Coordinating Council [PD No. 1566, s. 1978]
- People's Law Enforcement Board [RA No. 6975; DILG MC No. 06-59, s. 2006]
- Tourism Council [DILG MC No. 95-162, s. 1995]
- Anti-Drug Abuse Council [DILG MC No. 01-90, s. 2001]
- Provincial Price Coordinating Council [DILG MC No. 04-75, s. 2004; DILG MC No. 05-130, s. 2005]
- Small and Medium Enterprise Development Council [DILG MC No. 02-107, s. 2002]
- Fisheries and Aquatic Resources Management Council [DILG MC No. 99-142, s. 1999]
- Provincial Agriculture and Fisheries Council [DILG MC No. 97-271, s. 1997; DILG MC No. 98-200, s. 1998]
- Executive and Legislative Agenda Team [DILG MC No. 04-64, s. 2004]
- Local Governance Performance Management System Team
- Provincial Council for the Protection of Children [DILG MC No. 02-121, s. 2002]
- Provincial Ecological Solid Waste Management Board [RA No. 9003; DILG MC No. 01-38, s. 2001]
- Provincial Council for the Culture and the Arts [DILG MC No. 02-81, s. 2002]
- Provincial Special Drug Education Center Team [DILG MC No. 06-150, s. 2006]

To bring the people closer to the government

-  Cause the enactment, or enforcement, of an ordinance allowing people from all walks of life access to provincial government offices [DILG MC No. 96-45, s. 1996]
-  Ensure that a citizens' desk is in place at the lobby of the provincial capitol, properly identified and completely manned at least eight hours a day to provide information and other forms of assistance to the public [DILG MC No. 96-45, s. 1996]

To encourage participation in the promotion of the general welfare of the people in the province, among others

-  Call upon any national official or employee stationed in or assigned to the province to make recommendations on matters affecting the province; and coordinate with said official or employee in the formulation and implementation of plans, programs and projects [Section 465 (b) (1) (xvi), LGC]
-  Call conventions, conferences, seminars or meetings of elective and appointive officials of the province and component cities and municipalities, including national officials and employees stationed in or assigned to the province, whenever necessary [Section 465 (b) (2) (ii), LGC]

During the opening of the regular session of the Sangguniang Panlalawigan

-  Present the program of government and propose policies and projects [Section 465 (b) (1) (iii), LGC]

On Development Planning

-  Direct the formulation and implementation of the provincial development plan [Section 465 (b) (1) (ii), LGC]

Ensure that the Provincial Development Plan is of quality, as indicated by the following elements:

- Participatory in its formulation
- Sets socio-economic development thrusts to achieve the vision of the provincial government
- Supportive of overall provincial, regional and national development thrusts
- Development targets and strategies are clearly stated
- Financing scheme is an integral component of the plan
- Monitoring and evaluation is an integral component of the plan

-  Ensure the inclusion of the eradication of illiteracy as one of the priorities in the provincial development plan, and cause the provision of enough funds and its implementation [DILG MC No. 00-120, s. 2000]

- ☐ Incorporate development projects on culture and arts in the short- and long-term provincial development plan [DILG MC No. 95-117, s. 1995]

To ensure complementation of efforts between the executive and the legislative bodies

- ☐ Cause the formulation and implementation of an Executive and Legislative Agenda, for the period 2007-2010, highlighting priority areas for improvement or reforms
[DILG MC No. 04-64, s. 2004]
- ☐ Ensure the availability of funds for the formulation and implementation of ELA
[DILG MC No. 04-64, s. 2004]

Relative to the provincial budget

- ☐ Require each head of office or department to prepare and submit an estimate of appropriations for 2011 on or before the 15th of July 2010
[Section 465 (b) (3) (i), LGC]
- ☐ Prepare and submit an executive budget for 2008 to the Sangguniang Panlalawigan for approval not later than the 16th day of October 2010
[Section 318, LGC]

Ensure that the executive budget is of quality as characterized by the following elements:

- Participatory in its formulation
- Responsive to the budgetary requirements of the provincial government plans
- Satisfies statutory and mandatory obligations [Section 324 (b), LGC]
- Total appropriations covering the operating expenditures and capital outlays do not exceed the estimated income [Section 324 (a), LGC]
- Approved within the prescribed period

Further considerations in the preparation of the executive budget:

- Debt servicing appropriation – 20% or less of the regular income [Section 324 (b), LGC]
- Aid to component barangays – at least One Thousand Pesos (P1,000.00) per barangay [Section 324 (c), LGC]
- Annual lump sum appropriation for unforeseen expenditures arising from the occurrence of calamities – 5% of the estimated revenue from regular sources [Section 324 (d), LGC]
- Development projects appropriation – at least 20% of the provincial annual IRA [Section 287, LGC]
- Personal services appropriations – 45% or less for the 1st-3rd class, and 55% or less for the 4th-6th class provinces [Section 325 (a), LGC]
- Appropriations for discretionary purposes – 2% or less of the actual receipts derived from basic real property tax in the next

Other Matters

-  Appoint all officials and employees whose salaries and wages are wholly or mainly paid out of provincial funds and whose appointments are not otherwise provided in RA No. 7160
[Section 465 (b) (1) (v), LGC]
-  Determine, based on law or ordinance, the time, manner and place of payment of salaries or wages of the provincial officials and employees
[Section 465 (b) (1) (viii), LGC]
-  Allocate and assign office space to provincial officials and employees *[Section 465 (b) (1) (ix), LGC]*
-  Act on leave applications of officials and employees and the commutation of the monetary value of leave credits
[Section 465 (b) (1) (xiv), LGC]
-  Authorize official trips of officials and employees outside of the province for a period not exceeding 30 days *[Section 465 (b) (1) (xv), LGC]*

2 GEARING UP FOR THE CONTINUING TASKS

The tasks and responsibilities of a Provincial Governor do not end after his or her first 100 days of being the chief executive of the province. It must be kept in mind that there is more to be done to better manage the affairs of the province.

Below is another list of tasks and responsibilities of, and reminders to, the Provincial Governor for the rest of his or her term.

LOCAL ADMINISTRATIVE GOVERNANCE

On Supervision

-  Ensure that every component city or municipality acts within the scope of its prescribed powers and functions [Section 465 (b) (2) (i), LGC]
-  Impose preventive suspension upon erring elective local officials of component cities and municipalities [Section 63, LGC]
-  Ensure that all executive officials and employees faithfully discharge their mandated duties and functions [Section 465 (b) (1) (x), LGC]
-  Examine the books, records and other documents of all offices, officials, agents or employees of the province [Section 465 (b) (1) (xi), LGC]
-  Impose preventive suspension upon erring appointive provincial officials and employees [Section 85, LGC]

- 📅 Visit component cities and municipalities at least every 6 months to deepen understanding of problems and conditions [Section 465 (b) (1) (xiii), LGC]

On Local Legislation

Cause the passage, codification or implementation of the following legislative measures:

- Code of General Ordinances
- Local Code for Children
- Gender and Development Code
- Revenue Code [DILG MC No. 98-51, s. 1998]
- Local Investment and Incentive Code
- Environmental Code [DILG MC No. 97-267, s. 1997]

- 📅 Cause the establishment of semi-permanent billboards or bulletin boards containing information such as duties and functions of provincial offices, programs and services, and regular provincial reports [DILG MC No. 01-126, s. 2001; DILG MC No. 96-45, s. 1996]
- 📅 Ensure the conduct of regular informative tour for the youth to provincial offices to familiarize them on the workings of the provincial government [DILG MC No. 96-45, s. 1996]
- 📅 Provide appropriate authorities with copies of executive orders, within 72 hours after their issuance [Section 465 (b) (1) (xii), LGC]

Cause the enactment, or enforcement, of ordinances relative to:

- Human trafficking [DILG MC No. 06-172, s. 2006; DILG MC No. 05-26, s. 2005]
- Safety measures in gasoline stations [DILG MC No. 06-66, s. 2006]
- Animal welfare [RA No. 8485; DILG MC No. 00-91, s. 2000]

Note: Other concerns that need executive and legislative actions may be found under different sub-headings.

- Cause the provision of provincial government newsletter, brochures, flyers or posters, streamers, tarpaulins or other IEC materials embodying information on provincial plans, programs and special events
- Ensure the promotion of provincial government programs and special events through any of the tri-media
- Cause the announcement of provincial government plans, programs and special events during public meetings and assemblies

On the Annual Report

-  On or before March 31 of each year, cause the submission to the Sangguniang Panlalawigan and to other competent authorities, of copies of the annual report on the socio-economic, political and peace and order conditions, and other matters affecting the province [Section 97, LGC; Section 465 (b) (1) (xx), LGC; DILG MC No. 04-64, s. 2004]

-  See to it that the annual report, also referred to as State of Local Governance Report, is optimally utilized as principal source document in the formulation and implementation of programs or projects, or administrative reforms which are within the competence and authority of local authorities to undertake, in support of good local governance and meaningful development [DILG MC No. 07-24, s. 2007]

On Participation

-  Call upon any national official or employee stationed in or assigned to the province to make recommendations on matters affecting the province; and coordinate with said official or employee in the formulation and implementation of plans, programs and projects [Section 465 (b) (1) (xvi), LGC]

-  Establish cooperative undertakings with other local governments [Section 33, LGC]

-  Call conventions, conferences, seminars or meetings of elective and appointive officials of the province and component cities and municipalities, including national officials and employees stationed in or assigned to the province [Section 465 (b) (2) (ii), LGC]
-  Enter into joint ventures and other cooperative arrangements with POs and NGOs in support of the service delivery and capability-building concerns of the provincial government [Section 35, LGC]
-  Provide assistance, financial or otherwise, to accredited POs and NGOs for economic, social, environmental, or cultural projects in the province [Section 36, LGC]
-  Ensure the presence and functionality of a provincial government-assigned desk or other support mechanism for CSOs and PSOs
-  Enforce the guidelines in the accreditation and membership of POs and NGOs in the Provincial Development Council, Provincial School Board, Provincial Health Board, Provincial Peace and Order Council and Provincial Bids and Awards Committee [DILG MC No. 01-89, s. 2001]
-  Ensure the participation of NGOs and the community in the planning and implementation of efforts towards the eradication of illiteracy [DILG MC No. 00-120, s. 2000]
-  Involve the civil society and the business community in the formulation of Executive and Legislative Agenda [DILG MC No. 04-64, s. 2004]

- Cause the establishment and ensure the functionality of the Office for Senior Citizens Affairs [DILG MC No. 05-63, s. 2005]
- Ensure the presence of a feedback mechanism to generate citizens' views on the reach and quality of services and development thrusts
- Strengthen the operations of the Provincial Council of Women [DILG MC No. 06-125, s. 2006; DILG MC No. 02-167, s. 2002]
- Strengthen citizens' support and participation in the maintenance of peace and order [DILG MC No. 01-54, s. 2001]
- Cause the establishment and ensure the functionality of a Migrant Advisory and Information Network Desk for victims of human trafficking [DILG MC No. 06-172, s. 2006; DILG MC No. 05-26, s. 2005]

On Development Planning

- Ensure the effectiveness of the Provincial Development Council
- Direct the formulation and implementation of the provincial development plan [Section 465 (b) (1) (ii), LGC]

The Provincial Development Council is effective if the following elements are met:

- Composition is in accordance with Section 107 (c) of RA No. 7160, or Section 108 (c) of MMAA No. 25
- Able to formulate, or update, long-term, medium-term and annual socio-economic development plans and policies
- Able to formulate, or update, medium-term and annual public investment programs
- Able to appraise and prioritize socio-economic development programs and projects
- Able to formulate, or update, local investment incentives to promote the inflow and direction of private investment capital
- Able to coordinate, monitor and evaluate the implementation of development programs and projects
- Has created an Executive Committee to represent it and act in its behalf when it is not in session
- Has formed sectoral or functional committees to assist it in the performance of its functions
- Has constituted a secretariat to provide technical support, document proceedings, prepare reports and such other assistance that may be required in the discharge of its functions
- Meets at least once every 6 months or as often as may be necessary

- Ensure the inclusion of the eradication of illiteracy as one of the priorities in the provincial development plan, and cause the provision of enough funds and its implementation [DILG MC No. 00-120, s. 2000]

Ensure that the Provincial Development Plan is of quality, as indicated by the following elements:

- Participatory in its formulation
- Sets socio-economic development thrusts to achieve the vision of the provincial government
- Supportive of overall provincial, regional and national development thrusts
- Development targets and strategies are clearly stated
- Financing scheme is an integral component of the plan
- Monitoring and evaluation is an integral component of the plan

-  Incorporate development projects on culture and arts in the short- and long-term provincial development plan [DILG MC No. 95-117, s. 1995]
-  Cause the formulation or updating of the Provincial Physical Framework Plan [DILG MC No. 04-133, s. 2004]
-  Seek assistance from HLURB or directly contract the services of private technical experts or consultants to ensure transparency and to fast track the updating of PFP [DILG MC No. 01-76, s. 2001]

Ensure that the Provincial Physical Framework Plan is of quality, as indicated by the following elements:

- Participatory in its formulation
- Indicates broad allocation of land use
- Financing scheme is an integral component of the plan
- Monitoring and evaluation is an integral component of the plan

- Implement guidelines prescribing time periods on the adoption, review and approval of PFP of the province [DILG MC No. 02-30, s. 2002]
- Ensure the full implementation of Local Governance Performance Management System in the province and cause the preparation of the State of Local Governance Report, utilizing LGPMS results [DILG MC No. 04-141, s. 2004]
- Ensure the inclusion in the annual budget funds to address human trafficking [DILG MC No. 05-26, s. 2005; DILG MC No. 06-172, s. 2006]
- Integrate Indigenous People's rights and related concerns within the framework of Gender and Development [DILG MC No. 05-34, s. 2005]
- Cause the maintenance and updating of records of all inhabitants in component barangays [DILG MC No. 05-69, s. 2005]
- Cause the establishment of a provincial archival system [Section 373, LGC]

Ensure that the provincial archival system is characterized by the following:

- Presence of both quantitative and qualitative information
- Presence of complete and updated information
- Presence of sex- and age-disaggregated data
- Information is easy to retrieve and available to users upon request
- Data is accessible through electronic means

On Revenue Generation

- Cause the establishment, or updating, of the provincial revenue management information system [Section 17 (b) (3) (x), LGC; DILG MC No. 98-51, s. 1998]
- Cause the formulation, or updating, of the Comprehensive Revenue Generation Plan
- Ensure that all taxes and other revenues due the provincial government are collected [Section 465 (b) (3) (iii), LGC]. For the purpose, create a task which will study and recommend measures and strategies that would enhance the collection of local resources.

Ensure that the Comprehensive Revenue Generation Plan:

- Sets provincial revenue policy directions and aids provincial financial generation managers in monitoring accomplishments, lapses and misses in revenue on the basis of specific targets stipulated in the Plan
 - Contains all strategies that the provincial government has to undertake in order to yield the amount of revenues estimated to be collected every fiscal year
 - Identifies provincial government personnel responsible for each strategy, program or task to be undertaken during a particular period
 - Includes the amount of revenues projected or estimated to be generated from out of each potential source of revenue
 - Serves as basis in updating the Revenue Code
 - Has monitoring and evaluation component
-
- Issue a permit to extract sand, gravel and other quarry resources only in accordance with an ordinance, the proceeds of which shall be shared as follows: 30% to the province; 30% to the municipality or city; and 40% to the barangay where such materials are extracted [Section 138, LGC]

- Strictly implement withholding tax laws and regulations, and advise all concerned officers in charge of withholding taxes that failure to comply with the said requirements is subject to administrative and penal liabilities [DILG MC No. 99-151, s. 1999; Revenue Memo Order 14-98; Revenue Memo Order No. 70-98]
- Lift the collection of real property taxes, special levies and other forms of exaction within lands certified as ancestral domain areas [DILG MC No. 04-41, s. 2004]
- Institute or cause to be instituted administrative or judicial proceedings for violation of ordinances in the collection of taxes, fees or charges, and for the recovery of funds and property [Section 465 (b)(3) (vii), LGC]

On Resource Allocation and Utilization

- Require each head of office or department to prepare and submit an estimate of appropriations for the ensuing year on or before the 15th of July [Section 465 (b) (3) (i), LGC]
- Cause the preparation and submission of the executive budget for the ensuing year to the Sangguniang Panlalawigan not later than the 16th day of October of the current fiscal year [Section 318, LGC]

Ensure that the executive budget is of quality, as characterized by the following elements:

- Participatory in its formulation
- Responsive to the budgetary requirements of the provincial government plans
- Satisfies statutory and mandatory obligations [Section 324 (b), LGC]
- Total appropriations covering the operating expenditures and capital outlays do not exceed the estimated income [Section 324 (a), LGC]
- Approved within the prescribed period

- Prioritize funding or resource allocation to devolved projects, services and facilities particularly those that affect health, agriculture, social welfare and environmental concerns [DILG MC No. 95-14, s. 1995]

Further considerations in the preparation of the executive budget:

- Debt servicing appropriation – 20% or less of the regular income [Section 324 (b), LGC]
- Aid to component barangays – at least One Thousand Pesos (P1,000.00) per barangay [Section 324 (c), LGC]
- Annual lump sum appropriation for unforeseen expenditures arising from the occurrence of calamities – 5% of the estimated revenue from regular sources [Section 324 (d), LGC]
- Development projects appropriation – at least 20% of the provincial annual IRA [Section 287, LGC]
- Personal services appropriations – 45% or less for the 1st-3rd class, and 55% or less for the 4th-6th class provinces [Section 325 (a), LGC]
- Appropriations for discretionary purposes – 2% or less of the actual receipts derived from basic real property tax in the next preceding calendar year [Section 325 (h), LGC]

- Cause the provision of funds in the implementation of Executive and Legislative Agenda [DILG MC No. 04-64, s. 2004]

- Establish and allocate funds for senior citizens and day care centers [DILG MC No. 98-102, s. 1998]

- Ensure that appropriations for social welfare services are optimally utilized and are supportive of the poverty alleviation thrust of the government [DILG MC No. 02-19, s. 2002]

- Strictly adhere to government policy on austerity and economy measures [DILG MC No. 00-13, s. 2000; AO No. 339]

On Financial Accountability

-  Ensure the quality of the Internal Control System
-  Cause the establishment of an effective Financial

A quality Internal Control System is characterized by the following elements:

- Clear signing authorities
- Clear delineation of duties, responsibilities and accountabilities
- Accurate and timely recording of transactions
- Regularly inventoried supplies and assets
- Promptly resolved audit findings

Management System

-  Represent the province in all its business transactions and sign on its behalf all bonds, contracts, and obligations, and other documents, only upon authority of the Sangguniang Panlalawigan [Section 465 (b) (1) (vi), LGC]

An effective Financial Management System is characterized by the following elements:

- Relevant management tools are available
- Financial management information system is automated
- Monthly financial reports are available
- Annual financial statements are submitted on or before February 14
- Accounting records are supported by source documentation
- Accountable financial officers are known and their responsibilities are clear
- Disbursements are made only for approved purposes
- Sanctions for erring provincial government personnel regarding financial transactions are clear and enforced

- Information about the procedure in transacting financially with the provincial government is available via various media

- Provide efficient and effective property and supply management in the province; and protect the funds, credits, rights and other properties of the province [Section 465 (b) (3) (vi), LGC]
- Implement the 30-day time standard prescribed under EO No. 258 for the issuance of development permits for housing projects, consistent with the PFP and investment programs [DILG MC No. 00-136, s. 2000]

On Customer Service

- Ensure the effectiveness of customer service

An effective customer service is exemplified by the following:

- Response time to written inquiries is less than 15 days most of the time
- Inquiry desk is staffed during business hours
- A system to track all actions to customer inquiries is in place
- A communication system such as telephone, short messaging service, radio system and the like, for customer access to provincial government officials during business hours is available

On Human Resource Management and Development

- ☐ Cause the formulation, or implementation, of a Provincial Human Resource and Development Program [PD No. 284; DILG MC No. 96-171, s. 1996]

Relative to the effectiveness of the Provincial Human Resource Management and Development Program, ensure that the following are in place and operational, as appropriate:

- Human Resource Planning
- Recruitment and Selection
- Performance Evaluation
- Human Resource Development
- Career Development
- Incentives and Awards System
- Grievance Committee

- ☐ Ensure the effectiveness of human resource recruitment, evaluation, promotion and grievance system

Be guided by the following elements to determine the effectiveness of the human resource recruitment, evaluation, promotion and grievance system:

Recruitment

- ✓ Participatory – allows participation of employee representatives, as well as other concerned individuals in the selection process
- ✓ Relevant – responds to the existing felt needs of the organization or office where a vacancy exists as defined in the Provincial Human Resource Management and Development Plan
- ✓ Transparent - provides for a mechanism to ensure that documents, as well as processes are available for public observation and reference
- ✓ Just – takes into account the protection of the interests and rights of both the prospective and existing provincial employees and of the organization as well
- ✓ Gender-Sensitive – gives equal opportunity to both men and women
- ✓ In accordance with existing laws or guidelines on personnel recruitment and selection

Evaluation

- ✓ Performance appraisal is formally conducted at least twice a year for all employees

Promotion

- ✓ Promotions are linked to performance review and the search for most qualified employees

Grievance System

- ✓ Gender-Sensitive – promotes sensitivity to the needs of both men and women
- ✓ Just – takes into account the protection of the interests and rights of both the prospective and existing provincial employees and of the organization as well
- ✓ In accordance with existing laws or guidelines as prescribed by the Civil Service Commission

Other Human Resources Concerns

-  Act on leave applications of officials and employees and the commutation of the monetary value of leave credits [Section 465 (b) (1) (xiv), LGC]
-  Authorize official trips of officials and employees outside of the province for a period not exceeding 30 days [Section 465 (b) (1) (xv), LGC]
-  Subject to the availability of funds, authorize the payment of medical care, necessary transportation, subsistence, hospitalization or medical fees of provincial officials and employees who are injured while in the performance of their official duties and functions [Section 465 (b) (1) (xvii), LGC]
-  Ensure that occupational, health and safety, sanitation and environmental conditions in the workplace of Provincial Government workers are made available and are adequately maintained by having regular annual mental, physical and medical check-up; availability of clean and adequate comfort rooms, potable water, safe building or office facilities and safety measures against fire and other hazards [DILG MC No. 98-54, s. 1998]

LOCAL SOCIAL GOVERNANCE

On Health and Nutrition

-  Ensure the effectiveness of the Provincial Health Board

The Provincial Health Board is said to be effective if the following elements are met:

- Composition is in accordance with Section 102 of RA No. 7160
- Able to propose to the Sangguniang Panlalawigan annual budgetary appropriations for the operation and maintenance of health facilities and services within the province
- Able to provide advice to the Sangguniang Panlalawigan on health matters such as the necessity for, and application of, provincial appropriations for public health purposes
- Has created committees capable of advising provincial health offices or units on personnel selection and promotion, bids and awards, grievance and complaints, personnel discipline, budget review and operations review
- Meets at least once a month, or as often as may be necessary

-  Cause the provision of tertiary health services and facilities such as hospitals [Section 17 (b) (3) (iv), LGC]

-  Cause the inclusion of Voluntary Blood Donation Services in the Provincial Work and Financial Plan and as an additional function of the Provincial Health Board [DILG MC No. 99-133, s. 1999; DILG MC No. 99-66, s. 1999]

-  Support the implementation of the comprehensive and unified policy for tuberculosis control and tap or solicit the assistance of the private sector involved in health care services to do the same [DILG MC No. 03-93, s. 2003]

On Education

-  Ensure the effectiveness of the Provincial School Board

The Provincial School Board is said to be effective if the following elements are met:

- Composition is in accordance with Section 98 of RA No. 7160
- Able to determine the annual supplementary budgetary needs, and the supplementary provincial cost of meeting such needs and reflected in the form of an annual school board budget
- Able to ensure that the annual school board budget accords priority to programs, projects and activities prescribed under RA No. 7160 or public policy issued by other competent authorities
- Able to provide advice to the Sangguniang Panlalawigan on educational matters such as the necessity for, and the uses of provincial appropriations for educational purposes
- Has passed a Board Resolution authorizing the provincial treasurer to disburse funds from the Special Education Fund pursuant to the approved annual school board budget
- Meets at least once a month, or as often as may be necessary

-  Ensure the optimal utilization of the Special Education Fund [Section 99 (c), LGC]
-  Construction of classroom and school buildings.

On Housing and Basic Utilities

-  Ensure the effectiveness of the Provincial Housing Board

or Housing Task Force or coordinator for housing
The Provincial Housing Board or Housing Task Force or coordinator for housing is said to be effective if the following elements are met:

- ☑ Able to create a database containing an inventory of provincial government lands suitable for socialized housing and target beneficiaries
- ☑ Able to formulate a Socialized Housing Program for the underprivileged
- ☑ Able to provide technical advice on socialized housing matters to the Sangguniang Panlalawigan or to the Provincial Development Council
- ☑ Able to coordinate with housing agencies or instrumentalities in furtherance of the Socialized Housing Program of the province
- ☑ Able to mobilize NGOs or business community in support of the Socialized Housing Program of the province
- ☑ Meets at least once a month or as often as may be necessary

☐ Cause the submission to competent authorities of a report on lands identified for socialized housing and resettlement areas [DILG MC No. 01-21, s. 2001]

☐ Cause the provision of low-cost housing and mass dwellings [Section 17 (b)(3)(viii), LGC]

The Socialized Housing Program is of quality if:

- ☑ Its formulation and implementation is participatory
- ☑ Specific sites for single-detached housing, clustered housing or mass dwelling are identified
- ☑ Specific individual home lots for single detached housing or clustered housing are identified
- ☑ Basic services and utilities are integral components of the program

- Current and future housing or dwelling needs of the underprivileged are addressed
- It is consistent with other provincial government plans
- Financing scheme is an integral component of the program
- Monitoring and evaluation is an integral component of the program

Ensure that the socialized housing program is of quality

Cause the provision of technical, financial and other possible forms of support or assistance to punong barangays within the province to ensure that the problem of squatting is properly addressed [DILG MC No. 98-202, s. 1998]

On Peace, Security and Disaster Risk Management

Take the lead in efforts to address peace and order and public safety concerns in the province [DILG MC No. 03-101, s. 2003]

The Provincial Peace and Order Council is said to be effective if:

- Composition is in accordance with the provisions of Executive Order No. 309, s. 1988, as amended
- Able to formulate, or update, the Integrated Area/ Community Peace and Order and Public Safety Plan which contains measures aimed at improving peace and order and public safety in the province
- Able to monitor the implementation of peace and order programs and projects, and to address problems, if any, through action of its own or action of other competent authorities made possible through an effective referral system
- Able to undertake a periodic assessment of the prevailing peace and order situation in the province

- Has organized a secretariat to provide technical support in the preparation, or updating, of the Integrated Area/Community Peace and Order and Public Safety Plan, in the implementation and monitoring of Peace and Order Council operations, in the conduct of inter-agency dialogues on problems and issues affecting peace and order, and in the performance of other functions required by the council
- Meets at least once a month, or as often as may be necessary

- Ensure the effectiveness of the Provincial Peace and Order Council
- Cause the formulation, or effective implementation, of the provincial peace and order and public safety plan [Section 465 (b) (2) (v), LGC]

Ensure the quality of the Integrated Area/Community Peace and Order and Public Safety Plan, as indicated by the following characteristics:

- Participatory in its formulation
- Objectives, whether general or specific, clearly address peace and order and public safety problems in the province
- Key activities to achieve such objectives are logical
- Timelines are provided for each key activity
- Responsibilities are clearly delineated relative to the implementation of key activities
- Financing scheme is an integral component of the plan
- Monitoring and evaluation is an integral component of the plan

- Exert efforts to dispel the public perception that illegal gambling thrives because provincial and police officials either tolerate or connive with gambling lords, by being unrelenting in the campaign against jueteng and by adopting a concrete action plan against illegal gambling [DILG MC No. 02-105, s. 2002; DILG MC No. 01-161, s. 2001; PM dated 01 August 2000; DILG MC No. 00-98, s. 2000; DILG MC No. 98-227, s. 1998; DILG MC No. 97-35, s. 1997]

- ☐ Ensure the effectiveness of the Provincial Disaster Coordinating Council [DILG MC No. 06-20, s. 2006]

The Provincial Disaster Coordinating Council is said to be effective if:

- ☑ Composition is in accordance with the provisions of PD No. 1566, s. 1978, entitled Strengthening the Philippine Disaster Control Capability and Establishing the National Program on Community Disaster Preparedness
- ☑ Able to formulate, or update, the Disaster Risk Management Plan indicating the risk areas vulnerable groups, relocation sites, strategies in mitigation, preparedness, response and rehabilitation, community early warning system, support systems and the necessary budgetary appropriations
- ☑ Able to mobilize support systems within and outside of the province, as well as trained volunteers in evacuating vulnerable groups, in distributing relief and in rehabilitation efforts
- ☑ Able to undertake damage and needs assessment immediately after a disaster
- ☑ Able to conduct information drive on hazards to the community
- ☑ Meets as often as may be necessary

- ☐ See to it that the Provincial Disaster Preparedness Plan incorporates the following:
 - warning and communication systems
 - early evacuation from high-risk areas
 - rescue and emergency operations
 - distribution of relief goods and services
 - reporting of situations and actions taken
 - post-calamity clean-up
 - medical assistance
 - rehabilitation of agricultural and livelihood programs
 - housing assistance [DILG MC No. 06-20, s. 2006]

Ensure that the Provincial Disaster Preparedness Plan is of quality, as indicated by the following:

- Participatory in its formulation
- Contains information on all of the following: risk areas, vulnerable groups, relocation sites strategies in system, support systems and their roles or responsibilities, and the necessary mitigation, preparedness, response and rehabilitation, community early warning budgetary appropriations to implement the plan
- Monitoring and evaluation is an integral component of the plan

 Cause the submission to the National Disaster Coordinating Council of an updated Provincial Disaster Management Plan not later than every first quarter of every year [DILG MC No. 98-94, s. 1998]

 Carry out emergency measures during and in the aftermath of man-made and natural calamities [Section 465 (b) (1) (vii), LGC]

 Create a Command Operation Center during times of calamities, emergencies and disaster.

On Children

 Take the lead in the implementation of all children's programs through the Provincial Council for the Protection of Children [DILG MC 05-95, s. 2005]

 Support the campaign and advocacy for the elimination of child labor [DILG MC No. 98-81, s. 1998]

Ensure the effectiveness of the Women's and Children's Protection Program, as characterized by the following elements:

- ☑ Participatory in its formulation
- ☑ Children's and women's desk is regularly manned by a competent female police officer
- ☑ Quick response team is in place and can be mobilized on a short notice
- ☑ IEC campaign against domestic violence and on women's and children's protection and rights is a part of the program
- ☑ Monitoring and evaluation is an integral component of the plan

Proposed Updates On Other Matters (Levy, Imposition and Collection of Illegal Fees or Charges)

- Refrain from enforcing any existing ordinance authorizing the levy of fees and taxes on inter-province transport of goods, regulatory fees from passengers in local ports, and other additional taxes, fees or charges in any form upon transporting goods and passengers (DILG MC No. 2006 70, s. 2006);
- Cause the immediate repeal of ordinances authorizing the levy and collection of fees, taxes and other charges on transporting goods and passengers carried into or out of, or passing through, the territorial jurisdiction of the local government unit concerned (Sec. 133 (e), LUC); (DILG MC No. 2006-70, s. 2006);
- Strictly adhere to the fundamental principles, limitations and requisites of the exercise of the taxing powers by Local Government Unit (DILG MC Nos. 2009-42 and 2009-76, s. 2009)

- Rectify defective tax ordinances charging fees on passing through vehicles, especially those carrying agricultural goods and products (DILG MC Nos. 2009-42 and 2009- 76 s. 2009)

Proposed Updates on the Duty to Intensify Action Against Illegal Drugs

- o Ensure the mandatory inclusion in the Local Annual Budget of a substantial appropriation that can adequately assist in or enhance the enforcement of RA 9165, giving priority to preventive or educational programs and the rehabilitation or treatment of drug dependents;
- o Ensure that the provisions of Sections 51-53 of RA 9165 shall be strictly and faithfully enforced;
- o Initiate the formulation of prevention and rehabilitation programs in their respective local government units;
- o Initiate the conduct of symposia and dialogues with school authorities and students, owners and employees of business establishments, government officials and employees and the general public;
- o Ensure the sustainability of rehabilitation or treatment program of drug dependents;
- o Cause the enactment of an ordinance complementing the Comprehensive Drugs Act of 2002, if none has yet been passed, or to amend the same, to be consistent with the pertinent provisions of the said Act, and ensure the effective enforcement thereof;

- o Ensure the Anti-Drug Abuse Councils at all levels perform their functions and responsibilities as embodied in relevant Department issuances (DILG MC No. 2009-09, s. 2009);
- o Call on the local PNP, pursuant to their power of operational supervision and control over the local PNP under Section 51(2) of RA 6975, as amended by Section 62 of RA 8551, to conduct periodic or unannounced onsite inspection of dens, resorts, bars, karaoke bars, night clubs and other establishments or houses suspected of being used as drug dens or place of sale or delivery of illegal drugs;
- o Ensure that the Administrative Board under Section 52 (1) of RA 9165 shall be created, functional and shall faithfully discharge their mandated task to abate nuisances contemplated under the said provision of RA 9165;
- o Revoke the business permit of any business establishment found by the Board created under Section 52 (1) of RA 9165 to be the site of the deliveries, sale and use of illegal drugs and substances;
- o Provide support, financial or otherwise, to the local PNP that is necessary in its sustained operations against illegal drugs;
- o Ensure that the Punong Barangays under their general supervision shall perform their responsibilities as embodied in this Circular and in other relevant Department issuances and pertinent laws (DILG MC No. 2009-09, s. 2009).

Ensure that component city and municipal mayors shall perform their mandated tasks and responsibilities under Sections 51-53 of RA 9165, in this Circular, and other Department issuances, including the creation and activation of the Anti-Drug Abuse Councils at all levels (DILG MC 2009-09, s. 2009)

LOCAL ECONOMIC GOVERNANCE

On Agriculture and Fisheries Development

- Cause the inclusion, in the provincial development plan, of programs and projects related to fish and aquatic resources management [DILG MC No. 01-131, s. 2001]
- Cause the enactment, or implementation, of a legislative measure in support of the objectives of the Philippine Agricultural Engineering Act of 1998 [DILG MC No. 01-25, s. 2001]
- Cause the provision of infrastructure facilities, as appropriate, to serve the needs of the residents [Section 17 (b) (3) (vii), LGC]
- Cause the provision of agricultural extension and on-site research services and facilities
 - Plant and animal pests and disease prevention and control
 - Dairy farm
 - Livestock market
 - Animal breeding station
 - Artificial insemination center
 - Assistance in the organization of cooperatives of farmers and fisherfolks [Section 17 (b) (3) (i), LGC]

Ensure the quality of provincial government agricultural extension and on-site research services and facilities, as indicated by the following:

- Extension and on-site research services or facilities are available
- Extension and on-site research services or facilities are relevant to the needs of the farmers or fisherfolks
- Extension and on-site research services or facilities are delivered or provided to farmers or fisherfolks in a timely manner
- Extension and on-site research services or facilities are accepted by the majority or all of the farmers or fisherfolks

On Entrepreneurship, Business and Industry Promotion

- Cause the provision of investment support services [Section 17 (b) (3) (ix), LGC]
- Ensure that infrastructure facilities are in place to serve the needs of the residents and to promote business opportunities [Section 17 (b) (3) (vii), LGC]

Ensure the presence of the following basic infrastructure and facilities in areas zoned for business and industry:

- Physical infrastructure such as roads, bridges or ports
- Communications infrastructure whether landline or mobile
- Power infrastructure
- Financial infrastructure such as banks

-  Ensure the quality of the Provincial Investment and Incentive Code
-  Take the lead in tourism development and promotion programs [Sec 17 (b) (3) (xii), LGC; DILG MC No. 95-162, s. 1995]

The Provincial Investment and Incentive Code is of quality if it satisfies the following elements:

- Participatory in its formulation
- Identifies priority investment areas
- Provides fiscal and non-fiscal incentives
- Rules and procedure are clear and facilitative of investment
- Supportive of the provincial economic agenda

-  Cause the development and implementation of a livelihood assistance program for victims of human trafficking [DILG MC No. 06-172, s. 2006; DILG MC No. 05-26, s. 2005]

LOCAL ENVIRONMENTAL GOVERNANCE

On Natural Resources Management

- ☐ Adopt adequate measures and standards to safeguard and conserve land, mineral, marine, forest and other natural resources of the province, in coordination with the mayors of component cities and municipalities [Section 465 (b) (3) (v), LGC]

Ensure the quality of the provincial government-NGO or provincial government-PO partnership in the management of natural resources as indicated by the following:

- ☑ Partnership is formalized through a Memorandum of Agreement, or through a Sangguniang Panlalawigan resolution formally establishing the partnership
 - ☑ Decisions or actions mandated in the Memorandum of Agreement are implemented by all signatory-stakeholders
 - ☑ Information on decisions made or actions undertaken is made available to all stakeholders
 - ☑ Community-based and community-focused environmental management monitoring is in place, with the results made available to all stakeholders
 - ☑ Stakeholder dialogues or consultations are regularly undertaken
- ☐ Enforce forestry laws relative to community-based forestry projects, pollution control law, small-scale mining law and other laws on the protection of the environment, and cause the development of mini-hydro-electric projects, as may necessary [Section 17 (b) (3) (iii), LGC]
 - ☐ Support the Anti-Illegal Logging Campaign [DILG MC No. 98-203, s. 1998]

On Waste Management

- Ensure the effectiveness of the Provincial Solid Waste Management Board

The Provincial Solid Waste Management Board is said to be effective if the following elements are met:

- Composition is in accordance with RA No. 9003
- Able to formulate a 10-year SWM Plan and approved by the National Solid Waste Management Commission
- Able to develop specific mechanics and guidelines for the implementation of the SWM Plan
- Able to coordinate the efforts of its component barangay in the implementation of the SWM Plan
- Able to recommend measures and safeguards against pollution and for the preservation of the natural ecosystem
- Able to adopt measures to promote and ensure the viability and effective implementation of SWM Programs in component barangays
- Able to review the SWM Plan for purposes of ensuring its sustainability, viability, effectiveness and relevance in relation to local and international developments in the field of solid waste management
- Able to adopt specific revenue generating measures to promote the viability of the SWM Plan
- Able to recommend to local authorities measures for franchise or BOT agreements with recognized institutions, to provide either exclusive or non-exclusive authority for the collection, transfer, storage, processing, recycling or disposal of solid waste
- Able to monitor the implementation of the SWM Plan in cooperation with the private sector and NGOs
- Meets regularly for purposes of planning and coordinating the implementation of SWM Plan

- Cause the preparation and implementation of the Provincial Solid Waste Management Plan [DILG MC No. 01-48, s. 2001]

- ☐ Cause the enforcement of measures to protect the integrity of the environment

Ensure that the Provincial Solid Waste Management Plan contains the following:

- ☑ Waste amount and characterization – constituent materials are identified by volume, percentage in weight or its volumetric equivalent, material type and source of generation
- ☑ Collection and Transfer – defines and identifies specific strategies and activities to be undertaken by component barangays relative to effective collection and transfer of solid wastes, to include establishment of materials recovery facility
- ☑ Processing – defines the methods and the facilities required to process the solid waste including the use of intermediate treatment facilities for composting, recycling, conversion and other waste processing systems
- ☑ Source Reduction – includes a program and implementation schedule which shows the source reduction methods
- ☑ Recycling – includes the program and implementation schedule which shows recycling methods
- ☑ Composting - includes the program and implementation schedule which shows composting methods
- ☑ Solid Waste Capacity and Final Disposal – identifies existing and proposed disposal sites and waste management facilities in the city or municipality or in other

ROLE OF THE LGUs IN THE CLIMATE CHANGE AND VARIOUS ENVIRONMENT ISSUES

R.A. 9729 (Climate Change Act of 2009)

Sec. 14. Local Climate Change Action Plan. — The LGUs shall be frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas, consistent with the provisions of the Local Government Unit, the Framework and the National Climate Change Action Plan.

Barangays shall be directly involved with municipal and city governments in prioritizing climate change issues and in identifying and implementing best practices and other solutions. Municipal and city governments shall consider climate change adaptation, as one of their regular functions. Provincial governments shall provide technical assistance, enforcement and information management in support of municipal and city climate change action plans. Inter-local government unit collaboration shall be maximized in the conduct of climate-related activities.

LGUs shall regularly update their respective action plans to reflect changing social, economic, and environmental conditions and emerging issues. The LGUs shall furnish the Commission with copies of their action plans and all subsequent amendments, modifications and revisions thereof, within one (1) month from their adoption. The LGUs shall mobilize and allocate necessary personnel, resources and logistics to effectively implement their respective action plans.

The local chief executive shall appoint the person responsible for the formulation and implementation of the local action plan.

It shall be the responsibility of the national government to extend technical and financial assistance to LGUs for the accomplishment of their Local Climate Change Action Plans.

The LGU is hereby expressly authorized to appropriate and use the amount from its Internal Revenue Allotment necessary to implement said local plan effectively, any provision in the Local Government Code to the contrary notwithstanding.

Memorandum Circular 2009-168 (October 27, 2009)

All Local Chief Executives are directed to strictly comply with the mandate of Republic Act No. 9003 (Ecological and Solid Waste Management Act of 2000), especially on the establishment of solid waste and materials recovery facilities, to wit:

Solid Waste Facility

- § Closure of existing dump sites.
- § Development and operation of sanitary landfill sites as final disposal sites for solid, and, eventually, residual wastes of a municipality or city or a cluster of municipalities or cities.

Pursuant to Section 44 of the Act, in relation to Section 33 of the Code, provinces, cities, municipalities and barangays, through appropriate ordinances, may consolidate, or coordinate their efforts, services, and resources for purposes of jointly addressing common solid waste management problems or establishing common waste disposal facilities

Materials Recovery Facility

- § Establishment of LGU Materials Recovery Facility (MRF) in every barangast or cluster of barangays in a barangayowned or leased land or in any suitable open space to be determined by the barangay through its Sanggunian.
- § Allocation of a certain parcel of land by the barangay or cluster of barangays for the MRF.

The MRF includes a solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility. Memorandum (June 2, 2009) Re: Manila Bay Clean Up, Rehabilitation and Preservation Addressed to All Mayors of Metropolitan Manila, the Governors, City Mayors and Municipal Mayors of and in Rizal, Laguna, Cavite, Bulacan, Pampanga and Bataan.

In compliance with a Supreme Court EN BANC decision promulgated on December 18, 2008, said LGUs are hereby directed to:

1. Immediately inspect all factories, commercial establishments, and private homes along the banks of major river systems, and other minor rivers and waterways that eventually discharge water into the Manila Bay, including lands abutting the bay, within our jurisdictions to determine whether they have wastewater treatment facilities or hygienic septic tanks as prescribed by existing laws, ordinances, and rules and regulations; and
2. Require non-complying establishments and homes to set up said facilities or septic tanks within a reasonable time to prevent industrial wastes, sewage water, and human wastes

from flowing into these rivers, waterways, esteros, and the Manila Bay, under pain a closure or imposition of fines and other sanctions.

Memorandum Circular No. 2008-69 (April 28, 2008)

In order to address the various disaster concerns, all Local Chief Executives as Chairperson of the Local Disaster Coordinating Councils are encouraged to:

- § mainstream climate change adaptation and disaster risk reduction measures into local policies, plans, budgets and investment programs as a priority concern;
- § promote research and extension work on climate change adaptation thru local research institutions, the academe and other relevant stakeholders;
- § engage in programs, projects and activities particularly in land and water use, land use change and forestry, reducing emissions from deforestation and degradation, coastal zones and fisheries, industry, facilities, farming practices, and indigenous clean energy;
 - encourage greater participation of the local media, inter-faith groups and local schools in disseminating information on climate change adaptation, within the overall framework of sustainable development, to local communities, at the grassroots level;
 - promote dialogues between workers and employers (when applicable) to realize the potential for green and decent jobs through positive support from workers and employers in the transition towards environmentally sustainable patterns of production and consumption; and

- vigorously collaborate with the provincial government and the Regional Development Council to push for more aggressive emission reduction targets and expeditious implementation of adaptation programs, projects and activities that will ensure direct benefits to the local communities.

Memorandum Circular No. 2007-131 (October 2, 2007)

In support of Philippine Clean Air Act of 1999 and the launching of the Linis Hangin Siudad / Munisipyo Program, all Local Chief Executives are hereby encouraged to actively participate in the said celeration by adopting or initiating appropriate measures to ensure the success thereof such as the following:

1. Issuance of city / municipal resolution or enactment of an ordinance on air pollution control
2. Inclusion of clean air policies in their respective local development plans.
3. Conduct of information campaign on the value smoke- free communities
4. Encouraging community leaders, civic organizations, religious organizations and school institutions to actively support the campaign against air pollution in their localities.

MISCELLANEOUS

On the Implementation of Other National Laws

-  Uphold and ensure the free exercise of the rights of the ICCs/IPs in the province, if any, in accordance with the Indigenous Peoples Rights Act of 1997 [DILG MC No. 02-89, s. 2002]
-  Enforce the Anti-Sexual Harassment Act of 1995, particularly the provisions stated in Section 4 and encourage the non-government sector in the province to adhere to the provisions of the said Act [DILG MC No. 01-37, s. 2001]
-  See to the strict enforcement of the Firecrackers and Pyrotechnic Devices Regulatory Law [DILG MC No. 02-188, s. 2002]
-  Cause a more active participation of component local governments in the monitoring of the prices of prime commodities, in the prevention of hoarding, and in the enforcement of the Price Tag Law [DILG MC No. 06-58, s. 2006; DILG MC No. 98-81, s. 1998]
-  See to the strict compliance to the Consumer Act of the Philippines [RA No. 7394; DILG MC No. 92-47, s. 1992]
-  Cause the strict enforcement of Republic Act No. 9287, otherwise known as An Act Increasing the Penalties for Illegal Numbers Games, and for Other Purposes [DILG MC No. 04-146, s. of 2004]

- ☐ Cause the effective compliance to Republic Act No. 9262, otherwise known as Anti-Violence Against Women and Their Children Act of 2004 [DILG MC No. 04-118, s. 2004]
- ☐ Support the implementation of the National Integrated Protected Areas System Act of 1992 and the Wildlife Resources Conservation and Protection Act [DILG MC No. 04-44, s. 2004]
- ☐ See to the full implementation of the Barangay Micro Business Enterprise Law [DILG MC No. 03-69, s. 2003]
- ☐ *Enforce the law to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women especially those in the marginalized sectors (RA 9710 or Magna Carta of Women)*
- ☐ *Adopt a disaster risk reduction and management approach that is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and stakeholders.*

3 OFFICER-IN-CHARGE

OIC-GOVERNOR as distinguished from ACTING GOVERNOR

Acting Governor is governed by Section 46 (a) of the Local Government Code, while OIC Governor is governed by Section 46(c) of the same code.

When the Provincial Governor is temporarily incapacitated to perform his duties for physical or legal reasons, such as but not limited to, leave of absence, travel abroad and suspension from office, the Provincial Vice-Governor shall automatically exercise the powers and perform the duties and functions of the Local Chief Executive concerned, except the power to appoint, suspend, or dismiss employees which can only be exercised if the period of temporary incapacity exceed thirty (30) working days

In this case, the automatic assumption by the Vice-Governor, even on the first day of incapacity of the Provincial Governor, is automatic and as such, he is properly defined as Acting Provincial Governor. As Acting Provincial Governor, he can perform all the functions, powers and duties of the provincial governor except the limitations provided for in cases of appointment, suspension or dismissal of employees.

On the other hand, Section 46 (c) of the Code provides that when the Provincial Governor is travelling within the country but outside his territorial jurisdiction for a period of not exceeding three (3) consecutive days, he may designate in full writing the OIC. Such authorization shall specify the powers and functions

that the local official concerned shall exercise in the absence of local chief executive, except the power to appoint, suspend or dismiss employees.

In this case, it may be noted that the Provincial Governor can designate any official of the Provincial Government as OIC for three (3) consecutive days while he is outside his territorial jurisdiction but within the country. It should be further noted that in case of designation of OIC, there is really, in contemplation of law, no temporary vacancy to speak of in the Office of the Provincial Governor. The Provincial Governor may designate the Vice-Governor or any member of the Sanggunian or any appointive official of the province as OIC. But such designation can not exceed (3) days. Hence, on the 4th day, if the Provincial Governor failed to return to his station, Section 46 (d) of the same Code will now apply, in which case, the Vice-Governor shall assume as Acting Governor on the 4th day of absence of the Provincial Governor.

Who may be authorized to act as an OIC Provincial Governor?

Per section 46 (c) of the Local Government Code, the Provincial Governor may designate in writing any Provincial Official to act as OIC during his absence for three (3) days. The authorization shall specify the powers and functions that the local official concerned shall exercise.

How shall an OIC Provincial Governor assume his functions?

With regards to OIC Provincial Governor, upon presentation of a valid designation in writing, he can assume as OIC Provincial Governor. (Section 46 (c), Local Government Code)

With regards to Acting Provincial Governor, upon the occurrence of any event leading to the temporary incapacity of the Provincial Governor, either for physical or legal reasons, the Provincial Vice-Governor automatically assumes as Acting Governor. (Section 46 (a), Local Government Code)

When shall an OIC Provincial Governor cease to act as such?

An OIC Provincial Governor shall stop performing his or her functions as such on the 4th day of absence of the Provincial Governor. This has to be so because his or her designation as OIC is effective only during the three (3) consecutive days absence of the Provincial Governor, who is outside his or her jurisdiction but is within the country. On the 4th day of absence of the Governor, designation of OIC ceases to exist by operation of law and the Provincial Vice-Governor shall now automatically assume as Acting Provincial Governor pursuant to Section 46 (d) of the Local Government Code.

May the Provincial Vice-Governor, acting as Acting Provincial Governor continue to preside over the session of the Sangguniang Panlalawigan?

In the case of *Gamboa vs. Aguirre* (G.R. No. 134213, July 20, 1991), the Supreme Court ruled that the Provincial Vice-Governor, who

is now acting as Acting Provincial Governor, cannot anymore continue to preside over the session as this would violate the principle of separation of powers and functions. The Provincial Vice-Governor, in his capacity as Acting Provincial Governor, is expected to perform full-time executive functions which would include approval of ordinances. This pronouncement of the Supreme Court equally applies to cities and municipalities.

May the Provincial Vice Governor, acting as OIC, continue to preside over the session of the Sangguniang Panlalawigan?

The situation is different between the OIC and Acting. As earlier noted, in the acting capacity, there is temporary vacancy in the Office of the Provincial Governor, while in OIC capacity, there is no temporary vacancy in the Office of the Provincial Governor. Moreover, OICs exercise only limited powers as may be contained in the letter-authorization designating him as such. Hence, if incidentally, the Provincial Vice-Governor was the one designated as OIC, he can still continue to preside over the session of the Sanggunian since the ruling in the Gamboa case will not apply.

As a mere OIC, he has no power to perform all the functions and powers of the Provincial Governor and more importantly, he or she is now empowered to approve ordinances. Such being the case, the violation of separation of powers and functions, the evil sought to be avoided in the Gamboa ruling, is not present. Since, anyway, as OIC he has no power to approve ordinances enacted by the Sanggunian.

May the Provincial Vice-Governor, acting as OIC, appoint officials?

No. Under CSC rules on appointment, an OIC cannot issue an appointment.



Philippines Development Forum
Working Group on Decentralization and
Local Government



Department of the Interior and Local Government
LOCAL GOVERNMENT ACADEMY