



July 2019 - June 2022

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## LPP SPECIAL MEETING RESOLUTION NO. 2020-013

**URGING THE INTER-AGENCY TASK FORCE OR IATF-MEID TO RECOGNIZE THE AUTHORITY OF LOCAL GOVERNMENT UNITS (LGUS), TO EXERCISE THEIR POWERS AND FUNCTIONS UNDER THE 1987 CONSTITUTION AND THE LOCAL GOVERNMENT CODE OF 1991, AND TO GIVE LGUS SUFFICIENT LEEWAY AND FLEXIBILITY TO UNDERTAKE OTHER SIMILAR MEASURES AND STRATEGIES AS THEY DEEM FIT, TO COMPLEMENT THE IATF-MEID'S MINIMUM GUIDELINES, NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THE ENHANCED (ECQ) OR GENERAL COMMUNITY QUARANTINE (GCQ) POLICIES IN THEIR RESPECTIVE JURISDICTIONS TO CONTAIN AND PREVENT THE SPREAD OF THE COVID-19 VIRUS**

**WHEREAS**, R.A. No. 11469, otherwise known as the '*Bayanihan To Heal As One Act*' was passed pursuant to Presidential Proclamation No. 929 declaring a National State of Calamity for six (6) months due to the Covid-19 worldwide pandemic;

**WHEREAS**, the Department of Interior and Local Government ("DILG") issued on 21 March 2020, Memorandum Circular 2020-062 which mandated the Local Government Units ("LGUs) to fully implement the directives and issuances of the National Government and to take the lead in the prevention of and control of the spread of Covid-19 at the local level. As such, LGUs were advised "*to adhere to the guidelines and not to overextend its implementation, nor deliberately leave out its explicit provisions.*"

**WHEREAS**, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases ("IATF-MEID"), on 27 April 2020, issued Resolution No. 29 which laid down a procedure that effectively required LGUs to seek prior approval of the IATF and its regional counterpart for the imposition of Enhanced Community Quarantine ("ECQ") and General Community Quarantine ("GCQ") in their respective jurisdictions;

**WHEREAS**, there is a paramount necessity for LGUs, in the exercise of their powers and local autonomy, to implement guidelines and policies for the general welfare and well-being of their constituents pursuant to Section 16 of RA 7160, amidst this Covid-19 pandemic, particularly those that are not sufficiently addressed by the general guidelines laid down by the IATF-MEID;

**WHEREAS**, the 1987 Philippine Constitution provides that the State shall ensure the autonomy of local governments,<sup>1</sup> and that the territorial and political subdivisions shall enjoy local autonomy.<sup>2</sup>

**WHEREAS**, R.A. 7160 or the Local Government Code of 1991 ("LGC"), implementing the 1987 Philippine Constitution, provides that the "*territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to enable them to attain their*

<sup>1</sup> Art. II, Sec. 25 of the 1987 Philippine Constitution

<sup>2</sup> Art. X, Sec. 2 of the 1987 Philippine Constitution.

*fullest development as self-reliant communities and make them more effective partners in the attainment of national goals.*

*Toward this end, the State shall 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.”<sup>3</sup>*

**WHEREAS**, Sec. 16, Chapter 2, Title 1, Book 1 of the LGC, the provision on “General Welfare,” provides that “*every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.*”<sup>4</sup>

**WHEREAS**, Sec. 5 Chapter 1, Title 1, Book 1 of the LGC, on the Rules of Interpretation of its provisions, provides that any provision on a power of an LGU shall be liberally interpreted in its favor in case of doubt, and that the general welfare provision should be liberally interpreted to give more powers to the LGUs.<sup>5</sup>

**WHEREAS**, Sec. 105, Title V, Chapter V, Book 1 of the LGC provides that in cases of epidemics, consultation with the LGU concerned must be complied with, *viz:*

“Section 105. Direct National Supervision and Control by the Secretary of Health. - In cases of epidemics, pestilence, and other widespread public health dangers, the Secretary of Health may, upon the direction of the President and in **consultation with the local government unit** concerned, temporarily assume direct supervision and control over health operations in any local government unit for the duration of the emergency, but in no case exceeding a cumulative period of six (6) months. With the **concurrence of the government unit concerned**, the period for such direct national control and supervision may be further extended.” (*underscoring supplied for emphasis*)

**WHEREAS**, Sec. 4(g) of R.A. 11469 or the Bayanihan to Heal as One Act, while authorizing the President to ensure that LGUs are acting within the spirit and letter of the rules regarding community quarantine and other measures implemented by the National Government, still adheres to the constitutional principle of local autonomy thus “*allowing LGUs to continue exercising their autonomy in matters undefined by the National Government or are within the parameters it has set;*”

**WHEREAS**, each LGU encounters a COVID-19-related issue that may be unique due to several factors such as the number of inhabitants, the number of recorded cases, the effectivity of local procedures and protocols, the availability of basic necessities, and the sufficiency of funds and equipment. It may be difficult, if not

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<sup>3</sup> Sec. 2 of the Local Government Code of the Philippines of 1991.

<sup>4</sup> Sec. 16 of the Local Government Code of the Philippines of 1991.

<sup>5</sup> Sec. 5 of the Local Government Code of the Philippines of 1991.

almost impossible, for the National Government to take all of these factors into account, and issue general guidelines for the governance of all LGUs whose conditions are different, volatile and continue to vary by the day;

**WHEREAS**, it is reasonable to presume that the LGUs, as frontliners in this current health crisis, are in the best position to expeditiously innovate and effectively address specific issues and concerns arising from the COVID-19 pandemic at the local level, particularly in those areas that are not adequately addressed by the IATF's general guidelines;

**WHEREAS**, the LGUs need sufficient leeway and flexibility in their governance so as to make them more responsive, effective and accountable to their respective constituents, considering the novelty and complexity of the COVID-19 pandemic but are still complementary to the general rules of the IATF;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved, that the League of Provinces of the Philippines (LPP) urge the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) to recognize the authority of Local Government Units (LGUs) to exercise their powers and functions under the 1987 Constitution and the Local Government Code of 1991, and to give LGUs sufficient leeway and flexibility to undertake other similar measures and strategies as they deem fit, to complement the IATF-MEID's minimum guidelines, necessary for the effective implementation of the Enhanced (ECQ) or General Community Quarantine (GCQ) policies in their respective jurisdictions to contain and prevent the spread of the COVID-19 virus;

**RESOLVED FURTHER**, to furnish the Office of the President, the Department of Interior and Local Government (DILG), and all the IATF member agencies, a copy of this resolution for their appropriate action.

**DONE** this 28<sup>th</sup> Day of April 2020 during the Special Meeting of the League of Provinces of the Philippines held online.

Certified true and correct:



**GOV. NELSON L. DAYANGHIRANG**  
Secretary-General

Attested by:



**GOV. PRESBITERO J. VELASCO, JR.**  
National President



**GOV. DAKILA CARLO E. CUA**  
National Chairman