

18 October 2016

LPP POSITION PAPER ON H.B. NO. 6, ENTITLED:

“AN ACT ESTABLISHING PUBLIC SAFETY AT THE LOCAL LEVEL BY ESTABLISHING AND MAINTAINING A DEPARTMENT OF PUBLIC SAFETY IN EVERY PROVINCE, CITY AND MUNICIPALITY” *authored*

by Hon. Rodolfo Farinas, Speaker Pantaleon D. Alvarez, Reps. Rolando Andaya, Jr., Michael John Duavit, Carlos Cojuangco, Elisa Kho, Raneo Abu, Benhur Salimbangon, Danilo Suarez, Rodel Batocabe and Karlo Alexei Nograles.

I. Brief/Rationale:

“This Bill seeks to enhance public order and safety at the local level by mandating the creation of a Department of Public Order and Safety (DPOS) in every province, city and municipality to improve the capability of local government units to meet the demand for greater safety and security, better local traffic management, and enhanced disaster preparedness and response.” *(Source: Explanatory Note of HB No. 06)*

II. Highlights:

- Establish a fully-functional and responsive central command and control center and emergency response and management system;
- Institutionalize the creation of a Department of Public Order and Safety (DPOS) under the direct control and supervision of the provincial Governor, City and Municipal Mayor;
- Allows for contiguous municipalities and cities to jointly establish collective command and control centers and emergency response and management systems;

- Support and augment the following at the local level:
 - law enforcement;
 - oversee the operations of private security agencies and security guards;
 - clear sidewalks and public spaces of obstruction; and
 - mitigate the effects of disasters and calamities.

III. Tasks and Responsibilities of the DPOS:

- Prepare, integrate, coordinate, supervise and control all plans, programs, projects and activities of the local government relative to the promotion of peace and order and the protection of life, liberty and property
- Implement public order and safety local laws and ordinances;
- Help reduce vehicular traffic congestion
- Address the effect of man-made natural disasters;
- Provide immediate assistance to constituents needing immediate assistance such as law enforcement, medical services, fire and rescue services
- Utilize the most appropriate and available technologies and communications, with a fully operative call center and dispatch hotline, adequate and well-trained staff, up-to-date emergency response equipment consistent with national standards and best practices.

IV. LPP COMMENTS/ RECOMMENDATIONS

LPP fully recognizes the good intention of the authors' proposed measure as this is in line with Article II (Declaration of Principles and State Policies) in the 1987 Constitution, particularly Sections 4 and 5, to wit:

“SECTION 4. The prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service.” and

“SECTION 5. The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”

However, even without the creation of an entirely new structure such as the DPOS, all Local Government Units (Provinces, Cities, Municipalities and Barangays) are already complying with existing provisions in the Local Government Code to further this State Policy, particularly Section 116 of Title VII of RA 7160 on the Local Peace and Order Council, to wit:

SECTION 116. Organization. – There is hereby established in every province, city and municipality a local peace and order council, pursuant to Executive Order Numbered Three hundred nine (E.O. No. 309), as amended, Series of 1988.

The local peace and order councils shall have the same as composition and functions those prescribed by said executive order.

Furthermore, LGUs are likewise compliant with Presidential Issuances on the organization (and reorganization) of the Peace and Order Council pursuant to Executive Order No. 309. Under said Presidential Directive Signed on November 11, 1987 by former President Corazon Aquino, which provides for the ff:

(c) The Provincial Peace and Order Council shall be composed of the Provincial counterparts of the department, offices and agencies as enumerated in paragraph (a) above, wherever applicable, to be appointed by their respective agency heads, with the Provincial Governor as Chairman. In addition, there shall be one representative of the Sangguniang Panlalawigan to be chosen by it from among its members. The Chairman of the Provincial Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council at his level. Departments, offices and agencies with no provincial and/or field offices may deputize their representatives on the provincial level.

(d) The City or Municipal Peace and Order Council shall be composed of the city or municipal counterparts of the departments, offices and agencies as enumerated in paragraph (a) above, wherever applicable, to be appointed by

their respective agency heads, with the City or Municipal Mayor as Chairman. In addition, there shall be one representative of the Sangguniang Panlungsod or Sangguniang Bayan, as the case may be, to be chosen by said Sangguniang from among its members. The Chairman of the City or Municipal Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council at his level. Departments, offices and agencies with no city, municipal and/or field offices may deputize their representatives on the city or municipal levels.

The Department of the Interior and Local Government (DILG) issued the Guidelines on the Functions of the Peace and Order Councils, Barangay Peace and Order Committees (created by virtue of E.O. 366) and the Peace and Order Council Secretariats through MC 2015-130 (dtd November 3, 2015).

If LGUs will be mandated to create a new Department on Public Order and Safety (DPOS), what will be the function of the local peace and order councils, committees and secretariats already established nationwide? Some of the proposed powers and functions of the DPOS under the proposed measure likewise coincide with the present functions of the PNP (e.g. on the issuance of security clearances to private security agencies and security guards); as well as with Bureau of Fire Protection (BFP). Similarly, what will now be the role of the DPOS vis-à-vis the Local Disaster Risk Reduction and Management Councils (LDRRMCs), more specifically the Provincial, City and Municipal Disaster Risk and Reduction Councils (PDRRMC/CDRRMC/MDRRMC)?

For LGUs to create an entirely new Department within their respective jurisdictions will require an allocation of additional local funds to sustain the payment of personal services (PS), MOOE and capital outlay. The salary grade allocation of appointive local officials by virtue of RA 6758 for the position of a Government Department Head is salary grade 26 for provinces and SG 27 for special Cities (although this may vary depending on the financial classification of LGUs, i.e. from 1st to 6th class). Presently, for 1st class – there are 44 Provinces, 2nd class - 16; 3rd class – 12; 4th class – 6; 5th class – 3, for a total of 81 provinces.

Moreover, there is a DBM regulation for LGUs not to exceed the set ceiling for PS or personal services (i.e. not to exceed 45% of total local funds). Presently, LGUs' PS are already at

its maximum ceiling. Hence, creating new positions for the DPOS will have an impact on their (LGUs') ability to comply with existing DBM, the civil service position and classification and compensation scheme in LGUs, and other government regulations, not to mention the need to also amend certain provisions in the local government code which sets the List of Appointive Local Officials Common to All Municipalities, Cities and Provinces under Title V, RA 7160.

With regard to the Funding of the DPOS, Section 5 of the HB No. 06 provides that:

“FUNDING. - The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the local government units. Thereafter, such sum as may be necessary for continued implementation shall be included in the annual budget of the local government unit.”

Hence, this Bill is another Unfunded Mandate or regulation by the National Government, either through the Executive and/or Legislative branch that requires autonomous local governments to perform certain actions, programs, projects, including the creation of new local structures, such as a Department of Public Order and Safety (DPOS), with no (additional) money provided (by the national government) for fulfilling the requirements.

This imposition of additional mandates to LGUs without the necessary funding or earmarking of funds create unwarranted strain and creates more difficulties to the fiscal position of LGUs. Expectant beneficiaries are also misled and short-changed as the benefits they are looking forward to are either only partially granted or not granted at all. Without a clear funding or new local revenue source, unfunded mandates imposed on local governments defeats the very purpose of the policy objectives set in those mandates and even runs counter to the principle of local autonomy and devolution provided for in the 1987 Constitution and the 1991 Local Government Code.

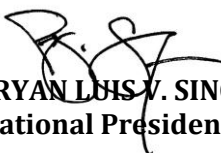
Local funds already allocated for public order and safety through the peace and order councils, or any local resources can be better spent on the actual programs, projects and direct assistance to their constituents rather than spend it on creating an entirely new Department for the same purpose. New public servants that need to be hired under this proposed DPOS will require compliance to the present civil service (CSC) regulations and salary standardization law.

Every LGU should be able to design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the CSC. Pursuant to Section 81, RA No. 7160, the compensation of local government officials and employees shall be determined by the sanggunian concerned in line with their fiscal autonomy.

V. LPP POSITION*

THEREFORE, It has been the united position of Leagues of local governments, including the League of Provinces of the Philippines, to oppose UNFUNDED MANDATES in order for LGUs to be able to effectively manage their own affairs and provide the necessary basic services expected of them. If ever LGUs will be required by Congress to create a DPOS in all provinces, cities, and municipalities, we hope that Congress will identify and provide the following:

1. New sources of funds are identified for this purpose;
2. Increase the IRA share of Local Government Units (LGUs); and/or
3. Allow LGUs to utilize their 5% calamity fund, amending RA 10121 and Joint DBM-DILG MC No. 2013-1, dtd March 25, 2013 on the Allocation and Utilization of the Local Disaster Risk Reduction and Management Fund (LDRRMF), particularly the 70% allocation for disaster prevention and mitigation, preparedness, response, rehabilitation and recovery to include the creation of the DPOS (as proposed by former Cebu Governor Gwen Garcia during the Cttee hearing called for the purpose held last October 11, 2016.)


GOV. RYAN LUIS V. SINGSON
National President, LPP

**Same position we reiterated during the HOR meeting held last 11 Oct 2016 by the Cttee on Public Order and Safety attended by its LPP Executive Director, Sandra T. Paredes.*