



Legislation of the Sangguniang Panlungsod ng Baguio: An analysis

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Abstract

This paper intends to present an analysis of the legislation of the Sangguniang Panlungsod of Baguio. Specifically, it sought to achieve the following objectives:

1. To denote the evaluation tools used in the monitoring and evaluation of legislation of the Sangguniang Panlungsod ng Baguio.
2. To present the challenges encountered in the Internal Rules of Procedures of the Sangguniang Panlungsod ng Baguio; and
3. To address the challenges encountered in the Internal Rules of Procedures of the Sangguniang Panlungsod ng Baguio.

Keywords: Legislation, analysis, monitoring, evaluation, challenges

Introduction

Legislation is one of the major roles of the Sanggunian as the legislative body of a local government. The Sanggunian, a legal term for council, is a department of the local government unit (LGU) performing the crucial role of providing policies and rules crucial to local development.

Legislation can be comprehended as power and a process. As stated by Bitonio (2018), local legislation is the power of the local legislative body to create rules in several forms such as ordinances and resolutions of local application that have the force and effect of law. Likewise, it is a means of interaction among several units including the local legislative body with the executive branch, civil society including constituents, non-government organizations, and the private sector that results in ordinances and resolutions supporting the development of a local government unit (LGU).

Sanggunian is the legislative branch of the City Government mandated to enact ordinances, approve resolutions, and appropriate funds for the general welfare of the city and its inhabitants under Section 16 of Republic Act No. 7160 or the Local Government Code of 1991. Its objectives are:

1. Approve ordinances and pass resolutions necessary for good governance;
2. Generates and maximizes the use of resources and revenues for the development plans, programs, objectives, and priorities of the city;
3. Subject to its provisions, it enacts ordinances granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the city and under this legislative authority;
4. Regulated activities relative to the use of land, buildings, and structures within the city to promote the general welfare;
5. Approves ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under the code; and
6. Exercises such powers and perform such duties and functions as may be provided by law.

Meaning and importance of local legislation

- Local legislation as a Power: Local legislation refers to the power of a local legislative body to make rules in the form of resolutions and ordinances of local application that have the force and effect of law.
- Local legislation as a Process: Local legislation is the interaction of the local legislative body with the executive branch, civil society including constituents, nongovernmental organizations, and the private sector resulting in resolutions and ordinances that promote the development of the local government unit (LGU). The products or outputs of this interaction are resolutions and ordinances.
- Local legislation is important because it is a powerful, vital tool for addressing the problems of the citizens of the LGU; promoting the general welfare and development of the LGU and its citizens; and attaining the vision of the LGU for its citizens.
- Local legislation is a tool for operationalizing Section 16 of the Local Government Code of 1991 or the General Welfare Clause which covers the following aspects:
 - a. Preservation and enrichment of culture;
 - b. Promotion of health and safety;
 - c. Enhancement of the right of the people to a balanced ecology;
 - d. Encouragement of, and support for, the development of appropriate and self-reliant technological capabilities;
 - e. Improvement of public morals;
 - f. Enhancement of economic prosperity and social justice;
 - g. Promotion of full employment among the residents; and
 - h. Maintenance of peace and order as well as the preservation of the comfort and convenience of the inhabitants.
- Local legislation is a participatory process; it acquires legitimacy and social acceptability through the involvement of stakeholders in the LGU. In this context, stakeholders are groups and organizations that have a “stake” in or whose interests will be affected by the process of making laws or policies, local legislation is made by key stakeholders in the LGU:

- a. The Sanggunian or local legislative body;
- b. The local chief executive, including local government executives;
- c. The constituents;
- d. The civil society organizations, nongovernmental organizations, and people's organizations; and
- e. The private sector and other interest groups.

The Local Government Code of 1991 vests power to the sanggunian at different levels of local government:

- Sanggunian Panlalawigan for provinces;
- Sangguniang Bayan for municipalities;
- Sangguniang Panlungsod for cities;
- Sangguniang Barangay for barangays;
- In the autonomous regions of the country, legislation is made by the regional legislative assemblies, e.g. Regional Legislative Assembly of the Autonomous Region in Muslim Mindanao

To be effective, local legislation requires three (3) elements, namely: institutional efficiency, local legislation cycle or process, and development.

Under the Implementing Rules and Regulations of the Local Government Code of 1991, local legislation contains the report of the sanggunian in the exercise of its legislative powers such as budget approval, concurrence with the appointments made by the local chief executive, passage of significant ordinances and resolutions, and results of oversight and review functions.

Rationale

The Sanggunian Panlungsod (SP) ng Baguio, aiming for effectiveness and fulfillment of its vision and mission still can push forward for more improvement. Any organization may be required to reevaluate its resource needs and skill sets, and also assess the overall impact of legislation on the city, its community, and the citizens. This paper deemed it important to make an analysis of the legislation of the SP ng Baguio with the accomplishment of the specific objectives as mentioned beforehand as well as have this discussion as a benchmark to a thorough study that may help in the development of the legislation of the SP ng Baguio.

Discussion

Evaluation tools used in the monitoring and evaluation of legislation of the Sangguniang Panlungsod ng Baguio:

Ordinance Numbered 111, Series of 2018

- Legislative Monitoring and Evaluation Ordinance of the City of Baguio
- Determine the effectiveness and implementation or non-implementation of its ordinances and resolutions through the conduct of legislative monitoring and evaluation
- Institutionalization of the legislative oversight
- Internal Rules of Procedures (IRP) of the SP ng Baguio
- Philippine Councilors' League (PCL) Legislative Toolkit
- Department of the Interior and Local Government (DILG) Circular No. 2018-130
- Local Legislative Award and Implementation

Challenges encountered in the Internal Rules of Procedures (IRP) of the Sangguniang Panlungsod ng Baguio which is mandated under Section 50 of the Local Government Code;

and ensure the orderly conduct of sessions and quality legislation.

Others are the prolonged process of legislation, overlapping and overproduction of legislation or proposals, delayed and addition of agenda on the regular session, non-standardized data collection of the public hearing, and non-inclusion of the legislative oversight.

In addressing the challenges encountered in the IRP of the SP ng Baguio are: restructuring or business process improvement or reengineering; maximizing and/or improvement of the Legislative Management Information System (LMIS); strict compliance for the scheduled submission of agenda; streamlining of data collection and data analytics on public hearing and consultations; and inclusion of the legislative oversight.

Conclusion and recommendation

It is evident that the Sangguniang Panlungsod ng Baguio needs to greatly enhance its support mechanisms in gathering oversight information as a matter of quality of legislation concern and that there are challenges that need to be addressed in the fulfillment of the vision and mission of the SP ng Baguio.

It is recommended that:

1. There is a need for timely, accurate, relevant, and unbiased information which is the most important consideration in any legislative monitoring and evaluation. The respondents involved in a particular agency must be knowledgeable enough when it comes to analyze that particular sector's needs and problems so that SP is not dependent mostly on self-reports and other information coming from the executive branch or other agencies.
2. The legislative monitoring and evaluation of SP ng Baguio must be seen in terms of the idea of continuous watchfulness and should be organized to assist the executive in implementing the intent of the laws passed by the legislative. There should be a conscious effort to study, monitor, analyze, assess, and evaluate the most important, if not all, of the ongoing policies, programs, and projects of the local government.
3. Supporting and strengthening the policy research and analytical capabilities of conducting legislative monitoring and evaluation done by the technical staff. This may mean additional training, revising internal operations providing for better equipment and training support (i.e. cellphone load and traveling allowance allocated in the annual budget, especially on field monitoring and evaluation of technical staff).
4. Upgrading the technology being used in the SP on legislative monitoring and evaluation which will include accepting inputs from the general public, and for the establishment of a central database that is accessible to the public.
5. Streamlining of the evaluation tools and techniques used for monitoring and evaluation of the legislation.
6. Process improvement or reengineering of the legislation process of the SP ng Baguio to redesign a process shortening the current legislation process.
7. Policy on monitoring and evaluation be embodied in the ordinance that results of the monitoring and evaluation be used for the sustainability of the legislation.
8. Staff training and orientation on the existence and functions of the legislative oversight.

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