



A Better Metro Manila?

Towards Responsible Local
Governance, Decentralization
and Equitable Development

Edited by
Teresa S. Encarnacion Tadem
Maria Ela L. Atienza

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A Better Metro Manila?

“This book edited by Teresa Encarnacion Tadem and Maria Ela Atienza is very timely. It sheds light to one of the burning issues of our time, a better Metro Manila within the context of local governance, decentralization and equitable development.

Indeed, the search for *appropriate* politico-administrative institutions for Metro Manila — then known as the Greater Manila Area (GMA) — continues to this day even after half a century of existence. Metro Manila’s experience is an excellent study of how institutions continue to evolve given the challenges of metropolitanization and rapid urbanization. These range from rapid population growth, pollution, flood control, traffic, housing, urban decay, solid waste management, etc. The imperatives of robust inter-local cooperation among the component local governments, and clear lines of authority and responsibility — vertical and horizontal — are indispensable if metropolitan institutions are to be responsive. Similar concerns have been addressed by metropolitan institutions in Jakarta, Bangkok, Seoul and Tokyo. A continuing concern over the decades is the debate whether Metro Manila should evolve into a local government similar to its counterparts in the region.

This book is a must reading for public administration and governance scholars and practitioners who want to understand the Philippine experience on metropolitan governance not only in the Philippines but in Asia as well.”

—Alex B. Brillantes, Jr., Ph.D., *Professor Emeritus and former Dean, National College of Public Administration and Governance, University of the Philippines Diliman*

“As Tadem and Atienza convincingly assert, the framework of decentralized local governance in the Philippines is at a crossroads. Urban governance presents particularly daunting challenges, and nowhere more so than in the megalopolis of Metro Manila. When the Local Government Code was passed in 1991, the Philippines’ urban population totalled roughly 30 million persons; today it is some 53 million. Since the Metro Manila Development Authority was created in 1995, the population over which it watches has grown by roughly 50% (to some 14 million persons).

Across the chapters of this landmark volume, the authors present innovative and timely reform proposals across a range of policy realms: health, education, housing, water service and water supply, flood mitigation and disaster risk management, solid waste management, urban farming and land use planning, and revenue generation. This volume thus offers a critical first step toward “a

better Metro Manila” as it provides policy guidance toward the goal of more responsible local governance and more equitable development outcomes. There are, literally, at least fourteen million reasons why the conclusions of the book should be closely heeded.”

—Paul D. Hutchcroft, *Professor of Political Science and Social Change, Coral Bell School of Asia Pacific Affairs, The Australian National University*

Teresa S. Encarnacion Tadem ·
Maria Ela L. Atienza
Editors

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PREFACE

This book emanates from the research project of the University of the Philippines Center for Integrative and Development Studies (UP CIDS), the Department of the Interior and Local Government-National Capital Region (DILG-NCR), and the Office of the Quezon City Mayor, the output of which was a report entitled “Federalism and the National Capital Region: Specific Governance Concerns,” which ran from 2018 to 2019. Based on the 2018 DILG-NCR research project document, the study was in support of the DILG through the Local Government Academy’s (LGA) task in leading the development and implementation of information and education campaigns and technical studies during the time when the Duterte administration was promoting a shift to a federal form of government. The project was part of the National Capital Region (NCR) Peace and Order Council (PROC), which was then chaired by former Quezon City Mayor Herbert M. Bautista.

Thus, we would like to thank DILG-NCR for funding the project and DILG-NCR Regional Director Maria Lourdes L. Agustin and Helen A. Verzosa, Division Chief, Local Government Capability Development Division. Special thanks also to Raymond Gerard E. de Asis, DILG-NCR Research Coordinator. Raymond shepherded this project on behalf of the DILG-NCR since its inception and until he went on study leave in 2019. We wish to also thank Maria Jasmin D. Diaz, DILG-NCR Assistant Research Coordinator, who ably took over as research project coordinator from Raymond. We are especially grateful that DILG-NCR allowed us to

develop and transform the components of our final report further into academic pieces for publication into an edited book.

Our deepest appreciation also to Former Quezon City Mayor Herbert M. Bautista, the over-all proponent of this research project which was his “brainchild.” Former Mayor Bautista actively participated in the project’s conceptualization and provided valuable inputs to the various topics covered by this research project through a series of meetings with and presentations by the research project leaders. We are also deeply grateful to the former mayor in encouraging us to come out with academic publications based on our research report.

It is with deep gratitude that Palgrave MacMillan has agreed to publish this book. We are particularly grateful to Vishal Daryanamel, Palgrave MacMillan’s Senior Commissioning Editor, who oversaw the review process and provided us with additional comments and suggestions, and to Uma Vinesh for her professional assistance in the book’s production. Thank you also to the three anonymous reviewers of the original draft book manuscript for their valuable inputs in improving the manuscript.

We started the project with many more governance topics and writers from different disciplines involved. However, due to multiple commitments, the list of topics and writers who committed to the project until the submission to DILG-NCR became shorter. We are, thus, particularly very grateful to the chapter contributors of this book for agreeing to transform their respective UP CIDS-DILG-NCR reports into book chapters and their patience in being with us in every step for this book project even as we were in the midst of a global pandemic and varying types of lockdowns which have affected our working and living conditions. We thank them for their patience in revising their chapters several times to address all substantive and technical comments.

Our special thanks also to our very hardworking research assistant Jesam Jimenez, from the UP CIDS Program on Social and Political Change (PSPC), who was with us in this project since the beginning until the book production. UP CIDS PSPC hosted the research and book projects for UP CIDS.

Finally, our deep gratitude goes to the following past and present UP CIDS Staff who provided this research and book projects with the needed administrative, finance, publications, and library support: Joyce Dimayuga, Rose Punay, Dominador de la Cruz, Ellen Cometa, Ace Molo, Clarisse Culla, Klara Bilbao, Mikhail Aggabao, Joseph Cruzado, Virna

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Quezon City, Philippines
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Teresa S. Encarnacion Tadem
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CONTENTS

1	Introduction: The Search for Alternative Models for Responsible Local Governance	1
	Teresa S. Encarnacion Tadem and Maria Ela L. Atienza	
2	The Evolving Empowerment of Local Governments and Promotion of Local Governance in the Philippines: An Overview	29
	Teresa S. Encarnacion Tadem and Maria Ela L. Atienza	
3	Where the Gaps Are: Reexamining the Framework of Multilevel Governance to Improve the Delivery of Key Public Services in Metro Manila	87
	Kevin Mark R. Gomez, Joey R. Loristo, and Fatima Joy O. Pamittan	
4	Where the Gaps Are: Assessing Alternative Models of Governance to Improve the Delivery of Key Public Services in Metro Manila	125
	Kevin Mark R. Gomez and Fatima Joy O. Pamittan	
5	Decentralisation Experiences in the Philippines: Social Services Sectors and the Local Government Code of 1991	157
	Jan Robert R. Go	

6	The State of Health, Health Service Delivery, and Equity of Access in Metro Manila: Challenges and Possible Ways Forward	193
	Maria Ela L. Atienza	
7	Basic Education and Federalism: Implications and Options for the National Capital Region	221
	Elvin Ivan Y. Uy and Dina Joana S. Ocampo	
8	Ensuring the Affordability of Socialized Housing: Toward Livable and Sustainable Homes for the Filipino Poor	259
	Chester Antonino C. Arcilla	
9	Reclaiming Public Services: Giving Back Ownership and Control of Water Services to the Public Sector	291
	Eduardo C. Tadem and Teresa S. Encarnacion Tadem	
10	Alternative Water Sources for Metro Manila for Water Security and Resilience	325
	Guillermo Q. Tabios III	
11	Urban Dimensions of Floodings and Holistic Flood Risk Management: Case of Pasig-Marikina River Basin in Metro Manila	347
	Guillermo Q. Tabios III	
12	Urban Environmental Governance and Sustainable Development: Empowering National and Local Governments for Solid Waste Management in the Philippines	371
	Maria Lourdes Genato Rebullida and Jalton Garces Taguibao	
13	Urban Farming and Land Use Governance in Metro Manila	407
	Kristian Karlo Saguin and Mark Angelo Cagampan	
14	IRA and Local Fiscal Governance in the Philippines	443
	Rogelio Alicor L. Panao	

15 Risk Transfer Mechanism: Charting a Strategy on Local Insurance	465
Dennis G. de la Torre and Erwin A. Alampay	
16 Reforms and Ways Forward for Responsible Governance, Decentralization, and Equitable Development	489
Maria Ela L. Atienza and Teresa S. Encarnacion Tadem	
Index	519

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LIST OF FIGURES

Chapter 3

Fig. 1	Metro Manila's urban sprawl (<i>Source</i> Maps rendered based on data collated from Reyes 1998, Shatkin 2006, Magturo 2012, Bueza 2019b, Choguill 2001, Mercado 1998, Regmi 2017, Lustre 2015)	95
Fig. 2	Metropolitan governance framework (<i>Source</i> Mercado and Manasan 2002)	110

Chapter 4

Fig. 1	The Districts of Metro Manila (<i>Source</i> Map rendered by authors)	128
Fig. 2	Percent distribution of Gross Regional Domestic Product (as of 2016) (<i>Source</i> Original diagram by authors based on data from Philippine Statistics Authority [2017]. "Gross Regional Domestic Product.")	129
Fig. 3	Framework of Relationships Among Public and Private Institutions in the NCR (<i>Source</i> Original figure rendered by the authors.)	133
Fig. 4	Crime incidents in Metro Manila (<i>Source</i> Maps rendered based on collated data from the Philippine National Police-NCR [ncrpo.pnp.gov.ph])	135
Fig. 5	Health facilities in Metro Manila	136
Fig. 6	Literacy Rate in Metro Manila	139

Fig. 7	TVIs in Metro Manila (<i>Source</i> Maps rendered based on collated data from Open Data Philippines [data.gov.ph])	142
Fig. 8	Susceptibility of LGUs to groundshaking, liquefaction, and landslide (<i>Source</i> Maps rendered based on data collected from PHIVOLCS)	143
Fig. 9	Ranking of LGUs on peace and order (<i>Source</i> Authors' own figure)	144
Fig. 10	Ranking of LGUs in the provision of health services (<i>Source</i> Authors' own)	145
Fig. 11	Ranking of LGUs in the provision of basic education (<i>Source</i> Authors' own)	145
Fig. 12	Ranking of LGUs on disaster susceptibility (<i>Source</i> Authors' own)	146

Chapter 5

Fig. 1	Structure of local governments in the Philippines 2019 (<i>Source</i> Atienza, Go, and Esmeralda 2019)	161
Fig. 2	IRA dependence of municipalities (average), 2009–2016 (<i>Data Source</i> Bureau of Local Government Finance; graph by the author)	171

Chapter 7

Fig. 1	Basic and functional literacy rates	224
Fig. 2	Total enrollment (in Millions)	224
Fig. 3	Net Enrollment Rates (NER)	225
Fig. 4	Completion rates and NAT scores	225
Fig. 5	DepEd annual budget	226
Fig. 6	Spending per public school student	226
Fig. 7	Total enrollment in NCR (in Millions)	228
Fig. 8	Share of public education in NCR Enrollment (in %)	228
Fig. 9	Net Enrollment Rates in NCR	229
Fig. 10	Completion rates and NAT scores in NCR	229
Fig. 11	Governance and basic education cycles in select countries	230
Fig. 12	Basic education as exclusive power of the federal government	236
Fig. 13	School-based management framework	237
Fig. 14	Basic education as a shared power of federal and regional governments	238
Fig. 15	SEF per capita by DepEd SDO in NCR	247

Chapter 8

Fig. 1	Summary of the NHA socialized housing functions (<i>Source</i> Author's creation)	264
Fig. 2	Socialized housing price ceiling, mean incomes, and affordable housing of the poorest 30% Filipino families, 2000–2015 (<i>Source</i> Author's computations using data from the Philippine Statistics Authority (PSA)'s Family Income and Expenditure Survey for years 2000, 2003, 2006, 2009, 2012, and 2015)	268
Fig. 3	Uniform annual amortizations as a percent of mean annual incomes of the poorest 30%, 2000 to 2015 (<i>Source</i> Author's computations using data from the Philippine Statistics Authority (PSA)'s family income and expenditure survey for years 2000, 2003, 2006, 2009, 2012, and 2015)	268

Chapter 10

Fig. 1	Potential alternative water sources for Metro Manila (<i>Source</i> Authors's creation)	327
Fig. 2	Angat River system with Umiray transbasin tunnel and proposed Sumag and Biliway watershed flow augmentation (<i>Source</i> Tabios and David [2014])	328
Fig. 3	Location of existing groundwater permits issued by the National Water Resources Boards (NWRB) as of 2012 (<i>Source</i> Author's creation based on NWRB data)	331
Fig. 4	Groundwater heads in 2055 for base case (existing NWRB groundwater permits) and case with increased extraction rates (1.5 times base case extraction rates) from 3d groundwater model simulations. Initial heads in 2016 are also plotted. (<i>Source</i> Author's creation based on groundwater simulation studies by the author)	332
Fig. 5	Laguna Lake and surrounding watersheds delineated into 668 sub-basins for watershed modeling and simulation for water balance studies (<i>Source</i> Tabios [2018])	333
Fig. 6	Kaliwa-Kanan-Agos River Basin in the eastern slope of Sierra Madre (<i>Source</i> Tabios 2020)	337
Fig. 7	Alternative water resources system configurations of Kaliwa-Kanan-Agos River system in the proposed New Centennial Water Project in 2012 subjected to project sequencing and staging with optimization-simulation studies (<i>Source</i> Tabios [2020])	338

Fig. 8	Resulting project sequencing and staging of the alternative water resources system configurations of Kaliwa-Kanan-Agos River Basin to meet the projected water demands (in MLD) of Metro Manila (<i>Source</i> Tabios [2020])	341
Fig. 9	Pampanga River Guagua-Pasac River Basins: Drainage Area of 10,710 km ² composed of 11 major basins. For modeling studies, the river basin is delineated into 960 sub-basins. (<i>Source</i> Author's creation)	342
Fig. 10	Long-term, average daily flow (in m ³ /sec) of Lower Pampanga River Basin from watershed hydrology model simulation of the entire Pampanga River with 40 years of daily rainfall data (1972–2012) (<i>Source</i> Author's creation based on hydrologic study by the author)	343
Fig. 11	Long-term, 80 percent-of time, dependable daily flows (in m ³ /sec) of Lower Pampanga River Basin from watershed hydrology model simulation of the entire Pampanga River with 40 years of daily rainfall data (1972–2012) (<i>Source</i> Author's creation based on hydrology study by the author)	344

Chapter 11

Fig. 1	Pasig-Marikina River Basin of Metro Manila, Philippines (<i>Source</i> Tabios, 2020)	349
Fig. 2	Major Flood-Prone Areas in Metro Manila (<i>Source</i> Tabios, 2010 from a JICA report)	350
Fig. 3	TS Ketsana hourly rainfall fields from 8AM to 2PM on September 26, 2009 by multiquadric spatial interpolation (<i>Source</i> Tabios, 2020)	351
Fig. 4	Flooding extent, pictures and flood computations during TS Ketsana on September 26, 2009; Flood Inundation Levels around Marikina River during TS Ketsana (<i>Source</i> Tabios, 2020)	352
Fig. 5	Laguna Lake Level at Angono station during TS Ketsana (<i>Source</i> Tabios, 2020)	353
Fig. 6	Laguna Lake Levels at Angono stations during TS Gener (<i>Source</i> Author's creation)	354
Fig. 7	Residential area and commercial establishments inside the floodplains or meander loops of Marikina River (<i>Source</i> GoogleMap)	354

Fig. 8	Another development in a meander loop with Rosario weir structure for diverting Marikina River flows into Laguna Lake through Manggahan Floodway (<i>Source</i> GoogleMap)	355
Fig. 9	Manggahan Floodway looking upstream toward Marikina River (<i>Source</i> Department of Public Works and Highways)	356
Fig. 10	Local drainage channels with constricted outlet into the major waterway and a river that disappeared, thus obliterating drainage outlet from this area (<i>Sources</i> 10a, Laguna Lake Development Authority; 10b, Prof. Siringan, University of the Philippines—Marine Science Institute)	357
Fig. 11	Residential subdivision within Laguna Lake and settlements inside the floodplains of Napindan River connected to Laguna Lake (<i>Source</i> Laguna Lake Development Authority)	358
Fig. 12	Forest denudation and quarrying in the upper Marikina River basin responsible for increased soil erosion and sediment load to rivers (<i>Source</i> Laguna Lake Development Authority)	358
Fig. 13	Constriction along Pasig River around Makati City of Metro Manila due to river sedimentation from soil erosion and sediment load from upland watersheds (<i>Source</i> Prof. Siringan, University of the Philippines—Marine Science Institute)	359
Fig. 14	Changes in Laguna Lake bathymetry during the period 1939 to 1968 as well as the period 1968 to 1998. Average depth (from MLLW) in 1939 is 2.52m, and in 1998 is 2.24m. (<i>Source</i> Prof. Siringan, University of the Philippines—Marine Science Institute)	360
Fig. 15	Conceptual alignment of proposed Marikina stormwater tunnel to Agos River and/or all the way to Pacific Ocean (<i>Source</i> Author's creation)	363
Fig. 16	Time series plot of Laguna Lake water level from 2008–2011 showing Typhoon Ondoy and 2012 Habagat events (<i>Source</i> JICA , 2018)	365

Chapter 12

Fig. 1	Policy, Governance, and Sustainable Development: Empowering Government for Solid Waste Management	376
Fig. 2	Devolution -- Hierarchy of Solid Waste Management Responsibilities	385
Fig. 3	Metropolitan Manila Development Authority Structure	386

Chapter 13

Fig. 1	Demonstration farm and nursery in Marikina (Photo by Mark Angelo Cagampan)	413
Fig. 2	Urban farming using plastic container bottles in Caloocan (Photo by Mark Angelo Cagampan)	414

Chapter 14

Fig. 1	IRA and public welfare spending in cities	460
Fig. 2	IRA and public welfare spending in provinces	460

Chapter 15

Fig. 1	Conceptual framework on DRFI (<i>Source</i> Authors' creation)	468
Fig. 2	QC premium vs. risk transfer allocation, 2016–2018	477

LIST OF TABLES

Chapter 3

Table 1	Exclusive powers of federal and regional governments under the Bayanihan Constitution	102
Table 2	Metro-wide services/functions across eight metropolitan arrangements	108

Chapter 4

Table 1	Elementary and Secondary Schools in Metro Manila	140
Table 2	State and Local Universities and Colleges in Metro Manila	141

Chapter 5

Table 1	Composition of the local health boards for municipalities and cities	166
Table 2	Dependence on internal revenue allotment for cities in the National Capital Region, 2009–2016	169
Table 3	Total expenditures on health for cities and municipalities, 2009–2016 (in million pesos)	170
Table 4	Composition of the local school boards for municipalities and cities	175
Table 5	Total collection of Special Education Fund, cities and municipalities, 2009–2016 (in million pesos)	178

Table 6	Total expenditures on education for cities and municipalities, sourced from SEF, excluding capital outlay, 2009–2016 (in million pesos)	178
Table 7	Total expenditures on education under capital outlay for cities and municipalities, sourced from SEF, 2009–2016 (in million pesos)	179

Chapter 7

Table 1	Median Years of Completed Education by Wealth Quintile and by Sex	227
Table 2	Net Attendance Ratios (NAR) by wealth quintile and by sex	227
Table 3	Comparison of Basic Education Governance in Ten Countries	232
Table 4	Family income, labor force data, and median years of completed education (female and male) by region	240
Table 5	NCR Revenues and Expenditures (in PhP Millions)	241
Table 6	Revenues and expenditures by LGU in NCR (in PhP millions)	242

Chapter 8

Table 1	Socialized housing price ceilings adjustments	267
Table 2	Income deciles with average family incomes, expenditures, savings, and affordable housing loans in 2015	269
Table 3	National Capital Region income deciles with average family incomes, expenditures, savings, and affordable housing loans in 2015	271
Table 4	Actual graduated amortization schedule for a PhP 450,000 loan at 4.5% interest	272
Table 5	Actual graduated amortization schedule of a PhP 240,000 loan at 4.5% interest	272
Table 6	National Capital Region income classes with average family incomes, expenditures, and savings given actual housing expenses/amortizations in 2015	273
Table 7	Daily food and transportation expenses of an above-minimum wage work relocated in a off-city relocation in Rodriquez, Rizal	279

Chapter 10

Table 1	Reliability analysis of Angat Reservoir in terms of daily releases to Ipo Dam for MWSS domestic water supply at 46 and 50 CMS MWSS demand for cases: (1) without Biliway and Sumag; (2) with Biliway and Sumag with tunnel capacity of 10 CMS; and (3) with Biliway and Sumag with tunnel capacity of 15 CMS	329
Table 2	Long-term daily means of 110 sub-basin inflows (in m ³ /sec and MLD) that flows into Laguna Lake	335
Table 3	Results of reservoir optimization-simulation and reliability analysis with Kaliwa Low Dam only (The optimum target release is 15 CMS which implies that an aggressive reservoir release rule [high target release] will result in less flow reliability but too passive release rule will result in lower firm water yield but have higher reliability especially at 85 percent-of-time.)	339
Table 4	Results of reservoir optimization-simulation and reliability analysis with Laiban Dam (upstream) and Kaliwa Low Dam (downstream) in series (The optimum target release is 20/20 which means 20 CMS for Laiban Dam and 20 CMS for Kaliwa Low Dam. The releases at Laiban Dam goes to Kaliwa Low Dam so only the water supply reliability of Kaliwa Low Dam is meaningful to deliveries to Metro Manila.)	340

Chapter 11

Table 1	Flood control design level of protection in terms of return period and other pertinent information of major Department of Public Works and Highway (DPWH) flood control projects in the Philippines (<i>Source</i> DPWH website)	361
Table 2	Traditional Science and Sustainability in the Context of Flood Management (The first 4 columns were adapted from Yoshikawa, 2011)	367

Chapter 13

Table 1	Metro Manila local government units and current urban agriculture offices, ordinances, and projects	416
Table 2	Selected national policies, plans, and programs related to urban farming	426

Chapter 14

Table 1	Descriptive summary of variables for cities	453
Table 2	Descriptive summary of variables for provinces	455
Table 3	IRA and local income generation	458
Table 4	IRA and public welfare spending	459

Chapter 15

Table 1	World Bank-GFDRR Disaster Risk Management Framework	470
Table 2	Disaster risk financing and insurance policy alternatives and benefits	471
Table 3	Lead agencies for disaster prevention and mitigation	474
Table 4	Key risk transfer-related strategies, PDP	475
Table 5	Philippine DRFI strategy, local level	476
Table 6	Quezon City LDRRMF and risk transfer expenditure	476
Table 7	Quezon City estimated premium vs. risk transfer expenditure, 2016–2018	478
Table 8	Quezon City LDRRMF budget items on risk transfer, 2016–2018	478
Table 9	Humanitarian assistance actions related to DRFI, Quezon City LDRRMP	480



Introduction: The Search for Alternative Models for Responsible Local Governance

Teresa S. Encarnacion Tadem and Maria Ela L. Atienza

1 INTRODUCTION

When Rodrigo Roa Duterte ran for the Philippine presidency in 2016, his battle cry was the “war on drugs,” i.e., to eliminate drug pushers and users in the country using what he did in Davao City, where he was mayor for 16 years, as the template. By doing this, he projected himself as the embodiment of how a city mayor from Mindanao is able to do good in his own constituency, giving him the political capital to run for the highest position in the country. His second battle cry, which also drew the attention of his supporters, was the underdevelopment of Mindanao, a situation they accused “imperial Manila” of propagating, that is, the resources of the south are being siphoned off to the capital city and region

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as a form of “internal colonialism.” There was thus a need to give development priority to Mindanao and consequently also to the Visayas. This earned the support of the Visayans and the Mindanaoans who through the years have felt isolated and/or even abandoned by the national capital.

Both campaign slogans echoed the importance of local governance. That is, the drug war can be controlled at the local level so as not to escalate to the national level. Meanwhile, the marginalization of Mindanao highlights how local governance should be given impetus through institutional changes at the national level, i.e., greater devolution and autonomy which will require amendments of existing laws like the 1991 Local Government Code and/or the organic act creating the political region of Muslim Mindanao or federalism which will require constitutional change. Federalism was also used by Duterte and his supporters during the 2016 presidential campaign to address the problem of minority Muslims in the south. According to Duterte and his allies, there was a need to further localize political power at the grassroots and federalism was the institutional set-up which will address the pressing problems of Muslim Mindanao, particularly the need to find peace in the area. The Duterte Administration (2016–2022) also presented federalism as the panacea to addressing issues of poverty and underdevelopment elsewhere. This gave the incentive to the formation of both government and non-government initiatives to look into the different facets and features of federalism for the country.

As a result, task forces were constituted by the government and political parties among others to look into the transition of the Philippines to a federal form of government. It was under this effort that the Department of the Interior and Local Government (DILG), through the Local Government Academy (LGA), took on the task of “leading the development and implementation of information and education campaign and technical studies for the transition to a federal form of government” (UP CIDS-DILG-NCR Terms of Reference 2018). Studies have thus emerged with regard to this. A Consultative Committee to Review the 1987 Constitution was also formed through Executive Order No. 10 in 2016 but whose members were only appointed by the President in 2018. The Consultative Committee (2019) came out with “Power to the People: Bayanihan Federalism, Power to the Regions (A Draft Constitution for a Strong, Indissoluble Republic).”

Focus was also placed on Article X (Local Government) of the 1987 Constitution, which the President of the Constitutional Commission

of 1986 which drafted the 1987 Constitution, Cecilia Muñoz Palma, described as one which “devolves the powers of imperial Manila to the provinces and cities in the hinterland in a clear reversal of the colonial policy of over centralization” (Mendoza and Ocampo 2017, 33). Furthermore, in one of the earliest Supreme Court decisions on Article X, the Supreme Court “echoed a political sentiment to add flourish to legal interpretation” (Mendoza and Ocampo 2017, 33). It wrote that while the 1987 Constitution does not usher in a regime of federalism,” it does “break up the monopoly of the national government over the affairs of local governments... to liberate the local governments from the imperialism of Manila” (Mendoza and Ocampo 2017, 33).

All these efforts have brought calls to study the Local Government Code (LGC) of 1991 or Republic Act 7160 (referred to hereafter as the 1991 LGC), which devolves significant powers and responsibilities to local governments and which some have viewed as revolutionary, “not because it gives powers and responsibilities to the local government units, but because it does so swiftly” (Tapales 1993, 22; see also Republic Act No. 7160, Local Government Code of 1991). Arguments have also arisen to point out that there is no need for the Philippines to shift to a federal form of government, but what is needed is to do the following: (1) examine the provisions of the 1991 LGC to see whether these have been implemented or not; if not, what are the reasons for these; and (2) if indeed there are shortcomings to the 1991 LGC, to look for a recourse to amend these.

Both advocates of federalism and those for reexamining the 1991 LGC, however, agree that there is interest in the general public to address whatever obstacles there are at the moment which hinder the empowerment of local governments. Devolution of power from the central government to local government units (LGUs), as pointed out, continues to be the major pathway to further the country’s democratization process and development efforts.

However, the shift to a full federal form that was promised by President Duterte was abandoned midpoint during his administration. Even the President’s economic managers argued against the cost of the shift to a federal form of government. The Consultative Committee’s draft *Bayanihan* Constitution was rejected by the President’s own allies in Congress with the House of Representatives overwhelmingly passing their own watered-down version of the draft Constitution, i.e., House leaders removed the progressive provisions in the draft *Bayanihan* Constitution

like term limits, ban on political dynasties, and party system reform, and the Senate not even prioritizing discussions about a federal Constitution before the May 2019 mid-term elections. Even the President, in his July 2019 State of the Nation Address (SONA), no longer discussed federalism and later clarified that federalism may not happen during his term. Instead, an inter-agency task force he created and led by the DILG began focusing on proposing “surgical amendments” to the 1987 Constitution after his 2019 SONA (Atienza 2019, 2020, 133–134).

2 THE CONTINUOUS SEARCH IN ADDRESSING THE SHORTCOMINGS OF DECENTRALIZATION IN THE PHILIPPINES

Despite Duterte’s abandonment of his federalism promise, however, the call for a federal form of government has opened up a Pandora’s box in reexamining the state of the country’s decentralization process. More specifically, to what extent has it indeed empowered LGUs to take charge of decision-making at the local level with regard to what they view are their development needs and the political structures needed to pursue this? This book, *A Better Metro Manila? Towards Responsible Local Governance, Decentralization and Equitable Development*, thus aims to contribute to the discussions and debates which emerged from this.

Historically, the Philippines experienced a highly formalized centralized governance structure under a unitary state during the Spanish (1521–1898) and American (1898–1945) colonial periods. This includes the Commonwealth Period (1935–1945) as the country transitioned into “independence.” With the granting of the independence by the Americans to the Philippines in 1945, the country witnessed several attempts to decentralize power but only to be halted by the advent of the martial law period (1972–1986). The 1986 People Power which ousted the Marcos dictatorship revived the trend toward decentralization culminating with the enactment of the 1991 Local Government Code (1991 LGC) which couched decentralization as the embodiment of people empowerment¹ (Tapaes 1993; de Guzman et al., 1998; Batario 2001).

¹ A more detailed discussion of this is found in Tadem and Atienza, Chapter 2.

Continuing challenges to the Local Government Code of 1991.²

Upon the implementation of the 1991 LGC, it would be only a matter of time when studies emerged in highlighting the continuing challenges which decentralization was confronting under the 1991 LGC. Studies revealed that although it has been said that the 1991 LGC has brought forth greater democratization and development from below, such efforts have also been greatly hindered by the continuing centralization of finances, human resources, and technical capacity which are not passed on to LGUs. LGUs continue to complain of inadequate financing which has undermined local autonomy. Furthermore, national development planning and budgeting continue to favor national agencies and the central government still determines the development priorities to be pursued by LGUs (Panganiban 1998; Legaspi 1996; Legaspi and Cabo 1996; Mehta and Buendia 2004; Atienza 2006).

Aside from examining these obstacles to economic decentralization, studies also assessed the continuing problem of patronage politics at the local level where local politicians continue to perpetuate a problem of patronage producing a “culture of dependency.” At the national level, studies also pointed out that it also does not help that Congress continually provides appropriations for local programs and “pork barrel.” These also revealed that although the 1991 LGC viewed the important role of civil society with LGUs in counteracting political patronage, unfortunately there is still much to be desired on this matter. This is because the relationship between these two parties are marked by animosities and mistrust. Although there seems to be inroads with regard to this, NGO representatives taking part in the decision-making processes in the LGUs seem to be more of the exception rather than rule. Moreover, research findings have shown that the representatives of NGOs and POs in local special bodies, e.g., local health boards, are sometimes determined by local officials themselves or those who are close to the local officials (Tapales et al. 1996; Legaspi 1996; Budd 2005; Batario 2001; Atienza 2006; Hutchcroft 2010).

Moreover, research on decentralization since People Power also focused on a reality that decision-making powers and financial resources were concentrated in Metro Manila, i.e., the National Capital Region

² Further details of the shortcomings of the 1991 LGC will be expounded on in Tadem and Atienza, Chapter 2.

(NCR). An adverse effect of this was the failure of the government to adequately deliver basic services to the people in the peripheries.

Federalism as a panacea to the shortcomings of the 1991 LGC.

It is within this context that the proposal for a federal form of government to contribute to a more enhanced and effective decentralization emerged from some sectors, including the Duterte administration. Consequently, studies have examined as a probable solution to addressing basic issues of local government, e.g., inefficient and ineffective social services and the persistence of inequalities in development which exist between the national and local governments and within LGUs despite devolution. Moreover, some studies assessed whether federalism is indeed the cure for the lack of genuine autonomy of LGUs which is stymied by the inadequate fiscal transfers from the central government. Studies have also zeroed in on the federalism advocated by President Duterte. Aside from highlighting regional inequalities, he sees a federalism which will recognize socio-cultural, ethnic and identity differences with special attention on the Muslim areas in the south but also including other regions outside Metro Manila. Thus, a major difference of the proposed federal structure of the Duterte administration is to move from the devolution structure of the 1991 LGC under the 1987 Constitution, which still recognizes the existence of two special autonomous regions, i.e., the Bangsamoro and the Cordilleras, to a full transformation of the entire country into a full federal arrangement (Araral et al. 2017; Pimentel 2017; Tigno 2017; Brillantes 2017; Manasan 2017; Miral 2017a; Hutchcroft 2017; Atienza 2019, 2020).

Elsewhere in the country, the major concern continues to be political decentralization whereby the LGUs or regions will play a bigger role in national decision-making particularly in accelerating economic development. There is the view that federalism should also address the problem of patronage politics and the dominance of the elites in both politics and the economy; together with breaking up the overconcentration of political power in the hands of a few is also the persistent monopoly of fiscal resources in the center (Araral et al. 2017; Pimentel 2017; Tigno 2017; Brillantes 2017; Manasan 2017; Miral 2017a; Olivar and the FEF Study Group on Constitutional Reforms 2017; Oxales 2017; Hutchcroft 2017; Atienza 2019, 2020). However, what many of the proponents of federalism as well as those who advocated greater devolution and more powers to the special autonomous region in Muslim Mindanao created by law in 1989 (which eventually led to a new autonomous law passed

by Congress in 2018 and approved in 2019 through a plebiscite that created a new, geographically larger Bangsamoro Autonomous Region in Muslim Mindanao [Atienza 2020, 133]) missed were more legal and institutional reforms. Furthermore, there should be focus also on more agency-related reforms as well as efforts to address inequality of access to public services and development even within the so-called highly urbanized areas, including Metro Manila.

Although the Duterte Administration succeeded in having Congress pass the Bangsamoro Basic Law in 2018 to further strengthen the autonomous region of Muslim Mindanao, there emerged the lack of public support and awareness for federalism. As mentioned earlier, the President abandoned the federalism project in 2019. It nevertheless opened up opportunities to (re)examine the current shortcomings and limitations of the 1991 LGC and how to address this given the current governance structure. Moreover, debates about federalism became an opportunity to examine what governance measures currently exist in a multilevel form of governance which can be further enhanced, e.g., metropolitan arrangements as well as new ones which can be learned from experiences of countries with forms of federalism.

3 BACKGROUND OF THE BOOK

Based on the above context, *A Better Metro Manila? Towards Responsible Local Governance, Decentralization and Equitable Development* thus aims to contribute to efforts to examine the strengths and limitations of the 1991 LGC and the 1987 Constitution's Article X in light of the Duterte administration's initial push for federalism and continuing quest for more responsible local governments. The book's chapters emanate from the outputs of the research project of the University of the Philippines Center for Integrative and Development Studies (UP CIDS), the Department of the Interior and Local Government-National Capital Region (DILG-NCR), and the Office of the Quezon City Mayor, to study the advantages and disadvantages of federalism in the context of NCR or Metro Manila. The research project was part of a set of research projects which fed into the DILG-NCR study on the "The Administrative Region of the Republic of the Philippines: A Study on the Implications of Federalism in the National Capital Region and Considerations for Forming the Federal Administrative Region" (DILG-NCR). This research