



# **Disempowering Empowerment?**

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## Introduction

One of the hallmarks of the Local Government Code (LGC) of 1991 is its recognition of the important role of the various sectors in society, as well as the need for their representation in the local *sanggunians* (council). Section 41 (c) of the LGC provides that "there shall be one (1) sectoral representative from the women sector, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the *sanggunian* concerned ... The Commission on Elections (COMELEC) shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives." Sections 446 (b), 457 (b), and 467 (b) provide for the election of sectoral representatives in the *sangguniang bayan* (municipal council), *sangguniang panglungsod* (city council), and *sangguniang panlalawigan* (provincial council), respectively.

Of the many 'controversial' provisions of the LGC, the implementation of the provisions on sectoral representation in the local councils has been the subject of much debate in the House of Representatives and other concerned bodies.

This article provides a critical analysis of the important developments and problematic issues concerning the election of sectoral representatives in local legislative bodies and their implications to the LGC's vision of empowering the powerless.

### Status of the Elections of Sectoral Representatives

A number of resolutions and legislative measures are seeking to either defer or oppose the election of sectoral representatives in the different *sanggunians*.

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On 22 August 1992, The League of Municipalities issued Resolution No. 6, Series of 1992 requesting the COMELEC to defer the election of sectoral representatives until such time that the devolution of functions of the national government agencies (NGAs) to the local government units (LGUs) shall have been completed. This resolution cited the following reasons to support its request: (1.) the increase in expenditures pursuant to devolution and creation or appointment of numerous municipal positions; and (2.) the present condition is not conducive to the holding of such elections due to financial considerations.

On 1 December 1992, The Philippine Councilors League also issued a resolution opposing the election of sectoral representatives in the local councils.

In the House of Representatives, House Bills (HBs) 1786 (substituted later by HB No. 3330), and 6691 (consolidated bill for HB Nos. 4236 and 5574) all conspired to amend the LGC's provisions on sectoral representation for various reasons. HB 1786, for instance, seeks to repeal sections of the LGC which pertain to sectoral representation based on the following reasons: (1.) the financial constraints of LGUs; (2.) the election of sectoral representatives is not suited to the needs of the times, as well as contravenes the spirit of the law; (3.) the different sectors are already represented through the members of the local councils; and (4.) that sectoral representatives will only impose an additional burden to LGUs.

On 5 October 1992, the House Committee on Local Government headed by Rep. Ciriaco R. Alfelor filed HB 3330 (which substituted HB 1786) calling for the first election of sectoral representatives in 1995.

On 20 January 1993, the House Committee on Local Governments met to discuss, among other things, the merits of HB Nos. 4236 (an act reducing the number of sectoral representatives in the local *sanggunians*) and 5547 (an act repealing sections 446 [b], 457 [b] of RA 7160 or the LGC) and agreed to reconcile the conflicting provisions of the same bills in favor of a consolidated version (HB 6691). The main features of this bill are as follows: (1.) it amends the provisions of the LGC on sectoral representation by allowing local *sanggunians* to determine the number of representatives and the sectors that may be represented. (Thus, the local councils can have none or a maximum of three (3)

sectoral representatives; and, (2.) it provides for a period within which a *sanggunian* should pass the ordinance providing for such sectoral representation.

These measures and resolutions have tremendous implications and may have serious repercussions on the future of the most neglected and marginalized sectors in Philippine society. These moves might actually derail the implementation of the provisions on sectoral representation. To oppose sectoral representation in the local councils is tantamount to a rejection of the LGC's intent to democratize political power. To delay the implementation of the same is to deny the concerned sectors their right to be represented in the decision-making body of their respective localities. Some (although certainly notable!) local politicians have been accustomed to the traditional *parton-clientele* practices where political recruitment at the local level was limited to political bosses – the local strongmen and warlords. They cannot accept the fact that as far as the LGC is concerned, these sectors who used to be their clients are now to be regarded as their partners in local governance. Much is left to be desired for the development of a new political culture searching for innovative and alternative mechanisms for a more effective, efficient, and adaptable local governance that guarantees people's participation.

In his Memorandum Circular No. 93-12 dated 3 February 1993, Department of Interior and Local Government Secretary Rafael Alunan III directed all the presiding officers and members of the local *sanggunians* and others concerned to determine not later than 15 February 1993 the appropriate sectors existing in their respective LGUs to be represented in the second sectors. The circular was a reaction to the status report prepared by the COMELEC on the determination by the local *sanggunians* of the specific sectors for purposes of the first elections of sectoral representatives. The national summary of the COMELEC indicated that out of 1,600 cities and municipalities nationwide, 843 or 54% submitted their reports. Of the 843, 173 (20%) requested exemption or deferment of the first sectoral representative; 496 (59%) have not explicitly determined the second sectoral representative; and 167 (20%) have not determined the third sectoral representative. These figures indicate that a total of 759 (47%) cities and municipalities did not submit any reports on operationalizing sectoral representation in their LGUs.

The same circular also informed the local councils that based on the concerns of the various sectors represented in the meeting with President Fidel V. Ramos, the President made the following policy pronouncements: (1.) that an enabling law will be passed providing, among other things, the date and manner of conducting the first elections, including the necessary appropriations; (2.) that the local *sanggunians* that have not yet determined the sectors to be represented in the second and the third sectors will immediately convene to decide on their choices; and, (3.) that the issues and problems raised by the LGUs particularly on compensation of sectoral representatives be properly addressed in the rules and regulations that will implement the law on sectoral elections.

These developments in the executive branch bring rays of hope to the already restive sectors who have waited long enough for the realization of people empowerment. This, however, does not mean that the problem is over.

One of the major obstacles to sectoral elections are the pending legislative measures sponsored by some members of the House of Representatives. The proponents of HBs 3330 and 6691 view the issue of sectoral representation strictly on the basis of their constitutional powers over questions of appropriations. It is not surprising why the Congressmen who sponsored such bills gave primacy to the costs of sectoral representation over the cause of the sectors concerned.

The two main issues contained in HBs 3330 and 6691 are: (1.) the postponement of the sectoral polls until 1995 and (2.) the power of local *sanggunians* to determine the number of sectoral representatives and the sectors that may be represented, respectively.

### **Implications of the HBs 3330 and 6691 and the Resolutions of the Local League on People's Participation in Local Governance**

**T**he issues raised above represent the thorns that may ultimately destroy the seed of empowerment that has already taken root in the countryside since the implementation of the LGC in January 1992.

It is, therefore, important to look at the implications of the pending bills in the House of Representatives and the Resolutions passed by the local leagues on the prospects of empowerment in the country. The following points should be stressed:

(1) *Such bills and resolutions may contradict the Constitutional right of the concerned sectors to representation and participation in local governments.* Any move to postpone the election of sectoral representatives runs against the spirit of the Sec. 9, Art. X of the 1987 Constitution which provides that "Legislative bodies of local governments shall have sectoral representation as may be prescribed by law." The LGC's provisions on sectoral representation in the local councils are mandated by the Constitution and therefore, HB 3330 is an attempt to circumvent the legal intent of the LGC to institutionalize popular participation in local governments. These two aspects of people's representation and participation must be treated separately to give meaning to the provision of the fundamental law.

(2) *Such bills and resolutions endanger the very essence of people's representation.* The elections of sectoral representatives in local councils is a necessary first step to realize the real meaning of a truly "representative government." The argument of Rep. Cirilo Roy Montejo (see HB 4236) that women as a sectoral group are well represented in most *sanggunians*, like in the case of Tacloban City where there are three women who are members of the *sangguniang panglungsod*, is like believing that all women share the same convictions, orientations, concerns, and gender consciousness simply because they wear the same 'accessories.' It's precisely because the concerned sectors cannot go through the process of political recruitment at the local levels that the LGC gives them equal opportunities to be represented in local councils without having to compete with the local politicians who, because of their privileged positions, can easily win a seat in the local *sanggunian*.

(3) *The delay in implementation of local sectoral representation would weaken genuine people's participation in local governance.* The elections of sectoral representatives must be seen as a mechanism for the legitimation of sectoral representation in local governments. The LGC, therefore, provides the legal basis for their eventual participation in the affairs of the LGUs through a selection process that is most acceptable to the electorate. The problem, however, is that those who

oppose sectoral representation look at the process of political recruitment as an exclusive game for the rich and famous. To them these sectors don't have the right to 'govern'. Traditional politicians view sectoral representation as giving these poor sectors a free hand to steal their birthright. This elitist view militates against the framework of people's participation provided for by the LGC.

(4.) *The LGUs will cease to become effective partners for change and development if local leaders will remain insensitive to the needs of its own people.* The intent of HB 6692 in "empowering the *sanggunians*... to determine the number of sectoral representatives and the sectors that may be represented in their respective *sanggunians*" is simply to empower the already powerful at the expense of the powerless. The bill seeks to disenfranchise the concerned sectors who have nothing to lose but the opportunity to look after their special interests. Giving the local council the prerogative of deciding on the number and sectors to be represented will only encourage patron-clientilism. Local politicians have yet to master the new rules of the political ballgame prescribed by the LGC *vis-a-vis* sectoral representation. Amending the LGC in this manner is a ploy to perpetuate the stay of deeply entrenched traditional politicians and local moneybags who view electoral victory as an opportunity to accumulate more capital. To them what they need are allies in their business of patrimonial plunder and not the marginalized sectors who, in their view, need only to be helped and not to be given the power to govern, to stay in charitable institutions and not sit in the local councils.

(5.) *Finally, and perhaps most significantly, local governments will remain weak political vehicles for social transformation if they do not develop their capabilities to extract resources that will enable their constituents to help themselves.* The argument that sectoral representation would be an additional financial burden to the LGU is good only as an excuse and not as a solution to the financial problem of the LGUs. The excessive bias of politicians against laws that put premium on equal access to decision-making centers to enable the neglected sectors to translate their collective interests into meaningful policy initiatives is fueled primarily by their selfish interests. Instead of taking the elections of sectoral representation as a challenge and opportunity to use and develop both the human and natural resources available to them, the opposition to the same insist on their narrow economic, yet baseless, arguments of the fiscal implications of sectoral representation. If

people empowerment serves as the cornerstone of the LGC, then legislators should find ways that would support LGUs in shouldering the cost of not only the elections of sectoral representatives but also the whole political project of people empowerment. The problem lies not in the sectoral representatives, for they are not to be regarded as an 'additional burden' but as partners in local governance. Their lack of representation in government is the problem and new innovations for a more creative and dynamic local governance is needed to redress their marginalization from the political mainstream.

### Conclusion

To dismiss the importance of sectoral representatives in local *sanggunians* solely on the basis of financial affordability is myopic and misses the whole point and spirit of sectoral representation and people empowerment.

Local legislators and politicians who oppose sectoral representation must look beyond the amount involved because the dividends of empowerment would eventually create self-reliant communities. The task of social transformation begins with a people-centered vision of democratization and development. This vision necessarily requires the representation and participation of the various sectors in society in local governance. Together, the local leaders and the people can build a strong partnership and harness capabilities to extract resources for local development.

The concerned sectors and other like-minded groups who believe that the provisions of the LGC on the elections of sectoral representatives must be implemented now must also take the challenge of forging horizontal and vertical linkages to make local governments truly representative of the people. Together with the NGO/PO community, they must work actively as a lobby group for the immediate implementation of the LGC, in general, and of its provisions for sectoral elections, in particular.

The success of local autonomy is not only a serious business for politicians. Sectoral groups are also active participants towards that end and, given the opportunity, their integration into the political mainstream will eventually create a new political environment that will make political participation a concern of all, thereby bringing local governments closer to the people they ought to serve.