

Republic of the Philippines
House of Representatives
Quezon City

C O N G R E S S

First Regular Session
House Bill No. 3676



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Introduced by HON. FERDINAND R. MARCOS, JR.
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EXPLANATORY NOTE

This bill seeks to strengthen the existing Local Government Academy (LGA) by re-creating it as a body corporate endowed with certain corporate prerogatives and privileges to the end that its programs and activities be undertaken with more resources, greater vigor and focused direction.

Under Executive Order No. 262, promulgated on July 25, 1987, a Local Government Academy was created and placed under the supervision of a Board of Trustees composed of the Secretary of the Department of Interior and Local Government (DILG) as Chairman, and four (4) other members to be appointed by the President of the Philippines, upon recommendation of the DILG Secretary. As mandated, the Academy shall be responsible for the human resource development and training of local government officials and DILG personnel in order that the constitutional postulate on ensuring the autonomy of local governments be attained (Art. II, Sec. 25 of the 1987 Constitution). Towards this end, the academy is tasked to pursue and undertake training programs designed to develop and enhance the administrative and technical skills of local officials in coping with their respective roles and responsibilities in running the affairs of local governance with greater efficiency and effectiveness.

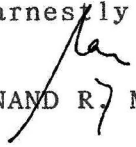
While decentralization is one of the highlights of the new constitution, the problem of its implementation appears insurmountable. The inadequacy of most local chief executives and their functionaries in terms of managerial and technical capability is a circumscribing, if not derailing, factor to local autonomy. While there are local executives with adequate management skills and techniques, they are the exceptions rather than the rule. Without the necessary support systems, decentralization will fail. The establishment of the Academy finds relevance in this mandate for it shall perform the role of a learning institution for the development of dynamic, capable, responsible and highly motivated local government officials and department personnel. Moreover, the Academy is expected to rationalize and standardize all human resource development and training programs for local government officials to be implemented and/or conducted by both the national and local agencies of government and private institutions to avoid proliferation of trainings and wastage of resources (Cabinet Assistance System {CAS} Memorandum dated March 17, 1988)

Currently, the Academy is experiencing the ills of a nascent organization with various constraints to contend with, such as a meager budget and a shorthanded staff. Moreover, it has been suffering from bureaucratic red tape in view of the fact that it has been treated as a mere bureau of the DILG since its inception, contrary to the intent of Executive Order No.262 which created it with an autonomous stature.

These conditions hamper the Academy in pursuing its role as an active support to the decentralization efforts of the national government.

It is hoped that the strengthening of the Academy as an autonomous institution will intensify its capacity for an effectual response to the development needs and priorities of the local government units and human resource development programs of the DILG.

Passage of this bill is therefore earnestly requested.


HON. FERDINAND R. MARCOS, JR.

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AN ACT

CREATING THE LOCAL GOVERNMENT ACADEMY AS A BODY CORPORATE,
DEFINING ITS POWERS AND FUNCTIONS, AND PROVIDING FOR ITS
STRUCTURE, AMENDING FOR THIS PURPOSE SEC. 14 OF EXEC. ORDER NO.
262

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

SECTION 1. Sec. 14 of Ex. Order No. 262 is hereby
amended as follows:

SECTION. 14. LOCAL GOVERNMENT ACADEMY - There
shall be established in the Department a Local Government
Academy, HEREINAFTER THE ACADEMY, WHICH SHALL BE A BODY
CORPORATE, AND which shall be responsible for human resource
development and training of local government officials and
department personnel. The Academy shall be under the direct
supervision of a Board of Trustees composed of the Secretary of
Local Government as Chairman and SIX (6) other members to be
appointed by the President upon recommendation of the Secretary.
The structure and staffing pattern of the Local Government
Academy shall be prescribed and approved by the Secretary.]

SEC. 14- A. POWERS AND FUNCTIONS. - THE ACADEMY SHALL
HAVE THE FOLLOWING POWERS AND FUNCTIONS:

(A) TO HARNESS THE HUMAN RESOURCES OF THE LOCAL
GOVERNMENT UNITS, IN CONSONANCE WITH THE CONSTITUTIONAL MANDATE
OF ENSURING AUTONOMY OF SAID GOVERNMENT UNITS, THROUGH PROGRAMS
THAT SHALL ENHANCE THEIR CAPABILITIES OF EFFECTIVELY
DISCHARGING THEIR MANDATED DUTIES AND RESPONSIBILITIES;

(B) TO ASSIST THE DEPARTMENT OF LOCAL GOVERNMENT
IN ENHANCING PRODUCTIVITY AND EFFICIENCY OF ITS PERSONNEL
THROUGH RESPONSIVE STAFF DEVELOPMENT PROGRAMS.

(C) TO ADOPT, ALTER AND USE A CORPORATE SEAL;

(D) TO SUE AND BE SUED IN ITS CORPORATE NAME;

(E) TO TAKE AND HOLD BY BEQUEST, DEVISE, GIFT,
PURCHASE, OR LEASE EITHER ABSOLUTELY OR IN TRUST FOR ANY OF ITS

PURPOSES, ANY PROPERTY, REAL OR PERSONAL, WITHOUT LIMITATION AS TO AMOUNT OR VALUE; TO CONVEY SUCH PROPERTY AND TO INVEST AND REINVEST ANY PRINCIPAL, AND DEAL WITH AND EXPEND THE INCOME AND PRINCIPAL OF ANY SUCH PROPERTY OF THE ACADEMY IN SUCH MANNER AS WILL PROMOTE ITS OBJECTIVES;

(F) TO COLLECT, RECEIVE AND MAINTAIN A FUND OR FUNDS, BY ALLOCATION, DONATION GRANT OR CONTRIBUTION AND TO APPLY THE ALLOCATION AND DONATIONS THEREOF TO THE PROMOTION OF THE ACADEMY'S OBJECTIVES AND PURPOSES ;

(G) TO ENTER INTO CONTRACT NECESSARY OR INCIDENTAL TO THE PROPER MANAGEMENT OF ITS CORPORATE POWERS.

(H) IN GENERAL, TO CARRY OUT ANY ACTIVITY AND TO HAVE AND EXERCISE ALL OF THE POWERS CONFERRED BY LAW OR RULES AND REGULATIONS UPON CORPORATIONS; AND TO DO ANY AND ALL ACTS AND THINGS HEREIN SET FORTH TO THE SAME EXTENT AS JURIDICAL PERSONS COULD DO AS PRINCIPAL, FACTOR, AGENT OR OTHERWISE, ALONE OR IN CONJUNCTION WITH ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATIONS, DOMESTIC OR FOREIGN.

SEC. 14-B. DOMICILE. - THE PRINCIPAL OFFICE OF THE ACADEMY SHALL BE IN METRO MANILA BUT BRANCHES OR OFFICES MAY BE ESTABLISHED AT SUCH PLACE OR PLACES AS MAY BE REQUIRED BY THE OPERATIONS OF THE ACADEMY.

SEC. 14-C THE BOARD OF TRUSTEES AS GOVERNING BODY OF THE ACADEMY. - THE GOVERNING BODY OF THE ACADEMY SHALL BE THE BOARD OF TRUSTEES AS CONSTITUTED UNDER SEC. 14 HEREOF. THE TRUSTEES SHALL NOT RECEIVE ANY COMPENSATION OR REMUNERATION FOR THEIR SERVICES AS SUCH, BUT THEY MAY BE ENTITLED TO REPRESENTATION ALLOWANCES OR REIMBURSEMENT BASED ON THE EXPENSES INCURRED WHILE DISCHARGING THEIR DUTIES AS TRUSTEES OF THE ACADEMY.

SEC. 14-D DUTIES AND RESPONSIBILITIES OF THE BOARD OF TRUSTEES. - AS THE GOVERNING BODY OF THE ACADEMY, THE BOARD OF TRUSTEES SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

A. FORMULATION AND ADOPTION OF POLICIES AND GUIDELINES NECESSARY FOR THE SMOOTH AND EFFICIENT OPERATIONS OF THE ACADEMY;

B. ADOPTION OF A STAFFING PATTERN IN ACCORDANCE WITH LAW AND PERTINENT RULES AND REGULATIONS;

C. APPROVAL OF WORKPLANS, PROGRAMS, PROJECTS AND BUDGET PROPOSALS OF THE ACADEMY FOR CONSIDERATION OF APPROPRIATE AGENCIES AND OTHER FUNDING INSTITUTIONS, BOTH LOCAL AND FOREIGN;

D. CONDUCT PERIODIC REVIEW AND EVALUATION OF THE ACADEMY'S PERFORMANCE AND ACCOMPLISHMENTS; AND

E. PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED BY LAW.

SEC. 14-E. OFFICERS OF THE ACADEMY. - THE ACADEMY SHALL BE HEADED BY AN EXECUTIVE DIRECTOR, AS CHIEF EXECUTIVE OFFICER. HE SHALL BE ASSISTED BY TWO (2) DEPUTY DIRECTORS, ONE

IN CHARGE OF ADMINISTRATION AND THE OTHER IN CHARGE OF OPERATIONS. ALL OF THESE OFFICERS SHALL BE APPOINTED BY THE PRESIDENT OF THE PHILIPPINES UPON RECOMMENDATION OF THE BOARD OF TRUSTEES.

THE EXECUTIVE DIRECTOR AND DEPUTY DIRECTORS SHALL RECEIVE SALARIES EQUIVALENT TO THAT OF AN UNDERSECRETARY AND ASSISTANT SECRETARY, RESPECTIVELY, OF THE DEPARTMENT IN THE EXECUTIVE BRANCH OF THE GOVERNMENT.

SEC. 14-F DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR. - THE EXECUTIVE DIRECTOR SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

(A) TO SUBMIT, FOR THE CONSIDERATION OF THE BOARD OF TRUSTEES, THE MEASURES AND POLICIES WHICH HE BELIEVES ARE NECESSARY IN CARRYING OUT THE PURPOSES OF THE ACADEMY;

(B) TO RECOMMEND TO THE BOARD OF TRUSTEES, AND COORDINATE AND ADMINISTER THE PROGRAMS AND PROJECTS OF THE ACADEMY;

(C) TO DIRECT AND SUPERVISE THE OPERATIONS AND INTERNAL ADMINISTRATION OF THE ACADEMY, AND TO DELEGATE ADMINISTRATIVE RESPONSIBILITIES TO THE APPROPRIATE OFFICER OR EMPLOYEE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE ACADEMY;

(D) TO SUBMIT AN ANNUAL REPORT TO THE BOARD OF TRUSTEES SETTING FORTH THE WORK OF THE ACADEMY DURING THE YEAR, ITS FINANCIAL OPERATIONS AND STATUS, AND A PROGRAM AND BUDGET FOR THE ENSUING YEAR; AND

(E) TO PERFORM SUCH OTHER DUTIES AND RESPONSIBILITIES AS MAY BE ASSIGNED TO HIM BY THE BOARD OF TRUSTEES.

SEC. 14-G FUNDING OF THE ACADEMY. - THE OPERATIONS OF THE ACADEMY SHALL BE FUNDED BY AN ANNUAL ALLOCATION FROM THE NATIONAL GOVERNMENT UNTIL SUCH TIME AS THE ACADEMY SHALL BECOME FINANCIALLY SELF-SUFFICIENT. FOR THIS PURPOSE, THE CURRENT BUDGET OF THE ACADEMY IN THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT SHALL CONTINUE TO BE ALLOCATED AND SHALL BE INCREASED FROM YEAR TO YEAR AS THE NEED ARISES.

SEC. 14-H ESTABLISHMENT OF A FOUNDATION. - A FOUNDATION SHALL BE ESTABLISHED IN THE ACADEMY THROUGH WHICH DONATIONS, CONTRIBUTIONS, GRANTS AND OTHER INCOME WHICH MAY BE GENERATED BY THE ACADEMY IN ITS OPERATIONS SHALL BE RECEIVED AND MAINTAINED. THE LGA FOUNDATION SHALL BE ADMINISTERED BY A BOARD OF TRUSTEES INDEPENDENT OF THE ACADEMY.

SEC. 14-I EXPENDITURES AND DISBURSEMENTS. EXPENDITURES AND DISBURSEMENTS MADE BY THE ACADEMY IN THE CONDUCT OF ITS AFFAIRS SHALL BE SUBJECT TO THE PROCUREMENT REQUIREMENTS AND RESTRICTIONS IMPOSED BY EXISTING LAWS UPON GOVERNMENT AGENCIES, UNTIL IT ATTAINS A SELF-SUFFICIENT STATURE AND AT WHICH TIME THE ANNUAL GOVERNMENT ALLOCATION SHALL BE TERMINATED.

SEC. 14-J APPOINTMENTS OF STAFF. - APPOINTMENTS OF THE STAFF OF THE ACADEMY SHALL BE VESTED ON THE CHAIRMAN OF THE BOARD OF TRUSTEES, UPON RECOMMENDATION OF THE EXECUTIVE DIRECTOR, SUBJECT TO CIVIL SERVICE LAW, RULES AND REGULATIONS ON POSITION CLASSIFICATION AND SALARY STANDARDIZATION AND SECTION TWO HUNDRED FIFTY-NINE OF THE REVISED ADMINISTRATIVE CODE, PROVIDED, THAT ANY GOVERNMENT RETIREE EMPLOYED IN THE ACADEMY SHALL NOT BE REQUIRED TO REIMBURSE OR REFUND ANY GRATUITY RECEIVED FROM THE GOVERNMENT NOR SHALL ANY PENSION OR ANNUITY TO WHICH HE IS ENTITLED BE SUSPENDED OR REDUCED ON ACCOUNT OF HIS EMPLOYMENT IN THE ACADEMY.

SEC. 14-K EXEMPTION FROM TAXES. - ANY PROVISION OF EXISTING LAWS TO THE CONTRARY NOTWITHSTANDING, ANY DONATIONS, CONTRIBUTIONS, BEQUEST, SUBSIDY OR FINANCIAL AID WHICH MAY BE MADE TO THE ACADEMY SHALL BE EXEMPT FROM TAXES OF ANY KIND, AND SHALL CONSTITUTE AS ALLOWABLE DEDUCTIONS IN FULL FROM THE INCOME OF THE DONOR FOR INCOME TAX PURPOSES.

THE ACADEMY, ITS ASSETS, ACQUISITIONS, INCOME AND ITS OPERATIONS AND TRANSACTIONS SHALL BE EXEMPT FROM ANY AND ALL KINDS OF TAXES, FEES, CHARGES, IMPOSTS, LICENSES AND ASSESSMENTS, DIRECT OR INDIRECT, IMPOSED BY THE REPUBLIC OF THE PHILIPPINES OR ANY OF ITS POLITICAL SUBDIVISION OR TAXING AUTHORITY THEREOF, EXCEPT IMPORT TAXES, DUTIES AND FEES.

SEC. 14-L DISPOSITION OF ASSETS UPON DISSOLUTION. IN THE EVENT OF DISSOLUTION OF THE ACADEMY, ITS REMAINING ASSETS, AFTER PAYMENT OF ALL ITS LIABILITIES, SHALL BE DISPOSED OF AND TURNED OVER TO ANY FOUNDATION OR INSTITUTION DEDICATED TO THE SAME OR SIMILAR PURSUITS AS THE ACADEMY, OR TO THE REPUBLIC OF THE PHILIPPINES OR ANY OF ITS AGENCIES OR INSTRUMENTALITIES, AS THE BOARD OF TRUSTEES MAY DETERMINE.

SEC. 14-M. RULES AND REGULATIONS. - THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES AND REGULATIONS, SUBJECT TO THE APPROVAL BY THE BOARD OF TRUSTEES, AS MAY BE NECESSARY FOR THE EFFECTIVE IMPLEMENTATION OF THIS ACT.

SEC. 2. Repealing clause. - Any law, presidential decree, executive order, rule or regulation or part or parts thereof contrary to or inconsistent with the provision of this act is hereby repealed or amended accordingly.

SEC. 3. Separability Clause. - If any provision of this Act or part thereof is held invalid or unconstitutional, the other provisions of the Act shall not be affected thereby.

SEC. 4. Effectivity Clause. - This Act shall take effect upon its approval and publication in at least two newspapers of general circulation.

Approved,