

THE EXECUTIVE & LOCAL GOVERNMENTS VERSUS COVID-19: A CYCLE OF BLAME AND BURDEN*

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ABSTRACT

Overcoming the COVID-19 pandemic requires a coordinated and unified effort from both the Executive branch and local government units. However, instead of a harmonious relationship between them, a detrimental blame game has arisen. This Essay seeks to first map out the foundational legal framework in effect at the onset of the pandemic and its gaps. These consist of the Local Government Code and the Bayanihan to Heal as One Act. This Essay then attempts to enumerate the general powers and duties granted to government officials by law that are relevant to the COVID-19 pandemic. From this framework and the duties and responsibilities given to officials, it will be seen how the Executive and local government units can derive arguments in order to pass the blame to the other. Unfortunately, this will remain an endless cycle, leaving Filipinos burdened with the negative impacts that come part and parcel with a pandemic.

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“Don’t depend on the enemy not coming; depend rather on being ready for him.”

—Sun Tzu¹

I. PANDEMIC IN THE PHILIPPINES

Since the advent of March, our country has been battling with the pandemic brought about by COVID-19. Clamors for mass testing generally remain unheeded, even while the National Economic and Development Authority (NEDA) has stated that “[t]he key to a successful medical response is mass testing.”² There have been allegations of anomalies in the coordination of Social Amelioration Measures.³ Further allegations of corruption in the procurement of Personal Protective Equipment⁴ and Test Kits,⁵ as well as

¹ *Excerpt from* ROBERT GREENE, *THE 33 STRATEGIES OF WAR* (2006).

² National Economic and Development Authority (NEDA), *Addressing the Social and Economic Impact of the COVID-19 Pandemic*, Mar. 19, 2020, *available at* http://www.neda.gov.ph/wp-content/uploads/2020/03/NEDA_Addressing-the-Social-and-Economic-Impact-of-the-COVID-19-Pandemic.pdf. The NEDA report stated that “[t]he key to a successful medical response is widespread testing [...] Moreover, early diagnosis will lead to early initiation of quarantine procedures and, therefore, limit or prevent the spread of the virus.”

³ Department of Interior and Local Government (DILG), *DILG: 134 barangay officials now facing criminal raps for SAP anomalies*, DILG WEBSITE, May 26, 2020, *at* <https://dilg.gov.ph/news/DILG-134-barangay-officials-now-facing-criminal-raps-for-SAP-anomalies/NC-2020-1166>; Catherine Gonzales, *134 barangay officials charged over SAP ‘anomalies’*, INQUIRER.NET, May 25, 2020, *available at* <https://newsinfo.inquirer.net/1280543/134-barangay-officials-facing-charged-for-sap-anomalies>

⁴ Marlon Ramos, *Lacson flags overpriced medical supplies for DOH*, INQUIRER.NET, May 18, 2020, *available at* <https://newsinfo.inquirer.net/1276632/lacson-flags-overpriced-medical-supplies-for-doh>. *See also* Christia Marie Ramos, *Procurement of ‘overpriced’ PPEs may be scrutinized by Congress*, INQUIRER.NET, Apr. 1, 2020, *available at* <https://newsinfo.inquirer.net/1252421/procurement-of-overpriced-ppe-may-be-scrutinized-by-congress>. *But see* Jeannete Andrade, *Galvez clarifies editorial, report on purchase of PPE for P20B*, INQUIRER.NET, May 15, 2020, *available at* <https://newsinfo.inquirer.net/1275360/galvez-clarifies-editorial-report%E2%80%8D-on-purchase-of-ppe-for-p20b>

⁵ DJ Yap & Marlon Ramos, *Drilon flags ‘overpriced’ PhilHealth virus testing*, PHIL. DAILY INQUIRER, May 21, 2020, *available at* <https://newsinfo.inquirer.net/1278485/drilon-flags-overpriced-philhealth-virus-testing>. *See also* CNN Philippines Staff, *Ex-beath chief accuses local supplier of jacking up prices of test kits*, CNN PHIL., May 20, 2020, *at* <https://www.cnnphilippines.com/news/2020/5/20/Overpriced-COVID-19-test-machine-DOH-corruption.html>

issues on the presentation of data,⁶ have been thrown left and right. In fact, the Ombudsman has also initiated an investigation on the recent activities of the Department of Health.⁷ Hunger is now an inevitable reality for Filipinos perennially condemned to *isang kabig, isang tuka*.⁸ This is exacerbated by a transition to General Community Quarantine,⁹ which is unsupported by the availability of mass public transportation.¹⁰ As of June 29, 2020, the Philippines has been on lockdown—a “Community Quarantine”—for more

⁶ CNN Philippines Staff, *'Garbage in, garbage out': Senators slam DOH for erroneous COVID-19 data*, CNN PHIL., May 13, 2020, at <https://www.cnnphilippines.com/news/2020/5/13/DOH-COVID-19-data-error-Duque-Senate.html>. See also Eimor Santos, *Experts see 'alarming errors' in DOH's coronavirus data*, CNN PHIL., May 12, 2020, at <https://www.cnnphilippines.com/news/2020/5/12/doh-covid-19-data-.html>

⁷ Inquirer Staff, *Ombudsman probe: DOH, DBM documents sought*, INQUIRER.NET, June 20, 2020, available at <https://newsinfo.inquirer.net/1294568/ombudsman-probe-doh-dbm-documents-sought>. But see Department of Health (DOH), *Statement on the Ombudsman Investigation*, June 17, 2020, at <https://www.doh.gov.ph/press-release/STATEMENT-ON-THE-OMBUDSMAN-INVESTIGATION>

⁸ Gabriel Pabico Lalu, *Number of hungry Filipinos almost doubles as pandemic rages — SWS*, INQUIRER.NET, May 21, 2020, available at <https://newsinfo.inquirer.net/1279086/number-of-hungry-filipinos-almost-doubles-covid-19-pandemic-rages-sws>; CNN Philippines Staff, *SWS survey reveals 4.2 million families suffered involuntary hunger amid COVID-19 pandemic*, CNN PHIL., May 22, 2020, at <https://cnnphilippines.com/news/2020/5/22/sws-survey-four-million-families-involuntary-hunger-covid-pandemic.html?fbclid=IwAR2>. See also Eloisa Lopez, *In Philippine slums, heat, hunger take a toll under lockdown*, REUTERS, May 25, 2020, at <https://www.reuters.com/article/us-health-coronavirus-philippines-slums/in-philippine-slums-heat-hunger-take-a-toll-under-lockdown-idUSKBN231150>

⁹ Pia Ranada & Sofia Tomacruz, *Duterte extends Metro Manila GCQ until June 30*, RAPPLER, June 16, 2020, at <https://www.rappler.com/nation/263415-duterte-gcq-extension-metro-manila-until-june-30>

¹⁰ CNN Philippines Staff, *Modern jeeps, buses now in operation not enough to meet demand — transport expert*, CNN PHIL., June 22, 2020, at <https://cnnphilippines.com/news/2020/6/22/modern-jeeps-buses-in-operation-not-enough-to-meet-demand-transport-expert-says.html>; CNN Philippines Staff, *Modern jeeps, buses allowed back on the road starting June 22*, CNN PHIL., June 20, 2020, at <https://www.cnnphilippines.com/news/2020/6/20/jeep-uv-express-buses-back-on-the-road-june-22.html>. “During the virtual meeting of the House Committee on Metro Manila Development on Wednesday, lawmakers pressed the LTRFB to give an exact date when traditional jeepneys and UV Express units may return to the streets. They are still banned from operating in the National Capital Region. [LTRFB Chairman Martin] Delgra did not provide an exact date when the traditional jeepneys would be allowed to return on the road.” See Erwin Colcol, *UV Express, traditional jeeps allowed on NCR roads next week*, GMA NEWS ONLINE, June 24, 2020, at <https://www.gmanetwork.com/news/news/metro/744029/uv-express-traditional-jeeps-allowed-on-ncr-roads-on-next-week/story>

than 100 days.¹¹ The cases have recently broken the 30,000 case barrier,¹² with the Philippines currently standing as the 2nd in Southeast Asia as to active COVID–19 cases, and 1st in deaths per 100,000 people at 1.14, followed by Indonesia at 0.98.¹³

It is understandable to charge the whole of government as a single entity liable for these shortcomings. After all, it is the Executive who is in charge of the implementation of the laws of the land available at his disposal to battle the pandemic. On the other hand, local government units (“LGUs”) are granted enough latitude by no less than the Constitution itself¹⁴ to decide on their affairs in a manner that would best benefit the LGU. With this, a question presents itself: does the system of laws between LGUs and the Executive enable this endless cycle of blame? Worse, is this same system of laws in fact laden with conflicting or inadequate elements, such that this pandemic has been exacerbated rather than aided? These are important inquiries, because the brunt of the battle against COVID-19 is equally carried by the LGUs and the Executive.

For this Essay, the premises are (1) Congress passed the Bayanihan to Heal as One Act (“Bayanihan Act”) to strengthen the government’s response against the pandemic and (2) the Executive delegated all but two powers granted by the Bayanihan Act to the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) and its constituent agencies.¹⁵ Proceeding from this, the Essay will then seek to illustrate that the framework between the existing Local Government Code (“LGC”) and the newly-enacted Bayanihan Act allows a cycle of blame between LGUs and the Executive. Of course, the LGC and the Bayanihan Act are not the only two laws enacted in our jurisdiction that contribute to this cycle, but these are the fundamental laws in force relevant to the pandemic

¹¹ Jovic Yee & Leila Salaveria, *100 days in quarantine: Palace rules out easing of restrictions*, INQUIRER.NET, June 24, 2020, available at <https://newsinfo.inquirer.net/1296434/100-days-in-quarantine-palace-rules-out-easing-of-restrictions>

¹² De La Salle University (“DLSU”), *COVID–19 Research Portal*, DLSU COVID-19 RESEARCH PORTAL, at <https://www.dlsu.edu.ph/research/covid-19-research-portal>

¹³ Marites Dañguilan Vitug, *[ANALYSIS] Duterte fails in coronavirus crisis leadership*, RAPPLER, June 29, 2020, at <https://www.rappler.com/thought-leaders/264922-analysis-duterte-fails-coronavirus-crisis-leadership>

¹⁴ See CONST. art. X.

¹⁵ Report to the Joint Congressional Oversight Committee Pursuant to Section 5 of Republic Act No. 11469, otherwise known as the Bayanihan to Heal as One Act, Mar. 30, 2020, available at <https://www.officialgazette.gov.ph/downloads/2020/04apr/20200330-Report-to-the-Joint-Congressional-Oversight-Committee-RRD.pdf>

that enable this cycle of blame.¹⁶ If such a situation continues to persist, our government will be trapped in a cycle of shifting burdens and redirecting blame—all to the detriment of Filipinos who need a unified and coordinated government to beat this pandemic.

II. THE CYCLE OF BLAME: BAYANIHAN TO HEAL AS ONE ACT AND THE LOCAL GOVERNMENT CODE

A. The Legal Framework and Gaps Thereof

The Bayanihan to Heal as One Act¹⁷ was signed into law on March 25, 2020. It is the legislated policy of Congress in addressing the COVID-19 pandemic; said policy is seen in Sections 3 and 4:

Sec. 3. Declaration of Policy. — The COVID-19 pandemic has greatly affected nations worldwide, including the Philippines, and has caused and is continuing to cause loss of lives and disruption to the economy. Thus, there is an urgent need to:

- a) mitigate, if not contain, the transmission of COVID-19;
- b) immediately mobilize assistance in the provision of basic necessities to families and individuals affected by the imposition of Community Quarantine, especially indigents and their families;

¹⁶ In fact, the Bayanihan Act grants the President multiple powers from Sections 4(a) to Section 4(ee) that pertain to the general acts to be done by the government as a whole, which the President is empowered to pursue. Yet, it is submitted that outside Section 4(g) of the Bayanihan Act—a provision couched in general language—there is no other mechanism that presents a concrete framework to ensure that LGUs are in line with these “general acts” that our government is mandated to pursue under the Bayanihan Act. *See* Rep. Act No. 11469 (2020), § 4.

¹⁷ Rep. Act No. 11469 (2020). The law has already lapsed on June 5, 2020, in accordance with Article VI, Section 23(2) of the Constitution. Article VI, Section 23(2) of the Constitution provides the following: “In times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof.” *See* CONST. art. VI, § 23(2). Pursuant to this Constitutional provision, the Bayanihan Act lapsed after the Senate adjourned on June 4 and the House of Representatives on June 5. This provision governs the effectivity of the Bayanihan Act because Section 4 of the said act itself provides that the authorized powers granted to the President are “[p]ursuant to Article VI, Section 23(2) of the Constitution.” *See* Rep. Act No. 11469 (2020). *See also* Aika Rey, *Senate session adjourns without passing Bayanihan 2*, RAPPLER, June 4, 2020, at <https://www.rappler.com/nation/262928-senate-session-adjourns-without-passing-bayanihan-recover-as-one-bill-june-4-2020>

- c) undertake measures that will prevent the overburdening of the healthcare system;
- d) immediately and amply provide healthcare, including medical tests and treatments, to COVID-19 patients, persons under investigation (PUIs), or persons under monitoring (PUMs);
- e) undertake a program for recovery and rehabilitation, including a social amelioration program and provision of safety nets to all affected sectors;
- f) ensure that there is sufficient, adequate and readily available funding to undertake the foregoing; and
- g) Partner with the private sector and other stakeholders to deliver measures and programs quickly and efficiently; and
- h) promote and protect the collective interests of all Filipinos in these challenging times.

By reason thereof, and in order to optimize the efforts of the President to carry out the tasks needed to implement the aforementioned policy, it is imperative to grant him authority subject to such limitations as hereinafter provided.¹⁸

Section 4. Authorized Powers. — Pursuant to Article VI, Section 23 (2) of the Constitution, the President is hereby authorized to exercise powers that are necessary and proper to carry out the declared national policy [...]¹⁹

The last paragraph of Sections 3 and 4 evinces the policy of Congress to grant the President temporary powers to optimize the response of the government. These temporary powers granted in Sections 4(aa) up to 4(ee) of the Bayanihan Act were provided in order to actualize Sections 3(a) to 3(h) in the Declaration of Policy. With regard to LGUs, Section 4(g) provides:

Section 4(g). *Ensure that all Local Government Units (LGUs) are acting within the letter and spirit of all the rules, regulations and directives issued by the National Government pursuant to this Act; are implementing standards of community quarantine consistent with what the National Government has laid down for the subject area, while allowing LGUs to continue exercising their autonomy in matters undefined by the National Government or are within the parameters it has set; and are fully cooperating towards a unified,*

¹⁸ Rep. Act No. 11469 (2020).

¹⁹ Rep. Act No. 11469 (2020).

cohesive and orderly implementation of the national policy to address COVID-19 [...]²⁰

Section 4(g) grants the President temporary authority during the effectivity of the Bayanihan Act to “ensure that all Local Government Units (LGUs) are acting within the letter and spirit of all the rules, regulations and directives issued by the National Government pursuant to this Act,” which will therefore include all the rules and regulations issued by the IATF–EID as approved by the President.²¹ Specifically, the provision allows the President to ensure that the standards established by the national government for community quarantine are followed, *without disregarding the concept of local autonomy*.²² The Bayanihan Act does not, therefore, bestow the power of control to the President.²³ Now, in case the LGU does not comply, Section 6(a) of the Bayanihan Act punishes the local government *official* who disobeys national government policies or directives in imposing quarantine.²⁴ A perusal of these two provisions and their interplay begs a few questions.

First, the Bayanihan Act does not provide a procedure or a standard that determines if the LGU has been complying. A closer look at Section 4(g)

²⁰ Rep. Act No. 11469 (2020). (Emphasis supplied.) The omitted part of the provision is as follows: “*Provided*, That all LGUs shall be authorized to utilize more than 5% of the amount allocated for their calamity fund subject to additional funding and support from the National Government.”

²¹ Exec. Order No. 168 (2014). The IATF–EID was created in 2014 by virtue of Exec. Order No. 168 issued by then President Benigno Aquino. Its chairperson would be a representative from the DOH, and its members would be representatives from the Department of Foreign Affairs (DFA), the Department of Interior and Local Government (DILG), Department of Justice (DOJ), Department of Labor and Employment (DOLE), Department of Tourism (DOT) and Department of Transportation and Communications (DOTC). Under the fourth Whereas Clause, one of the reasons for its creation was due to “the emergence of the Severe Acute Respiratory Syndrome (SARS), Avian Influenza, Ebola, and the Middle East Respiratory Syndrome Coronavirus (MERS-CoV) infections have been acknowledged by the global community to cause potential public health emergencies of international concern.” *See* Exec. Order No. 168 (2014), § 1.

²² Rep. Act No. 11469 (2020), § 4(g). (Emphasis supplied.)

²³ “In administrative law, *supervision* means overseeing or the power or authority of an officer to see that subordinate officers perform their duties. If the latter fail or neglect to fulfill them, the former may take such action or step as prescribed by law to make them perform their duties. *Control*, on the other hand, means the power of an officer to alter or modify or nullify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter.” *See* Mondano v. Silvosa, 97 Phil. 143 (1955). This power of general supervision has been characterized by the Supreme Court as the power to “merely [see] to it that the rules are followed, but [the President] himself does not lay down such rules, nor does he have the discretion to modify or replace them.” *See* Drilon v. Lim, G.R. No. 112497, 235 SCRA 135, Aug. 4, 1994.

²⁴ Rep. Act No. 11469 (2020).

supports this assertion. Section 4(g) gives the impression that it is the Executive that determines non-compliance—with the word “ensures”—before the appropriate penalty is then levied by the Executive on the LGU officer. It seems Congress has left the determination of non-compliance with the Executive, aided by the Department of Interior and Local Government (DILG).²⁵ However, this must be read with Section 6, which provides that it is a court that determines whether there is non-compliance, and if it merits imprisonment or a fine.²⁶ From this, “ensures” in Section 4(g) cannot refer to a determination of non-compliance by the President and then the imposition of a penalty; that function is delegated to the courts. Instead, it perhaps refers to *how the President can ensure compliance* from the LGUs. The President has a proactive—not punitive—temporary power.

Naturally then, the exercise of this proactive power should be specified and contextualized by Implementing Rules and Regulations (“IRRs”). However, unlike certain subsections of Section 4 that have published IRRs,²⁷ there is no published IRR for Section 4(g) on how the President ensures compliance.²⁸ The Department of Budget and Management (DBM) only released a Local Budget Circular that provides parameters for funding COVID-19 related programs, projects, and activities for LGUs,²⁹ while the various departments involved in providing Social Amelioration Measures issued a Joint Memorandum Circular.³⁰ In this Joint Memorandum, LGUs were only tasked to assist the IATF-EID in implementing Social Amelioration Measures.³¹ Again, none of these IRRs published in relation to the Bayanihan Act touched on the topic of how the President undertakes to ensure compliance from the LGUs.

²⁵ See DILG, *Powers & Functions*, DILG WEBSITE, at <https://www.dilg.gov.ph/page/Powers-Functions/21>

²⁶ Rep. Act No. 11469 (2020), § 6.

²⁷ Rep. Act No. 11469 Rules & Regs. (2020), available at <https://www.covid19.gov.ph/bayanihan-irr-and-guidelines>. Only Section 4(aa) (on the 30-day mandatory grace period for loans in general) and Section 4(k) (on the procurement of necessary goods) have specific IRRs.

²⁸ *Id.*

²⁹ DBM Circ. No. 124 (2020), available at <https://www.covid19.gov.ph/wp-content/uploads/2020/04/DBM-LOC-BUDGET-CIRC.pdf>

³⁰ DSWD, DOLE, DTI, DA, DOF, DBM and DILG, Joint Memo Circ. No. 1 (2020), available at <https://www.covid19.gov.ph/wp-content/uploads/2020/04/DSDW-JOINT-MEMO-CIRC.pdf>

³¹ DSWD, DOLE, DTI, DA, DOF, DBM & DILG, Joint Mem. Circ. No. 1 (2020), § 9.2. Section 9.2 only required LGUs to do the following: (a) Provision of the list of beneficiaries which may fall under any of the social amelioration programs enumerated above; (b) Account to the proper agency the disbursement of funds or goods to the proper beneficiaries; (c) Document the community disinfection activities under TUPAD; and (d) Provide logistical support in the distribution of assistance.

Second, in what way can the President ensure compliance under Section 4(g) *after* a determination by the Court that there is a violation under Section 6? To illustrate this possible void, assume that LGU Official B is found in violation of “national government policies or directives in imposing quarantines” after authorizing an ordinance applicable to LGU A.³² LGU Official B may now be suffering the penalty under Section 6, but at this point, there is in LGU A an ordinance in effect contrary to the national directive of the government. This will potentially result in a disjointed and uncoordinated effort in handling COVID–19 for that LGU. Is the President empowered to act under the Bayanihan Act to remedy this situation? The law is clear that LGU Official B is liable, but what about the ordinances enacted? Are these ordinances—conflicting with the national policy—automatically deemed void? Assuming they are void, it will now result in a situation where LGU A has no local ordinance enacting the national policy specifically addressing the circumstances of the LGU. Is the local Sanggunian authorized to pass curative legislation to correct the initial ordinances or resolutions by the LGU that are inconsistent with the national effort? In the extreme, can the President pass local legislation, temporary in nature, to address the void while the local Sanggunian drafts another one anew? These questions lead to this conclusion: the Bayanihan Act is not instructive under Section 4(g) if it grants any power to the President to remedy the conflict resulting from the non–compliance of LGUs.

The IATF, as the body tasked with promulgating rules and regulations relevant to the response against the pandemic, is not granted the power to remedy conflict as well. Under Section 1 of Executive Order No. 168 (2014), the IATF is granted two specific powers. First, it can recommend to the President that the Armed Forces aid the Philippine National Police “for the purpose of enforcing the quarantine of specific areas or facilitating the transport of EID patients” or for other purposes relevant to execute the functions of the IATF.³³ Second, the IATF can only ask for assistance from other LGUs as “the *circumstances and exigencies may require*.”³⁴ None of the IATF’s functions authorize it to synthesize conflicting ordinances via resolutions, memorandums, or advisories—that power is not granted in Section 2 of Exec. Order. No. 168.³⁵ Since the Bayanihan Act in Section 4(g)

³² Rep. Act No. 11469 (2020), § 6.

³³ Exec. Order No. 168 (2014), § 1.

³⁴ § 1. (Emphasis supplied.)

³⁵ § 2. Section 2 provides: “*Functions*. The Task Force shall have the following functions:

a) Establish a system to identify, screen, and assist Filipinos suspected or confirmed to be infected with EID;

allows “LGUs to continue exercising their *autonomy in matters undefined by the National Government or are within the parameters it has set*,”³⁶ Resolution No. 35 passed by the IATF only allows supervision over LGUs and the Regional IATFs via the Cabinet Secretaries serving as Cabinet Officers for Regional Development and Security (“CORDS”).³⁷ LGUs still have the final say.

It is perhaps the absence of clear-cut answers to these issues that has created conflicting situations. When the government authorized a “Hatid Probinsiya Program,”³⁸ seeking to help stranded Filipinos return to their

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- b) Prevent and/or minimize the entry of suspected or confirmed patients with EID into the country. This should include rigid screening and identification of EID suspects, and the institutionalization of surveillance, alert, and quarantine system in all ports of entry;
 - c) Prevent and/or minimize the local spread of EID in the country through the establishment or reinforcement of a system in screening possible patients infected with EID, contact tracing, identification of the mode of exposure to the virus, and implementation of effective quarantine and proper isolation procedures;
 - d) Prevent and/or minimize mortality through effective clinical management by capacitating healthcare facilities, government and private medical practitioners, healthcare workers, and-public safety enforcers;
 - e) Educate the public on EID and its prevention, control and management to promote positive health behaviors, and address public fear and anxiety through the conduct of a nationwide EID awareness campaign;
 - f) Adopt measures to strengthen the Emerging and Re-Emerging Infectious Diseases Program of the DOH or its equivalent in other local health units;
 - g) Notify the WHO of the EID cases in the country and its assessment of the EID situation;
 - h) Submit to the Office of the President regular status reports in the monitoring of EID;
 - i) Formulate, develop, implement, and oversee the EID Preparedness Manual for the prevention and control of EID; and
 - j) Perform such other functions and activities as may be necessary to carry out the provisions of this Order, or as the President may direct.”

³⁶ Rep. Act No. 11469 (2020). (Emphasis supplied.)

³⁷ IATF-EID Res. No. 035-20 (2020).

³⁸ The Hatid Probinsiya program is different from the Balik Probinsiya Program. Hatid Probinsiya is a program that aids people who are based in the provinces but were stranded in Metro Manila due to the imposition of the lockdown, while the Balik Probinsiya program aids beneficiaries who are already residents of Metro Manila but were originally residents of provinces, and now wish to go back. However, the Balik Probinsiya program was suspended, due to the need to cater to the Hatid Probinsiya beneficiaries first. Allegedly, there were COVID-19 positive individuals who were also beneficiaries of the Balik Probinsiya program who arrived in provinces, prompting LGU chiefs to question the implementation of the program. See Pia Ranada, *Bong Go's Balik Probinsiya trips suspended*, RAPPLER, June 11, 2020, at <https://www.rappler.com/nation/263514-bong-go-balik-probinsiya-trips-suspended>. Likewise, Dr. Rontgene Solante, an infectious disease specialist, has called for the review of the Hatid Probinsiya program as it has allegedly caused an inadvertent spread of cases in Eastern Visayas. See Tina Santos, *Gov't urged to review Hatid Probinsiya screening*, INQUIRER.NET, June 22, 2020, available at <https://newsinfo.inquirer.net/1295329/govt-urged-to-review-balik-probinsiya-screening>. The Balik Probinsiya program was instituted via Exec. Order No. 114 (2020).

provinces, it also authorized domestic flights, “subject to approval of the destination local government unit (LGU).”³⁹ However, multiple flights were cancelled because of conflicting LGU guidelines that did not allow the entry of airplanes in their jurisdiction, forcing airline carriers to reschedule flights.⁴⁰ Unfortunately, this resulted in around 200 Filipinos being forced to sleep under the flyover in the Ninoy Aquino International Airport without enough money for their basic necessities.⁴¹ Now, are these inconsistent ordinances by LGUs void? There was an unquestionable humanitarian and public health concern with these stranded Filipinos. Can the Executive, or any other entity for that matter, “ensure” compliance by mandating entry of these Filipinos, even if the LGUs validly raise the defense of (1) local autonomy as guaranteed by the Constitution, and (2) the delegated power to legislate under the General Welfare Clause,⁴² i.e. Section 16 of the LGC? Again, to all these questions, the Bayanihan Act does not seem to provide an answer. However, there is a clear loser in this limbo—the common Filipino stuck in the middle of this cycle.

B. In Defense of Local Governments

“Wag niyo po masamain pag humibingi kami ng coordination sa inyo. Hindi po kami kalaban. On both occasions ng pagdating on mga repatriates I called our DILG regional director to ask kung anong nangyari at bakit walang nakaka-alam na merong

³⁹ Krixia Subingsubing, *Stranded OFWs slept under flyover*, INQUIRER.NET, June 13, 2020, available at <https://newsinfo.inquirer.net/1290857/stranded-ofws-slept-under-flyover>. “Airlines contended with conflicting LGU guidelines governing incoming flights, resulting in several booked flights canceled or rescheduled.” See Subingsubing, *id.* See also Krissy Aguilar, *LGUs’ worry of new COVID-19 cases hampers resumption of domestic flights*, INQUIRER.NET, June 1, 2020, at <https://newsinfo.inquirer.net/1284311/lgus-worry-of-new-covid-19-cases-hamper-resumption-of-domestic-flights>

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² “The general welfare clause [Section 16] has two branches. The first, known as the *general legislative power*, authorizes the municipal council to enact ordinances and make regulations not repugnant to law, as may be necessary to carry into effect and discharge the powers and duties conferred upon the municipal council by law. The second, known as the *police power proper*, authorizes the municipality to enact ordinances as may be necessary and proper for the health and safety, prosperity, morals, peace, good order, comfort, and convenience of the municipality and its inhabitants, and for the protection of their property.” See *Rural Bank of Makati, Inc. v. Municipality of Makati*, G.R. No. 150763, 433 SCRA 362, July 2, 2004, citing RUPERTO MARTIN, *PUBLIC CORPORATIONS* 165 (1971 ed.).

paring. On both occasions he said he has no idea as well.”

— Mayor Richard Gomez of Ormoc City, in a post on his official Facebook page⁴³

“Noong umpisa, umaasa ka pa na may tulong, na may game plan. Wala namang game plan eh. Bahala ka sa buhay mo eh [...]”

—an unnamed Metro Manila Mayor⁴⁴

The LGC does not mention the word “pandemic,” while the word “epidemic” is mentioned once.⁴⁵ The LGC mentions the words “public health” four times.⁴⁶ Of the four, the pertinent one is found in Section 105, where the Department of Health (DOH), through its Secretary, *may temporarily assume* direct supervision and control over health operations over any LGU in times of “epidemics, pestilence, and other widespread public health dangers” for a period of six months.⁴⁷ This may be extended upon the concurrence of the LGU concerned, provided there is a directive from the President to do so, and a consultation with the concerned LGU.⁴⁸ Inversely, should the President not direct the DOH to take control, the LGU will still be in charge. The LGC mentions the word “disaster” twenty-four times.⁴⁹ The relevant provisions among those 24 reiterations concern the duties and powers granted to local

⁴³ Ryan Macasero, *FALSE: Richard Gomez won't accept returnees to Ormoc City*, RAPPLER, May 29, 2020, at <https://www.rappler.com/newsbreak/fact-check/262266-richard-gomez-wont-accept-returning-residents-ormoc>. In another instance, “Ormoc City Mayor Richard Gomez rebuked the national government for its ‘carelessness’ in implementing the program, leaving local governments to deal with the consequences.” See Pia Ranada, *Bong Go's Balik Probinsya trips suspended*, RAPPLER, June 11, 2020, at <https://www.rappler.com/nation/263514-bong-go-balik-probinsya-trips-suspended>

⁴⁴ Pia Ranada, Rambo Talabong, & JC Gotinga, *Mayor of the Philippines' leaves LGUs blind amid COVID-19*, RAPPLER, June 29, 2020, at <https://www.rappler.com/newsbreak/in-depth/265031-mayor-of-the-philippines-leaves-lgus-blind-amid-covid-19>

⁴⁵ LOCAL GOV'T CODE, § 105. “Public health” is also mentioned in the same section.

⁴⁶ §§ 102(b)(2), 105, 478(4)(iii) & 478(4)(iv).

⁴⁷ § 105.

⁴⁸ § 105.

⁴⁹ Annex A: “LGU Officials Mandated to Perform Certain Acts or Granted Certain Powers in Times of Disaster.” The provision not included in Annex A is Section 276, which involves the power of the local legislative councils to condone or reduce real property taxes in cases of a calamity, upon the recommendation of the Local Disaster Coordinating Council (LDCC).

chief executives, local legislative bodies, and specific local government officials, in times of disasters.⁵⁰

These public health and disaster-related provisions in the LGC do not seem to contemplate an epidemic that is national in scope. The only provision that grants a centralized form of coordination would be Section 105. Through this, the DOH would be able to direct and coordinate healthcare in LGUs across the Philippines. A pandemic such as COVID-19, however, does not only affect the health sector. It impacts the whole fabric of society: livelihoods are affected, the availability of necessities is stretched, and gainful employment is hard to maintain. Thus, a coordinated, multi-sectoral, and multi-LGU approach is necessary. With that said, LGUs would not be remiss in insisting that it is the Executive and the IATF-EID that are tasked with coordinating efforts necessary to effectively deal with the pandemic. Section 105 of the LGC is not enough to address all the other facets of society negatively affected by the pandemic, beyond the strain on the healthcare systems of LGUs. It is also doubtful if Section 105 can be relied on today. When one Metro Manila official was asked about current Health Secretary Duque's leadership, he "burst into laughter" and retorted: "What leadership? No comment. Ano ba ang ginawa niya?"⁵¹

It may be argued that the Liga ng mga Barangay,⁵² League of Municipalities,⁵³ League of Cities,⁵⁴ or League of Provinces⁵⁵ may serve as the vehicle. However, these are not bodies equipped nor statutorily required to deal with a pandemic that requires a national coordinated effort in addressing multiple aspects of society negatively impacted. LGUs can point out that it is the President who is granted with multiple temporary powers in Section 4 of the Bayanihan Act to achieve the policies dictated by Congress in Section 3 of the same law. It is also the President tasked with the positive duty to ensure compliance in Section 4(g) as discussed.

LGUs can also claim that, if there is no positive act by the President to ensure compliance despite alleged inconsistencies, then the LGU was not acting out of line with the national policy. If there are inconveniences to

⁵⁰ See Annex A, *id.*

⁵¹ Ranada, et al., *supra* note 44. "The officials Rappler spoke with said that they have lost confidence in Duque, and instead have been turning to the health department's undersecretaries and regional officers for proper information."

⁵² LOCAL GOV'T CODE, §§ 491-495.

⁵³ §§ 496-498.

⁵⁴ §§ 499-501.

⁵⁵ §§ 502-504.

Filipinos or absurdities in the implementation of these local ordinances, it is because there is a lack of coordination and therefore, fault of the Executive.

C. In Defense of the Executive

“At this time, let us make ourselves clear that we are not separate from a republic or from each other. There is only one republic here, the Republic of the Philippines, and therefore, you should abide by the directives of the national government when it sets...the directives [...] for the good of the country, [...] I am ordering all LGUs that are doing this to stand down and to abide by the directives of the LATF, the task force (on coronavirus) [...] and those issued by the Office of the President.”

—President Rodrigo Duterte⁵⁶

“Sumunod ka lang, sumunod ka lang because I do not want a quarrel with you [...] If the worst happens, it is the government who takes control—the national government. Well, we will listen to you.”

—President Duterte⁵⁷

The President can always claim that his hands are tied, as he is not authorized by law to exercise control over the decisions of local governments.⁵⁸ LGUs are granted the autonomy to pass local legislation as they see fit, and the President cannot interfere with this. Thus, he can point

⁵⁶ Sofia Tomacruz, *'Stand down': Duterte orders LGUs to follow LATF orders on Luzon lockdown*, RAPPLER, Mar. 20, 2020, at <https://www.rappler.com/nation/255214-duterte-orders-local-government-units-follow-orders-luzon-lockdown>

⁵⁷ Ranada, et al., *supra* note 44.

⁵⁸ *Mondano v. Silvosa*, 97 Phil. 143 (1955); *Drilon v. Lim*, G.R. No. 112497, 235 SCRA 135, August 4, 1994.

to the same LGU Officials in Annex A as officials granted with the power to “carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities.”⁵⁹ Likewise, various local Sanggunian Bayan/Panlungsod/Panlalawigan are authorized (1) to adopt measures to protect the inhabitants of the municipality/city/province from the harmful effects of man-made or natural disasters and calamities and (2) to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events.⁶⁰ The power to legislate in autonomy is already granted to the officials of the LGUs; they merely need to coordinate. In effect, LGUs may arrive at different ordinances, and yet all be in line with the policy of the government as set by the Bayanihan Act. Unfortunately, LGUs may arrive at ordinances that conflict with those of other LGUs, while all still being consistent with the general policy of government in relation to the pandemic.

These hypotheticals have already occurred on the ground. As mentioned, LGUs prohibited the entry of domestic flights, in conflict with other LGUs which allowed departure of domestic flights.⁶¹ Certain LGUs caused delays in the movement of food supplies, delaying the arrival of supplies in LGUs experiencing shortages.⁶² These LGUs cannot be blamed for utilizing strict checkpoints nor are they inconsistent with the law, and yet they are in conflict with the needs of other LGUs. Yet, the Executive can always claim that it devolves upon the LGUs themselves to coordinate amongst themselves. As mentioned already, the powers of the IATF are not of much help, as they are mainly for addressing the health concerns surrounding the pandemic; not much is instructive with regard to LGUs. The Executive can shift the blame on the LGUs for not maximizing the autonomy bestowed upon them by law, and not utilizing the Ligas, among others, to coordinate their efforts. The President will always have the right to claim that it can only exercise general supervision, not control, in handling this pandemic.

⁵⁹ LOCAL GOV'T CODE, §§ 444(b)(1)(iv), 455(b)(1)(vii) & 465(b)(1)(vii).

⁶⁰ §§ 447(a)(1)(iv), 458(a)(1)(iv) & 468(a)(1)(iv); *See also* Annex A, *supra* note 49.

⁶¹ Subingsubing, *supra* note 39.

⁶² Karl Ocampo, *Supply delays push prices up as LGUs keep stopping trucks*, INQUIRER.NET, Mar. 26, 2020, available at <https://newsinfo.inquirer.net/1248566/supply-delays-push-prices-up-as-lgus-keep-stopping-trucks>

IV. THE CYCLE OF BURDEN ON THE SHOULDERS OF THE FILIPINO

“The Philippines is among the most impacted countries by COVID-19 in ASEAN [...] The socio-economic impact, while expected to affect most aspects of the economy will potentially deepen inequities for the most at-risk groups women-headed households, poor, informal workers, IDPs, ethnic minorities, and those in the post-conflict regions of Bangsamoro and the regions recently affected by the overlapping natural disasters. These will carry a disproportionate burden [...]”

—United Nations
Development Programme⁶³

It is clear that the blame game as articulated leads to one inevitable conclusion: the Filipinos are ultimately left shorthanded and vulnerable by this erratic response. Filipinos will bear the brunt of this pandemic.

For example, consistent recourse to community quarantines, specifically the 30-day enhanced version, will negatively impact the economy and burden the populace extensively.⁶⁴ The same applies should the government adopt a lockdown policy.⁶⁵ In fact, should the entire Philippines

⁶³ United Nations Development Program, *Support to the National Response to contain the impact of COVID-19*, UNDP PHILIPPINES, at <https://www.ph.undp.org/content/philippines/en/home/covid-19-pandemic-response/support-to-national-response.html>

⁶⁴ Krista Danielle Yu, Kathleen Aviso & Raymond Tan, *The Economic Impact of the Metro Manila (NCR) Enhanced Community Quarantine*, XII POLICY BRIEF: STUDIES ON CURRENT ECONOMIC AND BUSINESS ISSUES (2020), available at https://www.dlsu-aki.com/uploads/1/0/2/2/102266760/aki_policy_brief_volume_xii_no_6.pdf?fbclid=IwAR0BgjY1IjyH8bondeYrMjIIXZhSYLWenTWSO3sPc_Wt0UtQtDrlLs8w4E

⁶⁵ Cororaton et al., *Potential Economic Effects of Lockdown in the Philippines due to COVID-19: Lessening the Impact on Poor Households*, XII POLICY BRIEF: STUDIES ON CURRENT ECONOMIC AND BUSINESS ISSUES (2020), available at https://www.dlsu-aki.com/uploads/1/0/2/2/102266760/aki_policy_brief_volume_xii_no_8.pdf. A three-month lockdown in Luzon, which contributes 70% of the total GDP, can contract real GDP by 551 billion pesos, and “[i]nstead of the 6% projected growth, the country will only grow by

be locked down for three months, the economy will contract by 817 billion pesos, the budget deficit increases to 3.5%, prices increase by 8.8%, income inequality worsens, and the government would need 70 billion pesos in additional revenue to reverse the damage.⁶⁶ Nuanced, localized, and coordinated solutions per LGU are required to address the whole impact of the pandemic. Without considering specific circumstances, catch-all solutions like lockdowns and enhanced community quarantines will just be detrimental and cost the government more in the long-run.

Unfortunately, it seems that chaos, instead of harmony, best characterizes the response of the Executive and the IATF with regard to the pandemic. This was deftly illustrated in a report by Rappler:

[Three] local government officials, including two Metro Manila officials, told Rappler that there have been key decisions made by the national government without real consultation with LGUs.

What they got instead was a barrage of memorandum circulars from departments or confusing policy pronouncements from Duterte's late-night rambling speeches. The Department of the Interior and Local Government (DILG) made it clear they would not hesitate to sue local chiefs unable to comply.

Another Metro Manila mayor told Rappler that while he appreciated the President's leadership, the departments he commanded largely failed them in responding to the crisis, specifically the most critical ones: the Department of Health (DOH) and the Department of Social Welfare and Development (DSWD).

In the structure of the national government's virus response itself, there is little room for LGUs to get involved. The only local government representative in the Inter-Agency Task Force on Emerging Infectious Diseases (IATF) itself is the Metropolitan Manila Development Authority (MMDA). While its policy-making body is the Metro Manila Council, composed of the region's mayors, the MMDA is led by Duterte appointees – its chief Danilo Lim and general manager Jojo Garcia.

Eventually, Regional Task Forces (RTFs) were created as the local counterparts of the NTF. The MMDA and the Bangsamoro

0.4% in 2020 over 2019." If it is reduced to a two-month lockdown, the GDP growth will be reduced to 2.3%; if it is reduced to a one-month lockdown, the GDP growth will be reduced to 4.2%.

⁶⁶ *Id.*

Interim Chief Minister Murad Ebrahim lead their RTFs but elsewhere in the country, it is led by the Office of Civil Defense regional director who is still a part of the national government apparatus.

To top it all off, RTFs and the regional IATFs are to be supervised by the Cabinet member assigned to their region by Duterte, based on IATF Resolution No 35.

These Cabinet members are called CORDs or Cabinet Officers for Regional Development and Security. The system was devised by National Security Adviser Hermogenes Esperon Jr.

The primary way IATF officials spoke to LGU officials was through evening Zoom meetings that would last an hour or two hours. Usually present were Health Secretary Francisco Duque III, DILG Secretary Eduardo Año, and then later IATF Chief Implementer Carlito Galvez Jr and coronavirus testing czar Vince Dizon.

Duterte never joined these sessions.

One local official present described the meetings as ‘useless’ because there was *no discussion of a national strategy on testing or lab accreditation* – the topics the leaders needed the national government to decide on.⁶⁷

On the side of LGUs, as they “vary widely in terms of population, terrain, resources, institutional capacity and readiness, public attention, financial resources, strategy, and leadership,” a coordinated response is required.⁶⁸ Reyes et al. have suggested a “calibrated community mitigation mechanism” to successfully account for the various and different circumstances LGUs across the nation encounter, while being able to provide enough hospital beds for COVID-19 patients.⁶⁹ Overall inter-LGU coordination is also recommended:

⁶⁷ Ranada, et al., *supra* note 44 (Emphasis supplied.)

⁶⁸ Torneo et al., *Setting Up a Community Response Strategy for Local Government Units: Practical Advice for Reorienting Existing Systems to Deal with Covid-19*, 1 POLICY BRIEF 2 (April 2020), available at <https://static1.squarespace.com/static/58ff0e1fa5790aa37e3fa35a/t/5e8abccfcc46f5d093b6835/1586154447007/JRIG+Policy+Brief+1+Final.pdf>

⁶⁹ Katherine Ann Reyes et al., *Rapid Policy Recommendation to the Philippine COVID19 Response Attaining Coherence in a Decentralized Low-Middle Income Country Healthcare Setting*, 1 POLICY BRIEF SPECIAL SERIES: PRESCRIPTIONS (2020), available at https://drive.google.com/file/d/111ua3a5_fvEXY-POB0bToSaLsWI2GZbo/view?fbclid=IwAR1dkFqn95IfBXcQ5doNoGPxn3%20Q6AI3s

Establishing Functional Structures for Inter-LGU Assistance and Cooperation. — Institutional resources and infrastructural capacity of LGUs are uneven. In many areas, medical professionals and health facilities are in big cities and regional centers. There must be a coordinating mechanism that allows LGU officials in adjacent towns/cities to offer their health facilities and assist affected residents in small towns with less capacity to treat infected cases. This will enable local officials to coordinate and harmonize their activities with neighboring LGUs and national government agency representatives. Local contingency plans for pandemics will spell out these issues and open avenues for horizontal and vertical coordination between and among local governments and national agencies. Simulations and field exercises are also critical to determine the effectiveness and interoperability of local plans.⁷⁰

Inter-LGU responses and strategies must also “provide mechanisms for ensuring coordination, communication, and cooperation with the national government and between and across other local government units and sectors.”⁷¹ In that sense, there must also be coordination not only with LGUs, but with the whole-of-government approach:

With many LGU systems and processes reportedly causing unintended disruptions in the supply chain and cutting-off some groups and communities, LGUs should adopt as an explicit policy that all systems, processes, and activities should not hinder, interrupt, or delay the movement of essential personnel, goods, and services. The ECQ Pass, checkpoints, and relief distribution systems should be planned and monitored to ensure that these do not become disruptive and pose risks of becoming conduits for Covid-19 transmission.⁷²

ZeTW8v6jZ1uod8WAmocG7xoQ4sk. “Different LGUs across the countries could be in different stages of the pandemic. It is advisable that LGUs implement a calibrated community mitigation mechanism that is contingent to simple decision points. Pending the development of more sophisticated health system modeling for COVID-19, LGUs can use two indicators at the provincial level. These are the number of available CCU beds per 100,000 population and the progression of COVID-19 cases.”

⁷⁰ Torneo et al., *supra* note 68.

⁷¹ Torneo et al., *Setting up a COVID-19 Community Response Strategy in Local Government Units: Immediate, Transitory, and Medium-Term Considerations for Planning*, 1 POLICY BRIEF 7 (April 2020), available at <https://static1.squarespace.com/static/58ff0e1fa5790aa37e3fa35a/t/5e8d0d1d06d18f342171426e/1586302239716/JRIG+Policy+Brief+Volume+1+Issue+2.pdf>

⁷² *Id.*

Otherwise, “[u]ncoordinated LGU responses lead to greater inefficiencies and harm the public.”⁷³ Thus, for maximum synchronization of national policy and localized responses to the pandemic, “LGUs must be enabled to contextualize national and social policy,” because “[p]ublic policies do not operate in a vacuum,” these policies being “a product of its place.”⁷⁴ Yet, there have been reports to the DILG and DSWD that LGU officials have instead focused on patronage politics by giving the dole-outs only to their political supporters,⁷⁵ or devised schemes to benefit from the said dole-outs from government,⁷⁶ among others. Many LGUs have been detrimental even to the localized response to the pandemic, even if their cooperation is equally indispensable.

⁷³ Torneo et al., *supra* note 68.

⁷⁴ *Politics and Crisis: A Discussion Series by Ateneo de Manila Department of Political Science*, ATENEO DE MANILA UNIVERSITY WEBSITE, Apr. 14, 2020, at <http://www.ateneo.edu/ls/soas/political-science/news/research/politics-and-crisis-discussion-series-ateneo-de-manila-1>. “[...] LGUs must be enabled to contextualize national social policy. Although the pandemic undoubtedly does not choose its victims, its aftermath, and the policies intended to control it will be experienced differently across geographical lines. Public policies do not operate in a vacuum. It is a product of its place. Part of its success or failure will depend on how well it is able to address the specificities of its context. For instance, the epicenter of the pandemic in the country, Metro Manila, is one of the densest urban areas in the world. It is not only the country’s center of economic, social, and political activities, but also a hotbed of poverty, poor living conditions, unsatisfactory water and sanitation facilities, job insecurity, and overcrowding of public schools and health facilities. Such conditions might not necessarily be true in other places in the country, hence blanket social policies and programs might bring more problems than solutions.”

⁷⁵ Raymund de Silva, *COVID-19: Its Impact on the Philippines*, EUROPE SOLIDAIRE SANS FRONTIÈRES, May 4, 2020, at <http://www.europe-solidaire.org/spip.php?article52772>.

⁷⁶ Michelle Abad, *Local gov’t officials abusing emergency subsidies to face sanctions – DSWD*, RAPPLER, Apr. 6, 2020, at <https://www.rappler.com/nation/257133-local-government-officials-abusing-emergency-subsidies-coronavirus-face-sanctions>. “The DILG has also received reports that some barangay officials are issuing quarantine passes and selling them to their constituents. Some have also set up checkpoints in roads and highways and stopping cargoes and food deliveries from passing through if without barangay-issued passes. Other barangay officials have charged fees for food stubs and gate passes which will give citizens access to go in and out of their homes and barangays to purchase basic commodities.” See *DILG to go after local execs, barangay officials charging fees for passes, food stubs during enhanced community quarantine*, DILG WEBSITE, Mar. 23, 2020, at <https://dilg.gov.ph/news/DILG-to-go-after-local-execs-barangay-officials-charging-fees-for-passes-food-stubs-during-enhanced-community-quarantine/NC-2020-1066>. The DSWD has also received reports of certain barangay officials pocketing the SAP cash aid, splitting the cash subsidy, or not giving the correct amount. See Christine Cudis, *Public urged to report abuse, irregularities in SAP distribution*, PHIL. NEWS AGENCY, May 5, 2020, at <https://www.pna.gov.ph/articles/1101966>.

COVID–19 is indeed an unfamiliar foe, one different from the usual political narratives embedded in Philippine politics.⁷⁷ However, the legal system generally established by the Constitution and the Local Government Code, supplemented and contextualized by the Bayanihan to Heal as One Act specifically for this pandemic, failed to halt this cycle of blame. This results in a disjointed effort between the Executive and Local Government Units, further exacerbated by inefficiency and bureaucratic *pasa-pasahan* on the ground, which merits another discussion entirely. Regardless, there is no winner in this cycle, with oblivious citizens dragged into this maelstrom of blame and burden. Between the Executive and the LGUs, it is in the best interest of all the parties to coordinate, in order to lessen the costs and to avoid the exacerbation of systemic problems in the long run. Ultimately, should this country’s response to the pandemic succeed, the legal framework that enables the cycle of blame and burden must be remedied.

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⁷⁷ “The COVID-19 pandemic crisis has become an unfamiliar ‘enemy’ for him and his populist counterparts around the world. It is difficult to sustain a ‘people’ versus ‘the elite’ narrative against a viral and existential threat. One cannot merely “discipline” the virus. And the people are afraid, hungry, and dying. He also insists on maintaining his close ties with China, at a time where the international community is demanding accountability and even compensation for China’s mishandling of the virus outbreak in Wuhan.” See Julio Cabral Teehankee, *Duterte’s COVID-19 Powers and the Paradox of the Philippine Presidency*, CENTER FOR SOUTHEAST ASIAN STUDIES, KYOTO UNIVERSITY, Apr. 28, 2020, at https://covid-19chronicles.cseas.kyoto-u.ac.jp/post-007.html/?fbclid=IwAR2-swiSiI-aeHgJzSThLj5Tng0mmwhv35T0qi6HeoEt_4zDRRXKH2cYLZ8. Professor Teehankee is a faculty member of the De La Salle University International Studies Department.

**ANNEX A:
LGU OFFICIALS MANDATED TO PERFORM CERTAIN ACTS OR GRANTED
CERTAIN POWERS IN TIMES OF DISASTER**

LGU Officials	Power Granted
<ul style="list-style-type: none"> ● Municipal Mayor, ● City Mayor, ● Provincial Governor 	Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities ⁷⁸
<ul style="list-style-type: none"> ● Municipal Mayor 	Submit to the provincial governor the following reports: an annual report containing a summary of all matters pertaining to the management, administration, and development of the municipality and all information and data relative to its political, social and economic conditions; <i>and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the municipality, province, region or country.</i> mayors of municipalities of the Metropolitan Manila Area and other metropolitan political subdivisions shall submit said reports to their respective metropolitan council chairmen and to the Office of the President ⁷⁹
<ul style="list-style-type: none"> ● City Mayor 	Submit to the provincial governor, in case of component cities; to the Office of the President, in the case of highly-urbanized cities; to their respective metropolitan authority council chairmen and to the Office of the President, in case of cities of the Metropolitan Manila Area and other metropolitan political subdivisions, the following reports: an annual report containing a summary of all matters pertinent to the management, administration, and development of the city and all information and data relative to its political, social and economic conditions; <i>and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the city, province, region or country</i> ⁸⁰

⁷⁸ LOCAL GOV'T CODE, §§ 444(b)(1)(iv), 455(b)(1)(vii) & 465(b)(1)(vii).

⁷⁹ § 444(b)(1)(xx).

⁸⁰ § 455(b)(1)(xx).

<ul style="list-style-type: none"> ● Provincial Governor 	<p>Submit to the Office of the President the following reports: an annual report containing a summary of all matters pertinent to the management, administration, and development of the province and all information and data relative to its political, social and economic conditions; <i>and supplemental reports when unexpected events and situations arise at any time during the year, particularly when man-made or natural disasters or calamities affect the general welfare of the province, region or country</i>⁸¹</p>
<ul style="list-style-type: none"> ● Sangguniang Bayan, ● Sangguniang Panlungsod ● Sangguniang Panlalawigan 	<p>Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall adopt measures to protect the inhabitants of the municipality/city/province from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events⁸²</p>
<ul style="list-style-type: none"> ● Health Officer, ● Administrator, ● Legal Officer ● Agriculturist ● Social Welfare and Development Officer ● Environment and Natural Resources Officer ● Architect ● Information Officer ● Cooperatives Officer ● Veterinarian ● General Services Officer 	<p>Be in the frontline of health services, delivery, particularly during and in the aftermath of man-made and natural disasters and calamities⁸³</p>

⁸¹ § 465(b)(1)(xx).

⁸² §§ 447(a)(1)(iv), 458(a)(1)(iv) & 468(a)(1)(iv).

⁸³ §§ 478(b)(5), 480(b)(3), 481(b)(4), 482(b)(4), 483(b)(4), 484(b)(4), 485(b)(4), 486(b)(4), 487(b)(4), 489(b)(4) & 490(b)(4).