

REGIONAL AUTONOMY: ITS ROLE IN THE POLITICAL DEVELOPMENT OF MINDANAO

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Regional autonomy as a politico/administrative strategy towards deconcentration of centralized state power has nowadays assumed greater importance in international fora. It has become the shibboleth of national liberation movements. It is the much talked about issue in the long-locked Palestinian question. World leaders and statesmen offer regional autonomy as a panacea to the social pellmell and ferment engendered by national minorities, like the Flemish and Waloons in Belgium, the Quebecois in Canada, the Eritreans and Ogaden Somalis of Ethiopia, the Bretons and Corsecans in France, the Nagas in India, the Kurds in Iran and Iraq, the Sicilians and South Tyrolese in Italy, the Armenians in Russia, the Basques and Catalans in Spain, the Irish and Scots in the United Kingdom, the Croatians in Yugoslavia, the Kasakhs in China, the Patanis in Thailand and numerous others.

Regional autonomy therefore assumes nowadays a dyadic role — first, as a political solution to the threat of secession by national liberation movements and second, as an administrative machinery that promises maximized and efficient delivery of government services to the people and acceleration of development process.

It was for these reasons that the autonomous governments in central and western Mindanao came into being. As expressed by President Marcos during the inauguration of the two Legislative Assemblies of the two autonomous governments, the granting of autonomy to Regions IX and XII was conceived "in the agony of conflict in the South" to put an end "to shedding of blood and tears" and "the employment of regional autonomy as an effective instrument for regional development."

Albeit regional autonomy in Central and Western Mindanao is still in its embryonic and experimental stage, still it is worth analyzing its role in the development of Mindanao. Its success might be a springboard for the grant of similar administrative self-direction to the other regions of the country in similar circumstances.

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Any serious study of the role of regional autonomy cannot escape discussion of some issues like its historical antecedents, the political considerations and the various steps towards the grant of autonomy, the scope of autonomy, problems encountered by the administration of the autonomous government and recommendations on how regional autonomy could be functional and effective as a tool of development.

Historical Antecedents

The penchant for self-governance is deeply rooted in the hearts and minds of the early peoples of Southern Philippines. Textual history tells us that before the nascent of the Western-type of government that we have today, the country was divided into *sultanates*, *rajaships*, and so-called *Panoroganans* or Royal Houses. In Mindanao, the Sultanate of Sulu was founded circa 1450 A.D. by Shariff Mohamad Kabungsuwan and later came the Sultanate of Kabuntalan, the Rajaship of Buaya-an, the Fifteen *Panoroganans* or Royal Houses of undivided Lanao. These politico-geographical subdivisions are substantially identical to the regional autonomous governments we have today.

The coming of the Spaniards had destabilized the autonomy enjoyed by these Sultanates, because of the Crown's policy of consolidating its powers and establishing a highly centralized pattern of administration. The peoples of southern Philippines however for 338 years fought the Crown and thus was spared.

Then President Emilio Aguinaldo of the short-lived Malolos Republic even recognized the factionalism between the people in Southern Philippines when in his message to Congress on January 1, 1899 he proposed that the government negotiate with the "Moros" in order to establish a "real federation with absolute respect for their beliefs and traditions."

Regional autonomy for Southern Philippines was instituted formally with the coming of the Americans in 1899 which created first a regional government called the "Government of the Moro Province" in 1903-1913 and later replaced by the "Department of Mindanao and Sulu" in 1914-1920. The geographical subdivisions of this regional government is substantially the same as the present autonomous governments in Central and Western Mindanao.

Political Considerations and Chronological Steps Towards Autonomy

If the Autonomous Governments in Central and Western Mindanao could be compared to a baby, its birth was through a Caesarian operation. It came into being only after blood fratricidal armed conflicts which cost thousands of lives and the destruction of millions of properties.

The granting of autonomy is part of the political solution to the age-old Moro problem. As a result of the visit of the First Lady, Minister Imelda Romualdez Marcos to Tripoli, Libya on December 23, 1976 there was inked the "Agreement Between the Government of the Republic of the Philippines and the Moro National Liberation Front with the Participation of Quadripartite Ministerial Commission Members of the Islamic Conference and the Secretary General of the Organization of Islamic Conference." This is the now-famous "Tripoli Agreement" which provides, *inter alia* for the "establishment of Autonomy in the Southern Philippines within the realm of the sovereignty and territorial integrity of the Republic of the Philippines." Since the Agreement provided that the "Government of the Philippines shall take necessary constitutional processes for the implementation of the entire agreement," the following chronological steps were taken:

(a) On February 14, 1977 Presidential Decree No. 1092, as amended, was promulgated calling for a referendum-plebiscite on April 17, 1977 in the 13 provinces in Southern Philippines;

(b) On February 15, 1977, the Batasang Pambansa passed Resolution No. 11 recommending the promulgation of decree attached to such resolution, providing for the functions, powers and composition of the Sangguniang Pampook;

(c) On March 25, 1977, Proclamation No. 1628 was issued declaring Autonomy in Southern Philippines providing for the holding of a referendum in the 13 provinces;

(d) On May 7, 1977 Proclamation No. 1728-A was issued proclaiming the adoption and implementation of the results of the referendum-plebiscite of April 17, 1977;

(e) On March 23, 1979, in pursuance to Proclamation No. 1628-A, Batas Pambansa Bldg. 20 was enacted providing for the organization of the Sangguniang Pampook in each of Regions IX and XII;

(f) On May 7, 1979, the first election of the representatives to the Sangguniang Pampook was held and the successful candidates thereto proclaimed and duly qualified; and

(g) On July 25, 1979 Presidential Decree No. 1618 was promulgated by the President providing "the framework of the organization of the Sangguniang Pampook."

Thus, was created and institutionalized the Regional Autonomous Government.

Scope of Autonomy

What is granted to the autonomous governments of central and western Mindanao is merely administrative and internal autonomy. It is far from the American concept of "local self-government" or "Municipal home rule" which virtually establishes what is known in law as *imperium in imperio*. What is granted to the two autonomous regions is what the Constitution allows when it mandates that "local government units may group themselves or consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them."

The autonomy enjoyed by Regions IX and XII is not absolute. It is administrative in character in the sense that the two autonomous governments are empowered only to undertake all administrative matters for their respective regions. The autonomy is still "within the framework of national sovereignty and territorial integrity of the country." It is autonomous in the sense that as pointed out by some authorities in public administration: 1) it has its own set of officials, an executive body or *Lupong Tagapagpaganap ng Pook* and a legislative body or *Batasang Pampook*; 2) it has separate taxing powers; 3) it has a definite area of functional responsibility and authority; 4) it has autonomy in making certain substantive decisions within the limits of the national policy; and 5) it has jurisdiction over a defined geographical area.

The basic law defining the scope of autonomy or authority of these two Autonomous Governments is Presidential Decree No. 1618 which provides that: "The Autonomous Regions shall undertake all internal administrative matters for the respective regions." It also provides for the establishment by the Autonomous Region of educational institutions such as schools, colleges and universities within the framework of the national system of education as defined in the Constitution and Laws (Sec. 13). The same Decree, Chapter III, Sec. 7 thereof provides that "The Sangguniang Pampook shall exercise local legislative powers over regional affairs within the framework of national development plans, policies, and goals, in the following areas:

- (1) Organization of regional administrative system;
- (2) Economic, social and cultural development of the Autonomous Regions;
- (3) Agricultural, commercial and industrial programs for the Autonomous Regions;
- (4) Infrastructure development for the Autonomous Region;
- (5) Urban and rural planning for the Autonomous Regions;
- (6) Taxation and other revenue-raising measures as provided for in this Decree;

- (7) Maintenance, operation and administration of schools established by the Autonomous Region;
- (8) Establishment, operation and maintenance of health, welfare and other social services; programs and facilities;
- (9) Preservation and development of customs, traditions, languages and culture indigenous to the Autonomous Region; and
- (10) Such other matters as may be authorized by law, including for the promotion of the general welfare of the people in the Autonomous Region."

The Sangguniang Pampook has the power to adopt its own rules of the proceedings which we did under the authorship and sponsorship of this representation.

The Sangguniang Pampook "may impose taxes, fees or charges through the enactment of regional tax measure in accordance with guidelines as may be issued by the Ministry of Finance." (Sec. 22)

The powers of the Lupong Tagapagpaganap ng Pook are spelled out in Sec. 18 of Presidential Decree No. 1816, thus:

(a) The Lupong Tagapagpaganap ng Pook shall be the executive unit of the region. It shall implement or, where appropriate, cause and supervise the implementation of policies, programs and legislation enacted by the Sangguniang Pampook.

(b) Every legislative enactment of the Sangguniang Pampook shall either be approved or voted by the Lupon Chairman within thirty days from receipt thereof, otherwise it shall become law as if it has been duly approved. In case of a veto, the Lupon Chairman shall return the legislative enactment together with his objections to the Sangguniang Pampook which may override the veto by two-thirds (2/3) vote of all its members.

Regional Autonomy. Its Role in the Political Development of Mindanao

According to observers, the problem of integrating the cultural communities, especially the Muslims in Mindanao into the national body politic has always been an item in the agenda of all administrations in the country. Apparently however, the schemes and strategies employed to achieve this goal failed. Is it because of insincerity on the part of policy-implementors? Or is there no holistic approach to the problem but s.o.p.'s or palliatives?

This feeling of aloofness or separateness among people of Mindanao especially the Muslims from the rest of the country has its geographical, historical, cultural and political roots. As far back as 1935 the Muslim leaders signed a declaration submitted

to the American government informing the latter that the Philippines "is populated by two different peoples with different religions, practices and traditions. The Christians occupy the islands of Luzon and the Visayas. The Moros predominate . . . Mindanao and Sulu. From time immemorial these two peoples have not lived harmoniously. . . Should the American people grant the Philippines independence, the islands of Mindanao and Sulu should not be included . . ."

This sense of alienation is likewise a product of the wanton disregard as well as insensitivity of past national leaders to the Muslims' clamor for government attention, just and fair treatment, equal representation in the policy-making and law-making bodies and respect for their ethno-cultural and religious ethos, beliefs and practices. The economic disparity between the Muslims and their Christian brothers, illiteracy, disease and other allied social and economic ills pervasive among the Muslims have but exacerbated the feeling of detachment from the *gobierno o mga sarung-a-tao* or government of the foreigners.

Regional Autonomy therefore was addressed more to the problem of generating political consciousness and a sense of "belongingness" among the people of Mindanao especially the Muslims than any other problem.

In what way may Autonomy contribute to the political development of an area?

Local governments (provincial, municipal or city and barangay) are very close to the people. Administrators of these political units have a direct and personalized contact with the people. It is but wise and practical that a certain degree of freedom in administering the affairs and delegated authority be enjoyed by these local administrators who are proximate and must act immediately with local problems without prior approval of their actions from the national government. That is why a great number of political scientists and scholars on government affairs have postulated and advocated the granting of autonomy to local government units. The thesis is: deconcentrate state power to strengthen and make effective the central or national government.

With the grant of autonomy the citizens are drawn closer to the government because of the feeling that they are a living part of it and responsible for its actions. A feeling permeates among the people in the area of autonomy that the success of government projects is their success and their failure is their failure. It stimulates public confidence. It cultivates the "bayanihan" or cooperative spirit and thus inspires the members of the community to be devoted to their duty to the community.

Autonomy in Central and Western Mindanao promotes self-reliance and less dependence upon the national government. Knowing that the administrators of the autonomous local unit are proximate and easily accessible, it engenders a feeling of security from problems of everyday life. It also encourages the exploitation of the potentials of the area to the fullest demographic, economic, social and political and environmental resources. It promotes administrative efficiency because the entire process of problem-management will be less inconvenient, less expensive and less time-consuming.

As earlier pointed out, the grant of autonomy to Central and Western Mindanao was well-received by the people. It rekindles their yearning to run their own government affairs, with minimum interference from the national government. They have religion and cultural practices peculiar to the rest of the country that engender special problems that only a special kind of government — an autonomous one — would be capable of solving. The grant of Autonomy is to the people a revival of the autonomous *sultanate* institution which holds in high respect their rich cultural and religious heritage which is constantly threatened by the sweeping winds of westernization and modernization.

It is heartening to note that albeit the autonomous governments of Regions IX and XII are still in the experimental stage, yet it has generated the active involvement of the people vis-a-vis government policies and decisions. They have become vigilant and responsive to these government decisions and actions. This fact is evident in the number of letters communicated and received by the Office of the Speaker of the Assembly. Public consciousness and dynamism on the issues of the day are manifested in the "pulung-pulong" that are being held by local officials at the initiative of the Assemblymen of the Batasang Pampook. The positive and favorable reactions of the people in the area of autonomy in public hearings and committee hearings called by the various Committees of the Batasang Pampook on bills referred to it by the Assembly are eloquent testimonies to the political development in Central Mindanao. The turn-out of voters in Mindanao in past electoral exercises attest to the politicalization of our people. While before, requests of local residents and even local government units for official actions, subsidies and support for projects were addressed directly to Manila, nowadays, it is addressed to the Regional Autonomous Government. The full institutionalization of the Batasang Pampook as a legislative-deliberative body where ideas are traded freely and tempered only by political party decisions attest to a big step towards the political development of the area of Autonomy.

There is a healthy sign that the apathy of the people vis-a-vis political development is now being substituted by awareness and involvement.

Problems and Recommendations

Like any politico/administrative system, regional autonomy has its own problems. Allow me to share with you what I perceive are the problems of the regional autonomy in Central Mindanao.

First. The present authority and powers of the *Lupong Tagapagpaganap ng Pook* and the *Batasang Pampook* if exercised by the administrators of the Autonomous Government to the maximum can cope up with common problems in the area of autonomy. However, the problems are getting complex and difficult as the people are drawn closer to the Autonomous Government perhaps because of the hope that it can immediately solve even their age-old problems. The public awareness, involvement and participation in the affairs of the Autonomous Government have given rise to problems which necessitate an additional power to cope with.

It is recommended therefore that a re-evaluation of the powers and authority of the *Lupong Tagapagpaganap ng Pook* and *Batasang Pampook* be conducted to determine if its power could still match and equal the growing complexities of local problems and if found wanting, to reinforce or strengthen them with additional powers to make the autonomy meaningful, workable and functional.

Second. The people in the area of autonomy have the impression that the Regional Autonomous Government has enough money for their infrastructure and other projects or needs. This is evident by the flood of letter-requests the Office of the Speaker has been receiving. They likewise entertain the belief that all fund releases coming from the national government are channeled thru the Regional Autonomous Government. These are not correct. There are priority projects pinpointed by the Regional Autonomous Government that cannot be implemented for lack of funds and moreover, a great number of support findings from the national government are released directly to the local government units without passing the Regional Autonomous Government.

In order to make effective the prioritization plans adopted by the Autonomous Government on infrastructures and other projects it is necessary that additional funding support be given to it. The Autonomous Governments were created for special and peculiar reasons and it is but proper that it be given special, if not preferential, treatment if it hopes to solve the special and peculiar problems in the area of autonomy. Likewise, in order that it can supervise and monitor government projects in the area, it is highly recommended that all government fund releases to the provinces, cities and municipalities, be coursed or channeled to the Regional Autonomous Government, after all it is accountable to the people and the national government for the failure of these projects and programs.

Third. While steps were already made to fully institutionalize the Autonomous Government still there are doubts lurking on the minds of some legal luminaries and political pundits about its future. After Marcos, what will happen to it when its existence is not homologated by an explicit and categorical provision of the Constitution? The past leadership of the Batasang Pampook had the fondness of referring to the Assemblymen as "casuals." True, we claim as the constitutional basis for the creation of the Autonomous Government the provisions of Section 10, Art. 11 which provides that "The state shall guarantee and promote the autonomy of local government units . . . To ensure their fullest development as self-reliant" and Section 11, Art. XV which states that "The State shall consider the customs, traditions, beliefs and interests of national cultural communities in the formulation and implementation of state policies," and Section 4 (2), Art. XI as earlier cited. But as a student of law I can feel that claim is not foolproof and based on a "shaky" ground, although I can defend it anytime, anywhere. There is only a tacit homologation by the Constitution. Article XI, Sec. 1 of the Constitution enumerates the territorial and political subdivisions of the Philippines but it did not include any mention anything about regional autonomous government. This was the reason why, at the height of the discussion by the Batasang Pambansa for the last constitutional amendments all the members of the Batasang Pampook agitated for the inclusion in the constitutional amendment the creation of the regional autonomous government. Unfortunately, however, we did not succeed. How can we succeed when we did not even get the support of all our Assemblymen from Region XII in the Batasang Pampook. One of our Assemblymen, and a Maranaw at that, opposed the inclusion of the item in the constitutional amendment.

It is therefore suggested that a constitutional amendment as provided for in Article XVI of the Constitution be made to remove any iota of doubt about the constitutionality of the existence of the Regional Autonomous Government.

These are only the basic problems so far encountered in the operationalization of autonomy in Central Mindanao. But these are not so preponderant and difficult as to upset its effectiveness as a tool of development.

Conclusion

As mentioned earlier, regional autonomy was granted to Central and Western Mindanao at a very high price — the dear lives of our young brothers and the destruction of millions of properties. President Ferdinand E. Marcos in his sincere desire to put an end to the

fratricide not through guns and bullets but by political and peaceful means and ameliorate the conditions of the people of Central and Western Mindanao had granted us autonomy and our other legitimate requests. The leadership of the Autonomous Governments were given a triad of mission by His Excellency, President Marcos, and these are — pacification, resettlement and rehabilitation of displaced families and socio-economic development of the area of autonomy. In their own and humble way they were able to perform these tasks but these tasks are still far from over. The trust and confidence reposed upon them by President Marcos and the sovereign people of Region XII who elected them to office provide a towering challenge for them — — leaders of the Autonomous Government

On the shoulders of the leadership of the Autonomous Government rests the burden of actualizing all the purposes and wisdom for the grant of autonomy. In their hands lies the burden of making the regional autonomy indeed an effective instrument in pushing the frontiers of socio-political and economic development. But the leaders of the Autonomous Government cannot do all these tasks single-handedly no matter how much support we can get from President Marcos. Unless the people in the area of autonomy unite with us and support us in our endeavor we will fail! And therefore may I take this opportunity to call on our people — our plan to build a strong, and stable autonomous society like the fabled Molave tree — a society that promises benefits not only for the present generation but also for the generations to come.