

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3499

Introduced by: **HON. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

AN ACT TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

EXPLANATORY NOTE

Sec. 384 of the Local Government Code of the Philippines, states that Barangay, as the basic political unit, serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.

As deemed persons with vital role in an organization that is structured and functioning as a small unit of government in our country, the State shall recognize barangay officials as regular government employees that will receive fixed salaries, allowances, insurance, medical and dental coverage, additional retirement benefits and other fringe benefits instead of just receiving honoraria.

Basic services and facilities such as regular supply of clean and potable water, public transportation, schools, health centers and barangay halls shall also be provided to promote the welfare of the barangays.

This measure will also significantly boost the effectiveness and efficiency of their performance in the community that will further strengthen their mandate to enforce all laws and ordinances; maintain public order; ensure the delivery of basic services; enforce laws and regulations relating to pollution control and protection of the environment; adopt measures to prevent and control the proliferation of squatters; and adopt measures to prevent and eradicate drug abuse, child abuse, and juvenile delinquency

This will also ensure that Sangguniang Barangays can exercise local autonomy and attain full development such as enacting ordinances; levying taxes and other revenue measures; transfer of funds to barangays to provide for construction and maintenance of barangay facilities and other public works like roads and bridges; regulating use of public facilities, including waterworks; automated release of their share from national taxes; and priority in employment.

Thus, the approval of this bill is earnestly sought.

"KUYA" JOSE ANTONIO R. SY-ALVARADO

*Representative
First District of Bulacan*

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

I. TITLE, DECLARATION OF POLICY, AND GENERAL PRINCIPLES

SECTION 1. *Short Title.* – This Act shall be known as “Magna Carta for Barangays”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote, develop and improve the general welfare of barangay residents, raise the economic and social status of barangay officials, grant every barangay, the basic facilities for decent, healthy and comfortable living therein and provide new measures that will insure its enjoyment of local autonomy to ensure the effective performance of its role as the primary planning and implementing unit of government programs, projects and activities, and as a forum in which the collective views of the people in the community may be crystallized and considered.

SECTION 3. *General Principles.* – The following are the general principles of this Act:

- a. The national government shall give more attention to the development of the barangay, as it is the base of this country's economy.
- b. Every barangay shall be given the authority and capability to solve its problems on its level.
- c. Self-help or people power shall be the guiding principle in all barangay development projects.

II. BARANGAY OFFICIAL AS REGULAR GOVERNMENT EMPLOYEES

SECTION 4. *The Barangay Officials as Regular Government Employees.* - The punong barangay, sangguniang barangay members, the kabataang barangay chairman, the barangay secretary and barangay treasures in all barangays are hereby declared regular employees, and as such are entitled to fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such other fringe benefits to which a regular government employee may be entitled to.

SECTION 5. *Salaries of Barangay Officials.* – As soon as the appropriate steps and measures are undertaken by each city or municipality in coordination with the individual barangay involved on matters relating to the sources of fund and the corresponding appropriation ordinance, which in no case shall be later than six (6) months from the approval hereof, all barangay officials mentioned in paragraph 4 hereof shall be entitled to the following fixed salaries:

- a) Punong Barangay – An amount equivalent to the salary of sangguniang bayan member of his municipality;
- b) Six Sangguniang Barangay Members – An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality;

- c) Kabataang Barangay Chairman, Barangay Secretary, Barangay Treasurer – For each, an amount equivalent to seventy-five percent (75%) of the salary of a sangguniang bayan member of his municipality.

III. BASIC PRIORITIES IN BARANGAY

SECTION 6. *Drinking Water for Every Barangay.* – It is the right of every barangay to have a regular supply of clean and potable drinking water. To attain this goal, every city and municipality, as the case may be, is hereby required to construct and/or maintain at least one deep well with pumping device for drawing drinking water to supply the needs of every one thousand residents for each barangay within its jurisdiction.

SECTION 7. *Transportation of Every Barangay.* – It is also the right of every barangay to have public transportation available at least once a day. For this purpose, every municipality or city, as the case may be, should make such necessary representations before the appropriate government agencies to require public utility companies operating within its jurisdiction to provide the minimum means of transportation in every barangay.

SECTION 8. *Schools, Health Centers and Barangay Halls for the Barangays.* – Every barangay is entitled to have at least one high school for every five (5) kilometers from the barangay center. It shall also be the right of every barangay to have one health center and one barangay hall.

IV. MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTHORITY

SECTION 9. *Automatic Release of Share from National Taxes.* – It shall be the duty of the National Treasury to remit automatically to the barangays every end of the calendar year their just share from the national taxes.

SECTION 10. *Transfer of Fund to Barangay for the Maintenance of Roads and Bridges.* – All public funds appropriated from the national treasury for the maintenance of barangay roads and bridges and other similar constructions shall be transferred or remitted directly to the general fund of every barangay for the proper disposition by the barangay officials.

SECTION 11. *Mandatory Share of Barangay in All Taxes, Fees or Other Charges.* – Twenty-Five (25%) of all taxes collected on real property located within the barangay shall be considered barangay funds and shall be allocated in accordance with existing laws. In addition, thereto, each barangay shall be entitled to ten percent (10%) from all other forms of taxes, fees, penalties, compromises or other charges collected from persons residing in the barangay or entities whose offices and/or manufacturing plant is located within the barangay.

SECTION 12. *Equitable Share of the Barangay from the proceeds of the Utilization and Development of National Wealth.* – Every barangay shall be entitled to an equitable share of the proceeds derived from the exploitation, development and utilization of natural wealth within its territory. The amount of barangay share shall be determined by the city or municipality concerned after consultations with the concessionaires, the municipal or city officials and barangay officials, taking into account the extent of the exposure of the barangay residents to pollution, food and account the extent of the exposure of the barangay residents to pollution, food and ecological imbalance: *Provided, however,* That this equitable sharing rate for each barangay shall be resolved by all parties concerned not later than six (6) months from the approval of this Act. Revenues derived from this source shall also from part of the general fund of the barangay.

V. SUNDRY MATTERS

SECTION 13. *Scholarship Grant.* – Every barangay shall sponsor at least one scholarship grant every year leading to any bachelor degree to be awarded by a committee of five persons appointed by the Sangguniang Barangay with the approval of the Punong Barangay after competitive examinations are given to applicants who should be bona fide residents of the barangay. The grant

shall include tuition fees and all other school fees, reasonable allowances for schoolbooks, supplies and transportation and other expenses as the barangay may deem appropriate.

SECTION 14. *Priority in Employment.* - Residents in every barangay shall have the priority in the hiring of workers and laborers to be needed in any government construction or development projects within the barangay.

SECTION 15. *Cooperate Enterprise.* - Cooperative enterprises in the barangay shall be encouraged and every barangay is directed to give full assistance for the establishment and organization of said enterprises and to take every possible effort to make cooperative undertakings a way of life in the barangay.

VI. ADMINISTRATION AND ENFORCEMENT

SECTION 16. *Rules and Regulations.* - The Secretary of Department of Interior and Local Government shall promulgate such rules and regulations as may be necessary to implement the provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect thirty (30) days after its publication in a national newspaper of general circulation and by such other means as the Secretary of Local Government deems reasonably sufficient to give interested parties general notice of such issuance.

SECTION 17. *Budgetary Estimates.* - The Secretary of Department of Interior and Local Government shall submit to the Congress the necessary budgetary estimates to implement the provisions of this Act concerning the allowances, insurance, medical, dental and retirement benefits and other fringe benefits of barangay officials, the basic priorities in the barangays and the barangay scholarship grant.

SECTION 18. *Penal Provision.* - Any person who shall willfully interfere with, restrain or coerce any barangay official or barangay resident in the exercise of his or their rights guaranteed by this Act or who shall in any other manner commit any act to defeat any of the provisions of this Act shall, upon conviction, be punished by a fine of not less than five hundred pesos nor more than two thousand pesos (Php 200,000.00) or by imprisonment of six (6) months and one (1) day, or both, subject to the discretion of the court.

If the offender is a public official, the court shall order his dismissal from the government service.

SECTION 19. *Repealing Clause.* - All Acts and decrees, executive orders, implementing rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 20. *Separability Clause.* - If any provisions of this Act are declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SECTION 21. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,