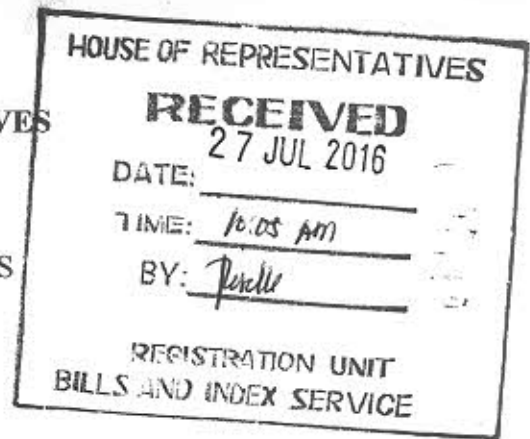


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2003



Introduced by Representative MYLENE J. GARCIA-ALBANO

EXPLANATORY NOTE

This bill seeks to divide Barangay Pampanga in the City of Davao into three (3) distinct and independent barangays to be known as Barangay Pampanga, Barangay Alfonso Angliongto, Sr. and Barangay V. Hizon.

Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", as amended, was enacted precisely to breathe life into the constitutional mandate of local autonomy by establishing a more responsive and accountable local government structure instituted through an efficient system of decentralization. Essentially, this system is geared towards empowering local government units to achieve their full development as self-reliant communities, making them more effective and meaningful partners in the attainment of the nation's goals.

Being the basic political unit, the barangay 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" (Section 384 of the Local Government Code). As such, it is the country's ultimate front-liner in the provision of a broad range of basic services to the community, as well as in the delivery to the citizenry of their first taste of local public service.

Section 6, Article X of the Constitution states: "Local government units shall have a just share, as determined by law, in the national taxes which shall be automatically released to them." The Internal Revenue Allotment (IRA) as incorporated in the general appropriations law enacted annually by the legislature is the "just share" contemplated by the constitutional mandate. Therefore, it is clearly an indispensable component in the grant of meaningful and true fiscal autonomy to local government units. However, the local government units created through their respective local legislature bodies are prohibited from receiving the above-mentioned constitutionally mandated equitable share in the nation's internal revenue taxes. The Code provides: "**x x x the financial requirements of barangays created by local government units after the effectivity of this Code shall be the responsibility of the local government unit concerned**" (emphasis and underscoring supplied).

Withholding these resources from the local government units covered by the last paragraph of Section 285 of the Local Government Code is thus not in accord with the express entitlement mandated by the Constitution.

An entitlement to the IRA is an indispensable element and a constitutionally and lawfully ingrained component of the resources of any local government unit. In the case of a barangay, said entitlement becomes even more crucial as this most basic local political subdivisions delivers the nation's frontline response to the needs of the Filipino citizenry. Further, it is at the barangay level that government, both national and local, aspires to implement basic policies, plans, programs, projects and activities, as well as settle all discussions, disputes and grievances. In the performance of this all-important frontline response and accountability functions, diminished and uncertain resources deliver a significant blow to the efficiency and effectiveness of barangay local governance. At the end of the day, it is the Filipino people who will bear the prejudicial consequences of this fiscal disparity.

In view of these considerations, and in the face of resonating and unified public clamor for a clear and immediate legislative remedy to the matter at hand, the immediate approval of this bill is highly and earnestly sought.



MYLENE J. GARCIA-ALBANO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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SEVENTEENTH CONGRESS
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House Bill No. 2003

Introduced by Representative MYLENE J. GARCIA-ALBANO

**AN ACT DIVIDING BARANGAY PAMPANGA IN THE CITY OF DAVAO
INTO THREE (3) DISTINCT AND INDEPENDENT BARANGAYS TO BE
KNOWN AS BARANGAY PAMPANGA, BARANGAY ALFONSO
ANGLIONGTO, SR. AND BARANGAY V. HIZON**

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

Section 1. Division of Barangay Pampanga. – Barangay Pampanga in the City of Davao is hereby divided into three (3) distinct and independent barangays to be known as: (1) Barangay Pampanga; (2) Barangay Alfonso Angliongto, Sr.; and (3) Barangay V. Hizon.

Section 2. Territorial Boundaries – The territorial boundaries of each barangay created in the immediately preceding section shall be as follows:

(1) Barangay Pampanga

“Bounded on the North by the Davao International Airport Runway;

On the West by Barangay Vicente Hizon, Sr.;

On the South by Barangay Sasa, Doña Pilar Road and Rodriguez Drive comprising of Doña Asuncion I, Doña Asuncion II, San Roque, Don Lorenzo, Sto. Domingo II, D.A. Homes and COACO Beach”;

(2) Barangay Alfonso Angliongto, Sr.

“Bounded on the Northwest by Belisario Road, Belisario Fence, Te Property and NHA Buhangin;

On the North by Barangay Cabantian and Phases 1 and 3 of La Verna Subdivision;

On the West by Carmelite Road;

On the East by Nova Tierra Village, Fortune Homes and Insular Village Phase 1 comprising

of La Verna Subdivision Phase 2, Diamond Village Phases 1 and 2, Belisario Subdivision, Saint Anthony Village, Mamay Village, Vincent Heights, Roseville, Lea Subdivision, Guadalupe Village, Summer Hill, Pulang Lupa, Licalalde Subdivision, Golden Homes, JLA Subdivision, and Victoria Heights Subdivision”;

(3) Barangay V. Hizon

“Bounded on the North by the Davao International Airport Runway;

On the West by Barangay Alfonso Angliongto, Sr. and Barangay Lapu-Lapu;

On the South by the coastline of the Davao Gulf;

On the Southeast by J.P. Laurel Avenue (a.k.a. Davao-Agusan Road) and the Insular Creek;

On the East by Doña Asuncion Road; and

On the Northeast by Doña Asuncion comprising of Insular Village I, Insular Village II, Fortune Executive Homes, Nova Tierra Village, PEHA Subdivision, PEHO, Belen Homes, Sto. Domingo I, Donas Ville, Model Homes, Lizada, Beach Club and Mountain Dew”.

Section 3. Conduct and Supervision of Plebiscite. - The plebiscite conducted and supervised by the Commission of Elections (COMELEC) in Barangay Pampanga pursuant to City Ordinance No. 00161-03 of the Sangguniang Panlungsod of the City of Davao, which ratified the creation of Barangay Alfonso Angliongto, Sr. and Barangay V. Hizon as proclaimed by the Plebiscite Board of Canvassers on July 25, 2004, shall serve as substantial compliance with the plebiscite requirement under Section 10 of Republic Act No. 7160, as amended, otherwise known as the “Local Government Code of 1991”.

Section 4. Incumbent Barangay Officials – The incumbent barangay officials of Barangays Pampanga, Alfonso Angliongto, Sr. and V. Hizon, City of Davao shall continue to hold office until such time that their successors have been duly elected and qualified.

Section 5. Public Infrastructures and Facilities. - All existing public infrastructures and facilities for public use existing therein at the time of the approval of this Act are hereby transferred without cost or compensation to and shall be administered by the new barangays.

Section 6. Internal Revenue Allotment (IRA) Shares. - Barangays Pampanga, Alfonso Angliongto, Sr. and V. Hizon shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act No. 7160, as amended otherwise known as the “Local Government Code of 1991”.

Section 7. Separability Clause. - If, for any reason, any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions which are not affected thereby shall continue to be in full force and effect.

Section 8. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,