

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 904



Introduced by: Representative JOHNNY T. PIMENTEL

EXPLANATORY NOTE

On March 1, 1979, the Sangguniang Panlalawigan of the Province of Surigao del Sur adopted Resolution No. 79 – 16 approving the creation of Barangay Guinhalinan as a regular and independent barangay of the Municipality of Barobo comprising Sitios Guinhalinan, Umbon, Candi-isan and Binu-uyan. It was then declared as an independent barangay by the provincial government. However, its effectivity was suspended by the Department of Local Government and Community Development through Memorandum Circular No. 79 – 13 which provided that “all creation of local government units by the local Sangguniang Bayans, except by the Prime Minister... shall be without force and effect.”

Upon the enactment of the Local Government Code in 1991, the Sangguniang Bayan of Barobo issued Resolution No. 113, series of 2002 formally recognizing Guinhalinan as a regular barangay of the said municipality, with an allotment of funds for its operations.

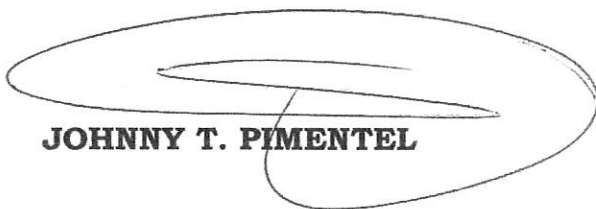
Since Barangay Guinhalinan was created through a local ordinance, the financial requirements of the same was borne by the Barobo Local Government pursuant to Section 285 of the Local Government Code. The said Barangay has been precluded from receiving any share in the Internal Revenue Allotment (IRA). Thus, the funds received by the Barangay is only subject to the availability from the coffers of the Municipality of Barobo,

thereby limiting the capability of self-determination and the implementation of their own grassroots development programs.

In the 17th Congress, we authored House Bill 1322 which sought to establish Barangay Guinhalinan of the Municipality of Barobo, Surigao del Sur as a political entity duly created by the Philippine Legislature. Along with this Bill was House Bill 1321 which also sought for the creation of Barangay Comawas in Bislig City. Both Barangays suffered the same fate under the Local Government Code. However, HB 1321 (later substituted as House Bill 4687) was successfully enacted in August 23, 2017. The House measure for Guinhalinan was not as fortunate as the later Bill.

This Bill seeks to establish Barangay Guinhalinan and to be entitled of its share of the national internal revenue allotment, subject to the applicable provisions of the Local Government Code, as amended.

The approval of this Bill is earnestly sought.



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AN ACT
CREATING BARANGAY GUINHALINAN IN THE
MUNICIPALITY OF BAROBO, PROVINCE OF SURIGAO DEL SUR

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

SECTION 1. Creation of Barangay Guinhalinan. - Barangay Guinhalinan, comprising Sitios Guinhalinan, Umbon, Candi-isán and Binu-uyan, is hereby created as a Barangay of the Municipality of Barobo, Province of Surigao del Sur, by virtue of the legislative powers of Congress. Its meters and bounds shall be surveyed, cost of which shall be born by the local government units concerned.

SECTION 2. Conduct and Supervision of Plebiscite. - Pursuant to Section 10 of the Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the new barangay shall be formed upon a majority of votes cast by the qualified voters of Sitios Guinhalinan, Umbon, Candi-isán and Binu-uyan, Municipality of Barobo in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) in the area defined, within ninety (90) days from the effectivity of this Act.

SECTION 3. Barangay Officials. - The first set of officials of the said Barangay shall be appointed by the Provincial Governor and shall hold office

until such time that their successors have been duly elected and qualified in the next regular barangay election after the approval of this Act.

SECTION 4. *Public Infrastructure and Facilities.* – All existing public infrastructure and facilities for public use existing therein at the time of the approval of this Act are hereby transferred without cost or compensation to Barangay Guinhalinan and shall be administered by the same.

SECTION 5. *Internal Revenue Allotment Shares.* – Barangay Guinhalinan shall be entitled to the Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act 7160, otherwise known as the Local Government Code of 1991.

SECTION 6. *Appropriations.* – The amount necessary to conduct the plebiscite as provided under this Act shall be borne by the Municipality of Barobo.

SECTION 7. *Separability Clause.* – If any part of this Act shall be held invalid, other provisions which are not affected shall continue to be in force.

SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, regulation or ordinance contrary to or inconsistent with the provisions of the Act is hereby repealed, modified or amended accordingly.

SECTION 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved.