

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 4614



Introduced by Representative Romulo "Kid" V. Peña, Jr.

EXPLANATORY NOTE

The barangay is the basic political unit and smallest administrative division of the government. It serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community.

Each barangay is composed of a Punong Barangay, seven Sangguniang Barangay members, a Sangguniang Kabataan chairperson, a Barangay secretary, and a Barangay treasurer. These officials bear responsibilities such as, but not limited to, conducting Barangay assemblies, enacting tax and revenue ordinances, regulating the use of multi-purpose halls, multi-purpose pavements, Barangay waterworks, markets and other facilities constructed with government funds.

The Barangay officials are valuable human resources who are primarily expected to perform duties that will help improve the economic condition and well-being of the residents. The Barangay officials are also at the forefront in maintaining peace and order in the barangay which may put their safety and well-being at risk.

Given such responsibilities, it is important to keep motivation such as providing just and fair compensation. Currently, Barangay officials are only compensated in the form of honorarium dependent on the barangay's income. They are also not entitled to receive hazard pay even if their respective barangay's local income can sustain the cost.

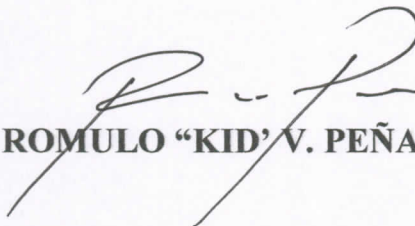
In recognition of their vital role and mandate as public servants who are recognized to be at the forefront of delivering direct and essential services, the Magna Carta for Barangays seeks to recognize the barangay

officials as regular government employees, entitled to fix salaries, allowances, insurances, medical and dental coverage, retirement benefits and such other fringe benefits to which regular government employees may be entitled to.

The bill also aims to strengthen the authority and capability of barangays to cater to its citizens' basic necessities by providing basic priorities including regular supply of clean and potable water, public transportation, schools, health centers, and barangay halls.

Lastly, this bill also promotes local autonomy through automated release of barangay shares from the national taxes, and mandates share of barangays in all taxes, fees, and other charges collected within the barangay. These shall be considered as barangay funds to complement initiatives of the Sanggunian centered on the people's welfare.

In view of the foregoing, the passage of this bill is earnestly sought.



ROMULO "KID" V. PEÑA, JR.

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HOUSE BILL NO. 4614

Introduced by Honorable Romulo "Kid" V. Peña, Jr.

AN ACT TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

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

ARTICLE I

POLICY AND PRINCIPLES

SECTION 1. Title of Act - This act shall be known as "The Magna Carta for Barangays".

SEC 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 ensure its enjoyment of local autonomy for 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.

SEC 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 at its level.
- c. Self-help or people power shall be the guiding principle in all barangay development projects.

ARTICLE II

BARANGAY OFFICIALS

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

SEC. 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 a sangguniang bayan member of his municipality or city
- b. Sangguniang Barangay Members -An amount equivalent to eighty percent (80%) of the salary of sangguniang bayan member of his municipality or city
- c. Sangguniang Kabataan 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 or city

ARTICLE III

BASIC PRIORITIES IN THE BARANGAY

SEC. 6. Drinking Water for Every Barangay - It is the right of every barangay to have a regular supply of clean and potable water. To attain this goal, every city or 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.

SEC. 7. Transportation for 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

SEC. 8. Schools, Health Centers and Barangay Halls for the Barangays - Every barangay is entitled to have at least one elementary school, provided that there shall be 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 (1) health center and one (1) barangay hall.

ARTICLE IV

MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

SEC. 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.

SEC. 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 their proper disposition by the barangay officials, subject to auditing laws, rules, and regulations.

SEC. 11. Mandatory Share of Barangays in All Taxes, Fees or Other Charges. - Twenty-five percent (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.

SEC. 12. Equitable Share of the Barangay from the Proceeds of the Utilization and Development of National Wealth. - For the exploitation, utilization and development of natural resources within its territory. Every barangay shall be entitled to an equitable share of the proceeds derived from. 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 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.

ARTICLE V

MISCELLANEOUS BENEFITS

SEC. 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.

SEC. 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.

SEC. 15. Cooperative 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.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

SEC. 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 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.

SEC. 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.

SEC. 18. Penal Provision. - Any person who shall wilfully 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, or by imprisonment of six months and one 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.

SEC. 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.

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

SEC. 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,