

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
First Regular Session

House Bill No. 4083



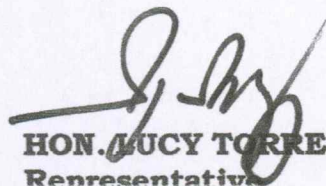
Introduced by the Honorable Lucy Torres Gomez

EXPLANATORY NOTE

When Filipino college students are asked the question, "What is the basic unit of Philippine society", they are expected to make a fine distinction in their answer – that while the family is the basic *social* unit in our country, the barangay is the basic *political* unit.

This bill focuses its attention to that most basic political or administrative unit in our nation, the barangay. The barangay, through its officials, is in the frontline when it comes to the delivery of government services. In times of calamities, whether natural or man-made, barangay officials are the first responders especially during those moments when the national, regional and even provincial governments appear to be paralyzed by the cut-off of our transportation and communication facilities. These officials maintain the peace for they have become experts in conciliation and mediation proceedings among their kabarangays, whom they personally know or at least are acquainted with. They are the "to-go-to people" in times of distress whether personal or social in nature. Hence, it is but fitting that we craft laws for their benefit and empowerment.

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


HON. LUCY TORRES GOMEZ
Representative
Fourth District, Province of Leyte

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HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4083

Introduced by the Honorable LUCY TORRES GOMEZ

AN ACT
PROVIDING FOR A MAGNA CARTA FOR BARANGAYS

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

ARTICLE I
POLICY AND PRINCIPLES

Section 1. Short Title. - This Act shall be known as the "*Magna Carta for Barangays Act of 2019.*"

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

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 barangays, as they are the country's basic political units;
- b.) Every barangay shall be given the authority and capability to handle its concerns on its level; and
- c.) Self-help or people power shall be the guiding principle in all barangay development projects.

ARTICLE II

BARANGAY OFFICIALS

Sec. 4. Barangay Officials as Regular Government Employees. - The punong barangay, members of the sangguniang barangay, the sangguniang kabataan chairperson, the barangay secretary and barangay treasurer in all barangays are hereby declared regular government employees, and as such, are entitled to the salary, emoluments, allowances such as hazard pay, Representation and Transportation Allowance, Personnel Economic Relief Allowance, Productivity Incentive Bonus, Clothing Allowance and 13th month pay, and other benefits such as insurance, medical and dental coverage, retirement benefits, and all other fringe benefits to which a regular government employee 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 Section 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/her municipality or city;
- b.) Members of the Sangguniang Barangay - An amount equivalent to eighty percent (80%) of the salary of the sangguniang bayan member of his/her municipality or city; and
- c.) Sangguniang Kabataan Chairperson, Barangay Secretary and Barangay Treasurer - An amount equivalent to seventy-five percent (75%) of the salary of the sangguniang bayan member of his/her municipality or city.

Sec. 6. Appointment, Selection and Benefits of Barangay Tanods. -

There shall be barangay tanods in every barangay who shall maintain peace and order, and enforce all laws and ordinances relative to the protection of lives and properties in their respective barangays. The sangguniang barangay shall, through a resolution, determine the appropriate number of barangay tanods needed in their respective barangay.

The appointment and selection of barangay tanods shall be done by the Punong Barangays with the concurrence of the majority of the members of the sangguniang barangay concerned in accordance with merit and principle: *Provided*, That no person shall be appointed barangay tanod unless he or she is a citizen of the Philippines, a resident of the barangay concerned, of good moral character and of sound mind: *Provided further*, That patronage or partisan considerations shall not be a basis for such selection and appointment.

Barangay tanods shall be appointed to a permanent status during the administration of the sangguniang barangay which appointed them.

Barangay tanods shall receive the following benefits and privileges:

- (a) Honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal or city ordinance in

- accordance with the provisions of Republic Act No. 7160, but in no case shall it be less than Six hundred pesos (P600.00) per month;
- (b) Christmas bonus of at least One thousand pesos (P1,000.00) each, the funds for which shall be taken from the general fund of the barangay or from such other funds appropriated by the national government for the purpose;
 - (c) Insurance coverage which shall include, but shall not be limited to temporary and permanent disability, double indemnity, accident insurance, death and burial benefits;
 - (d) Free medical care including subsistence, medicines, and medical attendance in any government hospital or institution: Provided, That such hospital care shall include surgery or surgical expenses, medicines, X-rays, laboratory fees, and other hospital expenses; and
 - (e) Exemption during their incumbency from paying tuition and matriculation fees for their legitimate dependent children attending state colleges or universities. He may likewise avail of such educational benefits in a state college or university located within the province or city to which the barangay belongs.

ARTICLE III

BASIC PRIORITIES IN THE BARANGAY

Sec. 7. *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 or maintain at least one (1) facility for drawing drinking water to supply the needs of every one thousand (1,000) residents for each barangay within its jurisdiction.

Sec. 8. 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 appropriate government agencies to require public utility companies operating primarily within its jurisdiction to provide the minimum means of transportation in every barangay.

Sec. 9. Schools, Health Centers, and Barangay Halls for the Barangays. - As far as practicable, every barangay is entitled to have at least one (1) kindergarten and at least one (1) 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. 10. Automatic Release of Share from National Taxes. - The share of each barangay from all national taxes shall be released, without need of further action, directly to the barangay treasurer. The national taxes to be included in the base for computing the just share of barangays shall include, but not be limited to, the following:

- (a) The national internal revenue taxes enumerated in Section 21 of the National Internal Revenue Code, as amended, collected by the Bureau of Internal Revenue and the Bureau of Customs;
- (b) Tariff and customs duties collected by the Bureau of Customs;

- (c) 60% of the national taxes collected from the exploitation and development of the national wealth.
- (d) The remaining 40% of the national taxes collected from the exploitation and development of the national wealth shall exclusively accrue to the host Local Government Units pursuant to Section 290 of Republic Act No. 7160 (Local Government Code);
- (e) 85% of the excise taxes collected from locally manufactured Virginia and other tobacco products.
- (f) The remaining 15% shall accrue to the special purpose funds created by Republic Act No. 7171 and Republic Act No. 7227;
- (g) The entire 50% of the national taxes collected under Sections 106, 108 and 116 of the NIRC as provided under Section 283 of the NIRC;
- (h) 5% of the 25% franchise taxes given to the National Government under Section 6 of Republic Act No. 6631 and Section 8 of Republic Act No. 6632; and
- (i) The appropriate sharing for the Bangsamoro Autonomous Region in Muslim Mindanao under Republic Act No. 11054.

Sec. 11. *Transfer of Funds 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 construction works shall be transferred or remitted directly to the general fund of every barangay for their proper disposition by barangay officials, subject to auditing laws, rules, and regulations.

Sec. 12. *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 office or manufacturing plant is located within the barangay.

Sec. 13. *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 therefrom. 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, flood and ecological imbalance: *Provided, 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.*

ARTICLE V MISCELLANEOUS BENEFITS

Sec. 14. *Scholarship Grant* - Every barangay shall sponsor at least one (1) college scholarship grant every year to be awarded by a committee of five (5) 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 school books, supplies, transportation, and other expenses as the

barangay may deem appropriate.

Sec. 15. *Priority in Employment* - Residents in every barangay shall have priority in the hiring of workers and laborers to be needed in any government construction or development project within the barangay.

Sec. 16. *Cooperative Enterprise*. - Cooperative enterprises in the barangay shall be encouraged. 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. 17. *Rules and Regulations*. - The Secretary of the 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 newspaper of general circulation and by such other means as the Secretary deems reasonably sufficient to give interested parties general notice of such issuance.

Sec. 18. *Appropriations*. - The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act.

Sec. 19. *Penal Provisions*. - 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 (PS00.00) nor more than two thousand pesos imprisonment or six (6) months and one (1) day, or both, subject to the discretion of the court.

Sec. 20. *Separability Clause.* - If any provision of this Act is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

Sec. 21. *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. 22. *Effectivity.* - This Act shall take effect fifteen days (15) after its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,