

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18TH) CONGRESS
First Regular Session

House Bill No. 358



Introduced by REPRESENTATIVE MARIA LAARNI L. CAYETANO

EXPLANATORY NOTE

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 barangays serve 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 the fruits of local public service.

In this sense, the creation of barangays, upon proper compliance with the requirements set by the Constitution and the Local Government Code, thus only serves to bolster the capability of local governments to efficiently and effectively perform their respective functions, duties and responsibilities in the name of autonomy, decentralization and national growth and prosperity.

Further, the policy of establishing, protecting and enhancing fiscal autonomy on all levels of local governance is integral to the proper exercise of local government functions. This policy refers not just to the power to allocate one’s resources in accordance with one’s priorities but also the power to create one’s own sources of revenue *in addition to* one’s equitable share in the national taxes released by the central government.

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. Further, Sec. 25 of RA 7160 bolsters the Constitutional grant of a just share of LGUs in the IRA.

Thus, this bill seeks to invoke the 1987 Constitution and RA 7160 by allowing Barangay Central Bicutan to be entitled to a just share from the national taxes.

Barangay Central Bicutan, located within the City of Taguig, Metro Manila, is one such barangay excluded from a share in the IRA. It has a land area of Four Hundred Ninety-Two Thousand Four Hundred square meters (492,400 sq.m.), more or less, and a population of Twenty Eight Thousand Three Hundred and One (28,301). It is bounded on the North East and East by a creek and by Maharlika Road, Lapu-Lapu Street, and Bonifacio Street; on the South, by Bonifacio Street and on the West and North West, by FTI Compound and Parañaque Cadastre. Having thus complied with the requisites prescribed under Section 386 of the Local Government Code and the plebiscite requirement contained in Section 10, Article X of the Constitution, it was separated from the original Barangay Upper Bicutan and created as a separate barangay by the City Government of Taguig, acting through the Sangguniang Panlungsod, under City Ordinance No. 57-2008 approved on September 01, 2008. Its corporate existence began on October 25, 2010 when its first set of regular officials was elected, pursuant to Section 14 of the Local Government Code.

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.



MARIA LAARNI L. CAYETANO
Representative
Second District, City of Taguig

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Introduced by **REPRESENTATIVE MARIA LAARNI L. CAYETANO**

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY CENTRAL
BICUTAN IN THE CITY OF TAGUIG, METRO MANILA**

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

SECTION 1. *Creation of Barangay Central Bicutan.* – The Central Bicutan Proper in Barangay Upper Bicutan, City of Taguig, Metro Manila is hereby separated from Barangay Upper Bicutan and constituted into a distinct and independent barangay to be known as Barangay Central Bicutan.

SEC.2. *Territorial Boundaries.* – The territorial boundaries of Barangay Central Bicutan shall consist of permanent natural boundaries identified as follows:

“Bounded on the Northeast and East by a creek and Maharlika Road, Lapu-Lapu Street and Bonifacio Street;

On the South by Bonifacio Street; and

On the West and Northwest by F.T.I. Compound and Parañaque Cadastre.”

SEC. 3. *Conduct and Supervision of Plebiscite.* – The plebiscite conducted and supervised by the Commission on Elections (COMELEC) in Barangay Upper Bicutan pursuant to City Ordinance No. 57, Series of 2008 of the Sangguniang Panlungsod of the City of Taguig, which ratified the creation of Barangay Central Bicutan as proclaimed by the City Board of Canvassers on December 28, 2008, 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”.

SEC. 4. *Incumbent Barangay Officials.* – The incumbent barangay officials of Barangay Central Bicutan, City of Taguig shall continue to hold office until such time that their successors have been duly elected and qualified.

SEC.5. *Public Infrastructure and Facilities.* – All 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 and shall be administered by the new barangay.

SEC. 6. *Internal Revenue Allotment Shares.* – Barangay Central Bicutan herein 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”.

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

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,