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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2855



Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the Senate (Sen. Angara's SB 2097, Sen. Pimentel's 2148) and the past (Rep. Roque's HB2662, Rep. Nograles' HB 7393) and present (Rep. Bagatsing's HB 1452, Rep. Angara's HB 1560) Congress.

The Barangays function as the basic political unit in the government system. Despite their continued delivery of public service for the betterment of their constituents, barangay officials are yet to receive the due recognition for all their efforts in fulfilling such an important role in our country.

This measure proposes the enactment of a Magna Carta for barangays that aims to aid the barangays in performing their mandate of delivering basic services and facilities to their respective communities. This measure also proposes the promotion of their welfare by providing them the necessary resources to alleviate their current condition and address the needs of their constituents, and as well as to contribute to the overall development of the whole community.

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


JOHN MARVIN "YUL SERVO" C. NIETO

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HOUSE BILL NO. 2855

Introduced by Hon. John Marvin "Yul Servo" C. Nieto

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:

I. TITLE, DECLARATION OF POLICY, AND GENERAL PRINCIPLES

Section 1. Short Title. - 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 insure its enjoyment of local autonomy to ensure 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 on its level.
- c. Self-help or people power shall be the guiding principle in all barangay development projects.

II. BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES

Sec. 4. The Barangay Officials as Regular Government Employees. - The punong barangay, sangguniang barangay members, the kabataang barangay chairman, the barangay secretary and barangay treasure in all barangays are hereby declared regular employees, and as such are entitled to fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such 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 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;
- b. Six Sangguniang Barangay Members – An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality;
- c. Kabataang Barangay 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.

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 drinking water. To attain this goal, every city and 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 health center and one barangay hall.

IV. MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTNOMY

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

137 maintenance of barangay roads and bridges and other similar constructions shall
138 be transferred or remitted directly to the general fund of every barangay for their
139 proper disposition by the barangay officials.

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141 **Sec. 11. Mandatory Share of Barangays in All Taxes, Fees or Other**
142 **Charges.** - Twenty-five percent (25%) of all taxes collected on real property
143 located within the barangay shall be considered barangay funds and shall be
144 allocated in accordance with existing laws. In addition thereto, each barangay shall
145 be entitled to ten percent (10%) from all other forms of taxes, fees, penalties,
146 compromises or other charges collected from persons residing in the barangay or
147 entities whose offices and/or manufacturing plant is located within the barangay.

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149 **Sec. 12. Equitable Share of the Barangay from the Proceeds of the**
150 **Utilization and Development of National Wealth.** - Every barangay shall be
151 entitled to an equitable share of the proceeds derived from the exploitation,
152 development and utilization of natural wealth within its territory. The amount of
153 barangay share shall be determined by the city or municipality concerned after
154 consultations with the concessionaires, the municipal or city officials and barangay
155 officials, taking into account the extent of the exposure of the barangay residents
156 to pollution, food and ecological imbalance: Provided, however, That this equitable
157 sharing rate for each barangay shall be resolved by all parties concerned not later
158 than six (6) months from the approval of this Act. Revenues derived from this
159 source shall also from part of the general fund of the barangay.

160 161 162 **V. SUNDRY MATTERS**

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164 **Sec. 13. Scholarship Grant.** - Every barangay shall sponsor at least one
165 scholarship grant every year leading to any bachelor degree to be awarded by a
166 committee of five persons appointed by the Sangguniang Barangay with the
167 approval of the Punong Barangay after competitive examinations are given to
168 applicants who should be bona fide residents of the barangay. The grant shall
169 include tuition fees and all other school fees, reasonable allowances for
170 schoolbooks, supplies and transportation and other expenses as the barangay may
171 deem appropriate.

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173 **Sec. 14. Priority in Employment.** - Residents in every barangay shall have the
174 priority in the hiring of workers and laborers to be needed in any government
175 construction or development projects within the barangay.

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177 **Sec. 15. Cooperative Enterprise.** - Cooperative enterprises in the barangay
178 shall be encouraged and every barangay is directed to give full assistance for the
179 establishment and organization of said enterprises and to take every possible
180 effort to make cooperative undertakings a way of life in the barangay.

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, the basic priorities in the barangays and the barangay scholarship grant.

Sec. 18. Penal Provision. - 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 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 provisions 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,