

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5346



Introduced by **HON. JOSEPH "JOJO" L. LARA**

EXPLANATORY NOTE

This bill aims to give due recognition to our barangay officials by providing them with compensation at par with other elected and appointed officials in the government service. Currently, there are around 42,045 barangays all over the Philippines.

The barangay is the smallest unit of the government. As defined by the Local Government Code, it serves 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, and where disputes may be amicably settled. They are at the forefront in public service and therefor it is but just to compensate the services they provide.

In consideration thereof, the passage of this bill in the 18th Congress is earnestly sought.


JOSEPH "JOJO" L. LARA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5346

Introduced by **HON. JOSEPH "JOJO" L. LARA**

AN ACT PROVIDING FOR A MAGNA CARTA FOR BARANGAYS

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

ARTICLE I

TITLE, DECLARATION OF POLICY AND GENERAL PRINCIPLES

SECTION 1. *Short Title.* – This Act shall be known as the "Magna Carta for Barangays."

SECTION 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.

SECTION 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;
- c) Self-help or people power shall be the guiding principle in all barangay development projects.

ARTICLE II

BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES

SECTION 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, benefits, such as insurance, medical, and dental coverage, and retirement benefits, and all other fringe benefits to which a regular government employee may be entitled to.

SECTION 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:

Punong Barangay	An amount equivalent to the salary of a sangguniang bayan member of his municipality or city.
Members of the Sangguniang Barangay	An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality or city.
Sangguniang Kabataan Chairperson, Barangay Secretary, Barangay Treasurer	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

SECTION 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 maybe, is hereby required to construct or maintain at least one (1) facility for drawing drinking water to supply the needs of everyone thousand (1,000) residents for each barangay within its jurisdiction.

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

SECTION 8. *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

SECTION 9. *Automatic Release of Share from National Taxes.* – The allotment representing the share of the barangay from the national taxes shall be released without need of any further action directly to the barangay treasurer on a quarterly basis within five (5) days after the end of each quarter.

SECTION 10. *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.

SECTION 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 office or manufacturing plant is located within the barangay.

SECTION 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 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

SECTION 13. *Scholarship Grant.* – Every barangay shall sponsor at least one (1) scholarship grant every year leading to any bachelor degree 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 *bonafide* residents of the barangay. The grant shall include tuition fees and all other school fees, reasonable allowances for schoolbooks, supplies, transportation, and other expenses as the barangay may deem appropriate.

SECTION 14. *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.

SECTION 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

SECTION 16. *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.

SECTION 17. *Appropriations.* – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act.

SECTION 18. *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 nor more than two thousand pesos, or by imprisonment or six months and one day, or both, subject to the discretion of the court.

If the offender is a public official, the court shall, after conviction, order his dismissal from the government service, in addition to the imposable penalties.

SECTION 19. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SECTION 20. *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.

SECTION 21. *Effectivity Clause.* – This Act shall take effect upon its publication in two (2) newspapers of general circulation.

Approved,