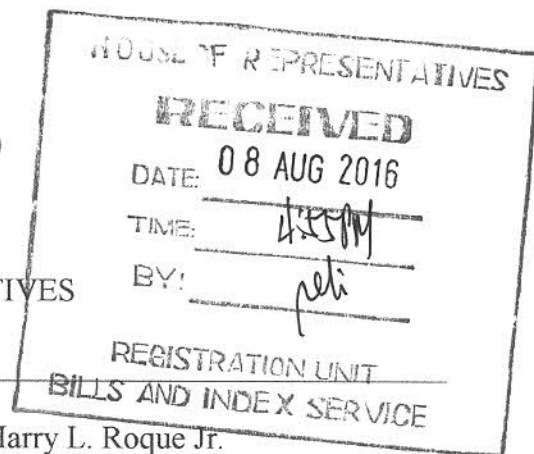


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES
H.B. No. 2662



Introduced by Representative Herminio Harry L. Roque Jr.

EXPLANATORY NOTE

The Constitution, Article 10, Section 3 states: "The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization with effective mechanisms of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units".

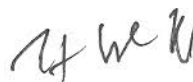
Barangays as the basic political unit serves as the primary planning and implementing unit of government programs, projects and activities. It serves as an opportunity for collective views of the people in the community to be considered and crystallized.

However despite this important role that this basic unit performs, barangay officials are considered as Sanggunian members that receive honoraries instead of regular salaries. Due to the important role of barangays, it is but just that measures be adopted to promote their welfare and prosperity.

This Legislative measure proposes that barangay officials be considered as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and other fringe benefits to which regular government employee is entitle.

This would also forward basic priorities such as regular supply of clean and potable water, public transportation, schools, health centers and barangay halls, should be provided every

barangay. An automatic release of share from national taxes and the transfer of funds to barangay for the maintenance of roads and bridges.¹



HERMINIO HARRY L. ROQUE JR.

¹This bill substantially draws from S.B. No. 277 filed by Senator Nene Pimentel during the Fourteenth Congress, Third Regular Session.

SEVENTEENTH CONGRESS OF THE REPUBLIC)
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1
2 **An Act Providing for the Magna Carta for Barangays, Designating Barangay Captains as**
3 **Government Employees, and For Other Purposes**

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

4 **I. - TITLE, DECLARATION OF POLICY**
5 **AND GENERAL PRINCIPLES**
6

7 **SECTION 1. *Title of Act.*** - This Act shall be known as "The Magna Carta for
8 Barangays."
9

10 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to promote, develop and
11 improve the general welfare of barangay residents, raise the economic and social status of
12 barangay officials, grant every barangay, the basic facilities for decent, healthy and comfortable
13 living therein and provide new measures that will insure its enjoyment of local autonomy to
14 ensure the effective performance of its role as the primary planning and implementing unit of
15 government programs, projects and activities, and as a forum in which the collective views of the
16 people in the community may be crystallized and considered.
17

18 **SEC. 3. *General Principles.*** - The following are the general principles of this Act:
19

1
2 (b) Every barangay shall be given the authority and capability to solve its
3 problems on its level.
4

5 (c) Self-help or people power shall be the guiding principle in all barangay
6 development projects.
7

8 **II. - BARANGAY OFFICIALS AS REGULAR** 9 **GOVERNMENT EMPLOYEES** 10

11 **SEC. 4. *The Barangay Officials as Regular Government Employees.*** – The punong
12 barangay, sangguniang barangay members, the kabataang barangay chairman, the barangay
13 secretary and barangay treasurer in all barangays are hereby declared regular government
14 employees, and as such are entitled to fixed salaries, allowances, insurance, medical and dental
15 coverage, retirement benefits and such other fringe benefits to which a regular government
16 employee may be entitled to.
17

18 **SEC. 5. *Salaries of Barangay Officials.*** - As soon as the appropriate steps and measures
19 are undertaken by each city or municipality in coordination with the individual barangay
20 involved on matters relating to the sources of fund and the corresponding appropriation
21 ordinance, which in no case shall be later than six (6) months from the approval hereof, all
22 barangay officials mentioned in paragraph 4 hereof, shall be entitled to the following fixed
23 salaries:
24

25 Punong Barangay - An amount equivalent to the salary of a sangguniang bayan member
26 of his municipality.
27

28 Six Sangguniang Barangay Members - An amount equivalent to eighty percent (80%) of
29 the salary of a sangguniang bayan member of his municipality.
30

1 Kabataang Barangay Chairman, Barangay Secretary, Barangay Treasurer - For each, an
2 amount equivalent to seventy-five percent (75%) of the salary of a sangguniang bayan member
3 of his municipality.

4 5 **III. - BASIC PRIORITIES IN THE BARANGAY** 6

7 **SEC. 6. *Drinking Water for Every Barangay.*** - It is the right of every barangay to have
8 a regular supply of clean and potable water. To attain this goal, every city or municipality, as the
9 case may be, is hereby required to construct and/or maintain at least one deep well with
10 pumping device for drawing drinking water *to* supply the needs of every one thousand residents
11 for each barangay within its jurisdiction.

12
13 **SEC. 7. *Transportation for Every Barangay.*** - It is also the right of every barangay to
14 have public transportation available at least once a day. For this purpose, every municipality or
15 city, as the case may be, should make such necessary representations before the appropriate
16 government agencies to require public utility companies operating within its jurisdiction to
17 provide the minimum means of transportation in every barangay.

18
19 **SEC. 8. *Schools, Health Centers and Barangay Halls for the Barangays.*** - Every
20 barangay is entitled to have at least one elementary school, provided that there shall be at least
21 one high school for every five (5) kilometers from the barangay center. It shall also be the right
22 of every barangay to have one health center and one barangay hall.

23 24 **IV. - MEASURES TO ASSURE THE ENJOYMENT** 25 **OF LOCAL AUTONOMY** 26

27 **SEC. 9. *Automatic Release of share from National Taxes.*** - It shall be the duty of the
28 National Treasury to remit automatically to the barangays every end of the calendar year their
29 just share from the national taxes.

30
31 **SEC. 10. *Transfer of Funds to Barangay for the Maintenance of Roads and Bridges.*** -
32 **All** public funds appropriated from the national treasury for the maintenance of barangay roads

1 and bridges and other similar constructions shall be transferred or remitted directly to the general
2 fund of every barangay for their proper disposition by the barangay officials.

3
4 **SEC. 11. *Mandatory Share of Barangays in All Taxes, Fees or Other Charges.* -**

5 Twenty-five percent (25%) of all taxes collected on real property located within the barangay
6 shall be considered barangay funds and shall be allocated in accordance with existing laws. In
7 addition thereto, each barangay shall be entitled to ten percent (10%) from all other forms of
8 taxes, fees, penalties, compromises or other charges collected from persons residing in the
9 barangay or entities whose office and/or manufacturing plant is located within the barangay.

10
11 **SEC. 12. *Equitable Share of the Barangay from the Proceeds of the Utilization and***
12 ***Development of National Wealth.* -** For the exploitation, utilization and development of natural
13 resources within its territory. Every barangay shall be entitled to an equitable share of the
14 proceeds derived from. The amount of barangay share shall be determined by the city or
15 municipality concerned after consultations with the concessionaires, the municipal or city
16 officials and barangay officials, taking into account the extent of the exposure of the barangay
17 residents to pollution, flood and ecological imbalance: *Provided, however,* That this equitable
18 sharing rate for each barangay shall be resolved by all parties concerned not later than
19 six (6) months from the approval of this Act. Revenues derived from this source shall also from
20 part of the general fund of the barangay.

21
22 **V. - SUNDRY MATTERS**

23
24 **SEC. 13. *Scholarship Grant.* -** Every barangay shall sponsor at least one scholarship
25 grant every year leading to any bachelor degree to be awarded by a committee of five persons
26 appointed by the Sangguniang Barangay with the approval of the Punong Barangay after
27 competitive examinations are given to applicants who should be bona fide residents of the
28 barangay. The grant shall include tuition fees and all other school fees, reasonable allowances for
29 schoolbooks, supplies and transportation and other expenses as the barangay may deem
30 appropriate.

1 **SEC. 14. *Priority in Employment.*** - Residents in every barangay shall have the priority
2 in the hiring of workers and laborers to be needed in any government construction or
3 development projects within the barangay.

4
5 **SEC. 15. *Cooperative Enterprise.*** - Cooperative enterprises in the barangay shall be
6 encouraged and every barangay is directed to give full assistance for the establishment and
7 organization of said enterprises and to take every possible effort to make cooperative
8 undertakings a way of life in the barangay.

9
10 **VI. - ADMINISTRATION AND ENFORCEMENT**

11
12 **SEC. 16. *Rules and Regulations.*** - The Secretary of Department of Interior and Local
13 Government shall promulgate such rules and regulations as may be necessary to implement the
14 provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect
15 thirty(30) days after publication in a national newspaper of general circulation and by such other
16 means as the Secretary of Local Government deems reasonably sufficient to give interested
17 parties general notice of such issuance.

18
19 **SEC. 17. *Budgetary Estimates.*** - The Secretary of Department of Interior and Local
20 Government shall submit to the Congress the necessary budgetary estimates to implement the
21 provisions of this Act concerning the allowances, insurance, medical, dental and retirement
22 benefits and other fringe benefits of barangay officials, the basic priorities in the barangays and
23 the barangay scholarship grant.

24
25 **SEC. 18. *Penal Provision.*** - Any person who shall willfully interfere with, restrain or
26 coerce any barangay official or barangay resident in the exercise of his or their rights guaranteed
27 by this Act or who shall in any other manner commit any act to defeat any of the provisions of
28 this Act shall, upon conviction, be punished by a fine of not less than five hundred pesos nor
29 more than two thousand pesos, or by imprisonment or six months and one day, or both, subject to
30 the discretion of the court. If the offender is a public official, the court shall order his dismissal
31 from the government service.

1 **SEC. 19. *Repealing Clause.*** - All Acts and decrees, executive orders, implementing rules
2 and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed,
3 amended or modified accordingly.

4
5 **SEC. 20. *Separability Clause.*** - If any provisions of this Act are declared invalid, the
6 remainder or any provisions thereof not affected thereby shall remain in force and effect.

7
8 **SEC. 21.** This Act shall take effect upon its publication in two national newspapers of
9 general circulation.

10
11 ***Approved,***

A handwritten signature in dark ink, appearing to be a stylized representation of the letters 'JH' followed by a flourish.