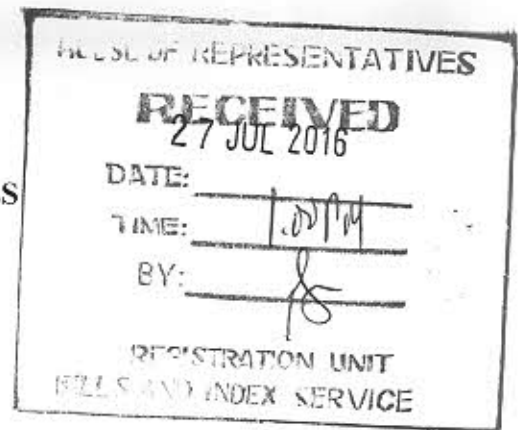


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session
Quezon City

HOUSE BILL NO. 2020



Introduced by Hon. MARIA VALENTINA G. PLAZA

EXPLANATORY NOTE

Republic Act No. 7160, otherwise known as “The Local Government of 1991,” as amended, was enacted precisely to breathe life into constitutional mandate of local autonomy by establishing a more responsive and accountable local government structure through an efficient system of decentralization. Essentially, this system is geared towards empowering local government units to achieve 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 barangay 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” (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.

The policy on 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 resources 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. However, the Local Government Code, in the last paragraph of Section 285 thereof, excludes barangays created by local government units through their respective local legislative bodies from receiving the above-mentioned constitutionally mandated equitable share in the nation's internal revenue taxes. The Code provides: "x x x the **financial requirements of barangays created by local government units after the effectivity of this Code** shall be the responsibility of the local government unit concerned" (emphasis and underscoring supplied).

The non-accordance of these resources to the local government units covered by the last paragraph of Section 285 of the Local Government Code is thus not in accord with the operative principles of decentralization contained in Section 3 therein and, fundamentally, with the express entitlement mandated by the Constitution.

Barangay Batucan located within the municipality of Talacogon, First District, Agusan del Sur, is one such barangay excluded from a share in the IRA. It has a land area of Six Hundred Two Hectares and Two Thousand One Hundred Seventy Square Meters (602.2170), and a population of Two Thousand Seventy Seven (2,077). 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 and created as a separate barangay by the municipality of Talacogon, through Provincial Ordinance No. 10, series of 1996.

An entitlement to the IRA is an indispensable element and a constitutionally and lawfully ingrained component of the resources of any local government unit. In the case of a barangay, said entitlement becomes even more crucial as these most basic local political subdivisions deliver the nation's frontline response to the needs of the Filipino citizenry. Further, it is at the barangay level that government, both national and local, ideally aspires to implement base policies, plans, programs, projects and activities, as well as settle all discussions, disputes and grievances. In the performance of this all-important frontline response and accountability functions, diminished and uncertain resources deliver a significant blow to the efficiency and effectiveness of barangay local governance. At the end of the day, it is the Filipino people themselves who bear the prejudicial consequences of this fiscal disparity.

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 VALENTINA G. PLAZA
Representative
First District, Agusan del Sur

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2020

Introduced by Hon. MARIA VALENTINA G. PLAZA

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY BATUCAN IN
THE MUNICIPALITY OF TALACOGON, AGUSAN DEL SUR**

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

SECTION 1. Creation of Barangay Batucan. – Barangay Batucan in Talacogon, Agusan del Sur, is hereby separated from Barangay del Monte and constituted into a new barangay to be known as the Barangay Batucan.

The technical description of Barangay Batucan shall be as follows:

Corner	DESCRIPTION
1	BBM No. 19, PB-13-00043-D
2-4	Stakes
5	BBM No. 67, PB-13-00043-D
6	BBM No. 66, PB-13-00043-D
7	BBM No. 65, PB-13-00043-D
8	BBM No. 64, PB-13-00043-D
9	BBM No. 63, PB-13-00043-D
10	Stakes
11	BBM No. 01, PB-13-00043-D
12	Stakes
13	BBM No. 12, PB-13-00043-D
14	BBM No. 59, PB-13-00043-D
15	BBM No. 59, PB-13-00043-D
16	BBM No. 61, PB-13-00043-D
17	BBM No. 62, PB-13-00043-D
18	BBM No. 09, PB-13-00043-D
19	BBM No. 08, PB-13-00043-D
20	BBM No. 15, PB-13-00043-D
21	BBM No. 79, PB-13-00043-D
22	BBM No. 80, PB-13-00043-D
23-25	Stakes

SEC. 2. Conduct and Supervision of Plebiscite. – Pursuant to Section 10 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the new barangay shall exist upon the majority of the votes cast by the qualified voters of Barangay Batucan, Municipality of Talacogon, Agusan del Sur in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) in the area affected, within ninety (90) days from the effectivity of this Act.

SEC. 3. Barangay Officials.- The first set of officials of the said barangay shall be appointed by the Municipal Mayor of Talacogon and shall hold office until such time that their successors have been fully elected and qualified.

SEC. 4. Public Infrastructure and Facilities. – All existing 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 and shall be administered by the new barangay,

SEC. 5. Interim Revenue Allotment Shares. – Barangay Batucan shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act No. 7160, otherwise known as the Local Government Code.

SEC. 6. – Appropriations. – The amount necessary to conduct the plebiscite as provided for under this Act shall be borne by the Municipality of Talacogon, Agusan del Sur.

SEC. 7. Effectivity. – This Act shall take effect upon its approval.

Approved,