

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



HOUSE OF REPRESENTATIVES
H. No. 2869

Introduced by **Representative Raul C. Tupas**

AN ACT TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

EXPLANATORY NOTE

This bill seeks to establish a Magna Carta for Barangays. As 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. It also serves as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.

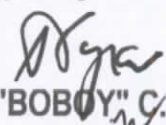
At present, barangay officials are considered as Sangguniang members that receive honoraria instead of regular salaries. It is high time that we provide our barangay officials with just compensation and benefits to motivate them to effectively and efficiently perform their governmental functions as delineated under the Local Government Code.

This bill proposes the following:

- a. Recognize barangay officials as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such other fringe benefits for which a regular employee may be entitled to;
- b. Promote the welfare of the barangays by providing appropriate basic services and facilities such as regular supply of clean and potable water, public transportation, schools, health centers and barangay halls in order to meet the requirements of their local constituents;
- c. Automatic release of share from the national taxes;
- d. Mandatory share of barangays in taxes, fees and other charges;
- e. Equitable share of the barangay from the proceeds of the utilization and development of national wealth;
- f. Establishment of a Botika sa Barangay (BSB)
- g. Proper garbage collection & segregation at the barangay level
- h. Priority in employment of residents; and
- i. Encouragement of cooperative enterprises

The proposed bill is part of the priority legislative agenda of the Duterte administration as mentioned by the President in his Fourth State of the Nation Address.

In view of the foregoing, the approval of this bill is earnestly sought.


RAUL "BOBOY" C. TUPAS

HOUSE OF REPRESENTATIVES
H. No. _____

Introduced by **Representative Raul C. Tupas**

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:

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 ensure 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 barangay, as it is the base of this country's economy.
- b) Every barangay shall be given the authority and capability to solve its problem 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

SECTION 4. The Barangay Officials as Regular Government Employees. – The punong barangay, sangguniang barangay members, the kabataang barangay chairman, the barangay secretary and barangay treasurer 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.

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:

- 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 each municipality.

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 drinking water. To attain this goal, every city and municipality, as the case maybe, 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.

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

SECTION 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 AUTONOMY

SECTION 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.

SECTION 10. *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

79 from persons residing in the barangay or entities whose offices and/or manufacturing
80 plant is located within the barangay.

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82 **SECTION 11. *Equitable Share of the Barangay from the Proceeds of the Utilization***
83 ***and Development of National Wealth.*** – Every barangay shall be entitled to an
84 equitable share of the proceeds derived from the exploitation, development and
85 utilization of natural wealth within its territory. The amount of barangay share shall be
86 determined by the city or municipality concerned after consultations with the
87 concessionaires, the municipal or city officials and barangay officials, taking into
88 account the extent of the exposure of the barangay residents to pollution, food and
89 ecological imbalance: *Provided, however,* That this equitable sharing rate for each
90 barangay shall be resolved by all parties concerned not later than six (6) months from
91 the approval of this Act. Revenues derived from this source shall also form part of the
92 general fund of the barangay.

93 94 V. SUNDRY MATTERS

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96 **SECTION 12. *Botika sa Barangay.*** – There shall be established a barangay drugstore
97 or botika sa barangay (BSB) in every barangay, giving priority to barangays on the basis
98 of population, poverty incidence, extent of medical and health care and/or services,
99 geographical conditions, financial and other socio-economic factors. The Department of
100 Health shall undertake prior consultations with the barangay and municipal council that
101 in the establishment of a BSB, highest priority shall be given to those economically
102 depressed barangays.

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104 **SECTION 13. *Proper Garbage Collection.*** – Segregation and collection of solid waste
105 shall be conducted at the barangay level specifically for biodegradable, compostable
106 and reusable wastes.

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108 **SECTION 14. *Priority in Employment.*** – Residents in every barangay shall have the
109 priority in the hiring of workers and laborers to be needed in any government
110 construction or development projects within the barangay.

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112 **SECTION 15. *Cooperative Enterprise.*** – Cooperative enterprises in the barangay shall
113 be encouraged and every barangay is directed to give full assistance for the
114 establishment and organization of said enterprises and to take every possible effort to
115 make cooperative undertakings a way of life in the barangay.

116 117 VI. ADMINISTRATION AND ENFORCEMENT

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119 **SECTION 16. *Rules and Regulations.*** – The Secretary of Department of Interior and
120 Local Government in coordination with the Secretary of the Department of Health shall
121 promulgate such rules and regulations as may be necessary to implement the
122 provisions of this Act. Rules and regulations issued pursuant to this Section shall take
123 effect thirty (30) days after publication in a national newspaper or general circulation
124 and by such other means as the Secretary of Local Government deems reasonably
125 sufficient to give interested parties general notice of such issuance.

127 **SECTION 17. *Budgetary Estimates.*** – The Secretary of Department of Interior and
128 Local Government shall submit to the Congress the necessary budgetary estimates to
129 implement the provisions of this Act concerning the allowances, insurance, medical,
130 dental and retirement benefits and other fringe benefits of barangay officials, the basic
131 priorities in the barangays and the barangay scholarship grant.

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133 **SECTION 18. *Penal Provision.*** – Any person who shall willfully interfere with, restrain
134 or coerce any barangay official or barangay resident in the exercise of his or their rights
135 guaranteed by this Act or who shall in any other manner commit any act to defeat any
136 of the provisions of this Act shall, upon conviction, be punished by a fine of not less than
137 five hundred pesos nor more than two thousand pesos, or by imprisonment of six
138 months and one day, or both, subject to the discretion of the court.

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140 If the offender is a public official, the court shall order his dismissal from the
141 government service.

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143 **SECTION 19. *Repealing Clause.*** – All Acts and decrees, executive orders,
144 implementing rules and regulations or parts thereof, inconsistent with the provisions of
145 this Act are hereby repealed, amended or modified accordingly.

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147 **SECTION 20. *Separability Clause.*** – If any provisions of this Act are declared invalid,
148 the remainder or any provisions thereof not affected thereby shall remain in force and
149 effect.

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151 **SECTION 21. *Effectivity.*** - This Act shall take effect fifteen (15) days after publication
152 in the Official Gazette or in two (2) national newspapers of general circulation.

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154 Approved,