

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4464



INTRODUCED BY HON. ROBERTO "ROBBIE" V. PUNO

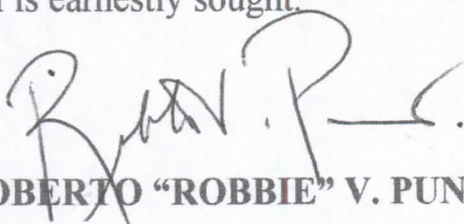
Explanatory Note

The barangay serves as our basic political unit and the primary planning and implementing unit of government policies, plans, and programs in communities. (Section 384 of Republic Act No. 7160 or the Local Government Code of 1991)

The barangay is arguably one of the most important government unit as it interacts most closely to the people and barangay officials act as the front-liners in the delivery of services to the people. Despite this vital role, however, barangay officials only receive honoraria and minimal benefits, and are not entitled to salaries, hazard pay, and other allowances and benefits being granted to and enjoyed by regular government workers.

There is therefore an urgent need to strengthen barangays and empower our barangay officials. This bill provides barangay officials with benefits and privileges accorded to a regular government employee. It also provides for basic priorities such as supply of clean and potable water, public transportation, schools, health centers, and barangay halls. Furthermore, this magna carta also outlines the measures that will help ensure that the barangays enjoy genuine and meaningful local autonomy and attain full development, namely: automated release of their share from national taxes; transfer of funds to barangays for the maintenance of roads and bridges; mandatory share of barangays in taxes, fees and other charges; and priority in employment.

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


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AN ACT ESTABLISHING 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”.

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 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 activity, and as a forum in which the collective views of the people in the community may be crystallized and considered.

I. BARANGAY OFFICIALS SALARIES AND BENEFITS

SEC. 3. *The Barangay Officials as Regular Government Employees.* – The Punong Barangay, Sangguniang Barangay members; Sangguniang Kabataan Chairman, barangay secretary, barangay treasurer, members of the Lupon Tagapamayapa, and barangay tanods 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. 4. *Salaries of Barangay Officials.* – As soon as appropriate steps and measures are undertaken by each city and municipality in coordination with the individual barangay involved on matters relating to the sources of fund and the corresponding appropriation ordinance, which no case shall be later than six (6)

months from the approval hereof, all barangay officials mentioned in Section 3 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. Sangguniang Barangay Members – an amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality;
- c. Sangguniang Kabataan Chairman, Barangay Secretary, and Barangay Treasurer – for each, an amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality;
- d. The Barangay Tanods and Member of the Lupon Tagapamayapa – an amount to be determined by the barangay according to their capacity, but in no case lower than the minimum daily wage ceilings set by the respective Regional Wage Board.

SEC. 5. *Other Benefits and Privileges* - All barangay officials mentioned in Section 3 shall be entitled to the following additional benefits and privileges:

- a. Free Legal Services. – The Public Attorney's Office (PAO) shall represent barangay officials in cases filed against them in connection with the performance of their duties.
- b. Free Medical Examination and Treatment. – Annual medical examination shall be provided by government hospitals, free of charge. All barangay officials mentioned in Section 3 suffering from work-related ailments shall be treated without cost in government hospitals.
- c. Access to Livelihood, Loans, Grants, and Skills Enhancement. – The DSWD and the LGUs, in coordination with other concerned government agencies, shall provide the barangay officials with a mechanism for accessing livelihood, loans, grants, and skills enhancement services.
- d. Other Benefits. – All barangay officials mentioned in Section 3 shall automatically become members of the Government Service Insurance System (GSIS), Pag-IBIG, and PhilHEALTH, and shall be entitled to maternity/paternity, sick, and vacation leaves as provided for by existing laws.

SEC. 6. *Barangay Retirement Gratuity Fund (BRGF)*. – There is hereby created a Barangay Retirement Gratuity Fund (BRGF) which shall be used to fund the retirement gratuity of the Punong Barangay, Sangguniang Barangay members; Sangguniang Kabataan Chairman, barangay secretary, barangay treasurer, Barangay Tanods and Members of the Lupon Tagapamayapa. The amount equivalent to one (1%) percent of the share of the national government under Section 284 of the Local Government Code of 1991, as amended, shall be used for this purpose.

The Department of Interior and Local Government (DILG) shall administer and ensure the appropriate disbursement of the BRGF.

II. BASIC PRIORITIES IN THE BARANGAY

SEC. 7. *Drinking Water for Every Barangay.* – It is the right of every barangay to have a access to and 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 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.8. *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 city and municipality, 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.9. *Schools, Health Centers, and Barangay Halls for the Barangay.* – 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.

III. LOCAL FISCAL AUTONOMY

SEC.10. *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.11. *Transfer of Fund 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 constructions shall be transferred or remitted directly to the general fund of every barangay for the proper disposition by the barangay officials.

SEC.12. *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 offices and/or manufacturing plant is located within the barangay.

SEC.13. *Equitable Share of the Barangay from the Proceeds of the Utilization and Development of National Wealth.* – Every barangay shall be entitled to an equitable share of the proceeds derived from the exploitation, development, and utilization of natural wealth within its territory. 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, food and ecological balance: Provided, however, That this equitable sharing rate of 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 form part of the general fund of the barangay.

IV. SUNDRY MATTERS

SEC.14. *Scholarship Grants.* – Every barangay shall sponsor at least one scholarship grant every year leading to any bachelor degree to be awarded by a committee of five persons appointed by the Sangguniang Barangay with the approval of the Punong Barangay after competitive examinations are given to applicants who should be bona fide residents of the barangay. The grant shall include tuition fees and all other school fees, reasonable allowances for school books, supplies, transportation, and other expenses as the barangay may deem appropriate.

SEC.15. *Priority in Employment.* – Residents in every barangay shall have the priority in the hiring of workers and laborers to be needed in any government construction or development projects within the barangay

SEC.16. *Cooperative Enterprise.* – Cooperative enterprise 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.

V. ADMINISTRATION AND ENFORCEMENT

SEC.17. *Rules and Regulations.* – The Secretary of DILG 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.18. *Budgetary Estimates.* – The Secretary of DILG 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.19. *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 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.20. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or parts thereof, which are inconsistent with the Act are hereby repealed, amended or modified accordingly.

SEC.21. *Separability Clause.* – If any provisions of this Act are declared invlaid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SEC.22. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,