

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 4041



---

Introduced by Representative **FERDINAND L. HERNANDEZ**

---

**AN ACT**  
**PROVIDING FOR A MAGNA CARTA FOR BARANGAYS**

**EXPLANATORY NOTE**

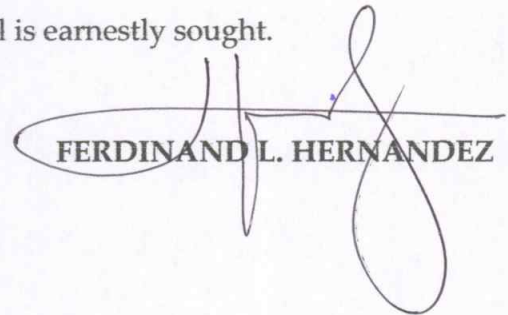
As the primary planning and implementing unit of government programs, there is a need to introduce necessary improvements on the existing policies governing our Barangays. It is a necessity to develop new measures to strengthen their local autonomy and ensure effective performance of its leaders.

By declaring our barangay officials as regular government employees, we are able to empower them and give due credit for their hard work and dedication to their role as leaders in their respective barangays. Likewise, by raising the current benefits and their appointment to permanent status during the administration of the sangguniang barangay who appointed them, our barangay tanods will be more motivated and will be given rightful compensation for their vital function of maintaining peace and order in our barangays. Through raising the economic and social status of our barangay leaders and barangay tanods, they will be able to effectively perform their function and ensure the improvement of the general welfare of barangay residents.

This bill also seeks to provide every barangay with its fundamental needs such as drinking water, transportation, elementary school, health center, and mandatory share in the taxes collected by other tax-collecting bodies in their jurisdictions. It shall also mandate sponsorship of at least one barangay scholar for any bachelor's degree, helping contribute to the education of our youth.

Ultimately, the bill shall ensure that barangay services are delivered more efficiently, leading to a better quality of life for all.

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



FERDINAND L. HERNANDEZ

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 4041**

---

Introduced by Representative **FERDINAND L. HERNANDEZ**

---

**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**

**POLICY AND PRINCIPLES**

**Section 1. Short Title.** - This Act shall be known as the "*Magna Carta for Barangay Act of 2019.*"

**Sec. 2. Declaration of Policy.** - It is the policy of the State to promote, develop and improve the general welfare of the barangay and its residents, raise the economic and social status of barangay officials, grant every barangay the basic facilities for decent, healthy and comfortable living, and provide new measures that will protect its enjoyment of local autonomy to ensure the effective performance of its role as the primary planning and implementing unit of government programs, projects, activities, and as a forum in which the collective views of the people in the



1 community may be crystallized.

2  
3 **Sec. 3. General Principles.** – The following are the general  
4 principles of this Act:

- 5 a.) The national government shall give more attention to the development of the  
6 barangays, as they are the country's basic political units;  
7 b.) Every barangay shall be given the authority and capability to handle its  
8 concerns on its level; and  
9 c.) Self-help or people power shall be the guiding principle in all barangay  
10 development projects.

11  
12 **ARTICLE II**  
13 **BARANGAY OFFICIALS**  
14

15 **Sec. 4. Barangay Officials as Regular Government Employees.** – The punong  
16 barangay, members of the sangguniang barangay, the sangguniang kabataan  
17 chairperson, the barangay secretary and barangay treasurer in all barangays are  
18 hereby declared regular government employees, and as such, are entitled to the  
19 salary, emoluments, allowances such as hazard pay, Representation and  
20 Transportation Allowance, Personnel Economic Relief Allowance, Productivity  
21 Incentive Bonus, Clothing Allowance and 13th month pay, and other benefits such  
22 as insurance, medical and dental coverage, retirement benefits, and all other fringe  
23 benefits to which a regular government employee may be entitled to.

24  
25 **Sec. 5. Salaries of Barangay Officials.** – As soon as the appropriate steps and  
26 measures are undertaken by each city or municipality in coordination with the  
27 individual barangay involved on matters relating to the sources of fund and the  
28 corresponding appropriation ordinance, which in no case shall be later than six (6)  
29 months from the approval hereof, all barangay officials mentioned in Section 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/her municipality or city;
- b.) Members of the Sangguniang Barangay – An amount equivalent to eighty percent (80%) of the salary of the sangguniang bayan member of his/her municipality or city; and
- c.) Sangguniang Kabataan Chairperson, Barangay Secretary and Barangay Treasurer – An amount equivalent to seventy-five percent (75%) of the salary of the sangguniang bayan member of his/her municipality or city.

**Sec. 6. Appointment, Selection and Benefits of Barangay Tanods.** - There shall be barangay tanods in every barangay who shall maintain peace and order, and enforce all laws and ordinances relative to the protection of lives and properties in their respective barangays. The sangguniang barangay shall, through a resolution, determine the appropriate number of barangay tanods needed in their respective barangay.

The appointment and selection of barangay tanods shall be done by the Punong Barangays with the concurrence of the majority of the members of the sangguniang barangay concerned in accordance with merit and principle: *Provided*, That no person shall be appointed barangay tanod unless he or she is a citizen of the Philippines, a resident of the barangay concerned, of good moral character and of sound mind: *Provided further*, That patronage or partisan considerations shall not be a basis for such selection and appointment.

Barangay tanods shall be appointed to a permanent status during the administration of the sangguniang barangay which appointed them.

Barangay tanods shall receive the following benefits and privileges:

- (a) Honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal or city ordinance in accordance with the provisions of Republic Act No. 7160, but in no case shall it be less than Six

hundred pesos (P600.00) per month;

(b) Christmas bonus of at least One thousand pesos (P1,000.00) each, the funds for which shall be taken from the general fund of the barangay or from such other funds appropriated by the national government for the purpose;

(c) Insurance coverage which shall include, but shall not be limited to temporary and permanent disability, double indemnity, accident insurance, death and burial benefits;

(d) Free medical care including subsistence, medicines, and medical attendance in any government hospital or institution: Provided, That such hospital care shall include surgery or surgical expenses, medicines, X-rays, laboratory fees, and other hospital expenses; and

(e) Exemption during their incumbency from paying tuition and matriculation fees for their legitimate dependent children attending state colleges or universities. He may likewise avail of such educational benefits in a state college or university located within the province or city to which the barangay belongs.

### ARTICLE III

## BASIC PRIORITIES IN THE BARANGAY

**Sec. 7. 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 may be, is hereby required to construct or maintain at least one (1) facility for drawing drinking water to supply the needs of every one thousand (1,000) 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



1 purpose, every municipality or city, as the case may be, should make such necessary  
2 representations before appropriate government agencies to require public utility  
3 companies operating primarily within its jurisdiction to provide the minimum  
4 means of transportation in every barangay.

5  
6 **Sec. 9. Schools. Health Centers, and Barangay Halls for the Barangays.** - As  
7 far as practicable, every barangay is entitled to have at least one (1) kindergarten and  
8 at least one (1) elementary school: *Provided*, That there shall be at least one high  
9 school for every five (5) kilometers from the barangay center. It shall also be the right  
10 of every barangay to have one (1) health center and one (1) barangay hall.

#### 11 12 **ARTICLE IV**

#### 13 **MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY**

14 **Sec. 10. Automatic Release of Share from National Taxes.** - The share of each  
15 barangay from all national taxes shall be released, without need of further action,  
16 directly to the barangay treasurer. The national taxes to be included in the base for  
17 computing the just share of barangays shall include, but not be limited to, the  
18 following:

- 19 (a) The national internal revenue taxes enumerated in Section 21 of  
20 the National Internal Revenue Code, as amended, collected by the Bureau  
21 of Internal Revenue and the Bureau of Customs;
- 22 (b) Tariff and customs duties collected by the Bureau of Customs;
- 23 (c) 60% of the national taxes collected from the exploitation and development  
24 of the national wealth.
- 25 (d) The remaining 40% of the national taxes collected from the exploitation  
26 and development of the national wealth shall exclusively accrue to the  
27 host Local Government Units pursuant to Section 290 of Republic Act No.  
28 7160 (Local Government Code);
- 29 (e) 85% of the excise taxes collected from locally manufactured Virginia and

1 other tobacco products.

2 (f) The remaining 15% shall accrue to the special purpose funds created by  
3 Republic Act No. 7171 and Republic Act No. 7227;

4 (g) The entire 50% of the national taxes collected under Sections 106, 108 and  
5 116 of the NIRC as provided under Section 283 of the NIRC;

6 (h) 5% of the 25% franchise taxes given to the National Government under  
7 Section 6 of Republic Act No. 6631 and Section 8 of Republic Act No. 6632;  
8 and

9 (i) The appropriate sharing for the Bangsamoro Autonomous Region in  
10 Muslim Mindanao under Republic Act No. 11054.

11  
12 **Sec. 11. *Transfer of Funds to Barangay for the Maintenance of Roads and***  
13 ***Bridges.*** – All public funds appropriated from the National Treasury for the  
14 maintenance of barangay roads and bridges and other similar construction works  
15 shall be transferred or remitted directly to the general fund of every barangay for  
16 their proper disposition by barangay officials, subject to auditing laws, rules, and  
17 regulations.

18  
19 **Sec. 12. *Mandatory Share of Barangays in All Taxes, Fees, or Other Charges.***  
20 – Twenty-five percent (25%) of all taxes collected on real property located within the  
21 barangay shall be considered barangay funds and shall be allocated in accordance  
22 with existing laws. In addition, thereto, each barangay shall be entitled to ten percent  
23 (10%) from all other forms of taxes, fees, penalties, compromises, or other charges  
24 collected from persons residing in the barangay or entities whose office or  
25 manufacturing plant is located within the barangay.

26  
27 **Sec. 13. *Equitable Share of the Barangay from the Proceeds of the Utilization***  
28 ***and Development of National Wealth*** – For the exploitation, utilization, and  
29 development of natural resources within its territory, every barangay shall be



1 entitled to an equitable share of the proceeds derived therefrom. The amount of  
2 barangay share shall be determined by the city or municipality concerned after  
3 consultations with the concessionaires, the municipal or city officials and barangay  
4 officials, taking into account the extent of the exposure of the barangay residents to  
5 pollution, flood and ecological imbalance: *Provided, That, this equitable sharing rate*  
6 *for each barangay shall be resolved by all parties concerned not later than six (6)*  
7 *months from the approval of this Act.*

8 Revenues derived from this source shall also from part of the general fund of  
9 the barangay.

## 10 ARTICLE V

### 11 MISCELLANEOUS BENEFITS

12  
13 **Sec. 14. *Scholarship Grant.*** – Every barangay shall sponsor at least one (1)  
14 college scholarship grant every year to be awarded by a committee of five (5)  
15 persons appointed by the Sangguniang Barangay, with the approval of the Punong  
16 Barangay, after competitive examinations are given to applicants, who should be  
17 bona fide residents of the barangay. The grant shall include tuition fees and all other  
18 school fees, reasonable allowances for school books, supplies, transportation, and  
19 other expenses as the barangay may deem appropriate.

20  
21 **Sec. 15. *Priority in Employment.*** – Residents in every barangay shall have  
22 priority in the hiring of workers and laborers to be needed in any government  
23 construction or development project within the barangay.

24  
25 **Sec. 16. *Cooperative Enterprise.*** – Cooperative enterprises in the barangay  
26 shall be encouraged. Every barangay is directed to give full assistance for the  
27 establishment and organization of said enterprises and to take every possible effort  
28 to make cooperative undertakings a way of life in the barangay.

1 ARTICLE VI

2 ADMINISTRATION AND ENFORCEMENT

3  
4 **Sec. 17. Rules and Regulations.** – The Secretary of the Interior and Local  
5 Government shall promulgate such rules and regulations as may be necessary to  
6 implement the provisions of this Act. Rules and regulations issued pursuant to this  
7 Section shall take effect thirty (30) days after publication in a newspaper of general  
8 circulation and by such other means as the Secretary deems reasonably sufficient to  
9 give interested parties general notice of such issuance.

10  
11 **Sec. 18. Appropriations.** – The amount necessary to implement the provisions  
12 of this Act shall be included in the annual General Appropriations Act.

13 **Sec. 19. Penal Provisions.** – Any person who shall willfully interfere with,  
14 restrain or coerce any barangay official or barangay resident in the exercise of his or  
15 their rights guaranteed by this Act or who shall in any other manner commit any act  
16 to defeat any of the provisions of this Act shall, upon conviction, be punished by a  
17 fine of not less than five hundred pesos (P500.00) nor more than two thousand pesos  
18 (P2,000.00), or by imprisonment or six (6) months and one (1) day, or both, subject to  
19 the discretion of the court.

20  
21 **Sec. 20. Separability Clause.** – If any provision of this Act is subsequently  
22 declared unconstitutional, the validity of the remaining provisions hereof shall  
23 remain in full force and effect.

24  
25 **Sec. 21. Repealing Clause.** – All acts and decrees, executive orders,  
26 implementing rules and regulations or parts thereof, inconsistent with the provisions  
27 of this Act are hereby repealed, amended or modified accordingly.

1           **Sec. 22. *Effectivity.*** - This Act shall take effect fifteen days (15) after its  
2 complete publication in at least two (2) newspapers of general circulation in the  
3 Philippines.

Approved,