

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

SENATE
Office of the Secretary

19 JUL 11 P 4:01

SENATE

S. B. No. 391 RECEIVED BY: JF

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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

EXPLANATORY NOTE

As the basic political unit under the Local Government Code, 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. Barangays are the primary administrative engines of growth and development. As such, they deserve no less than primordial consideration in our efforts to craft, improve and strengthen our laws, rules and procedures pertaining to the local government system.

Barangay officials are given so much responsibility, yet they only receive honoraria and some benefits, and are not entitled to salary, hazard pay, and other allowances granted to regular government workers. The need to strengthen the barangay as an instrument of genuine and meaningful reform is therefore imperative.

Moreover, the current peace and order situation in the country calls for the need to have more barangay tanods in each barangay. Currently, the Local Government Code imposes a cap on the maximum number of barangay tanods that can be appointed per barangay. This imposition needs to be revisited as barangays

with bigger area and higher crime incidents should be allowed to appoint additional tanods.

To address the aforementioned concerns, this bill provides barangay officials with benefits and privileges accorded to a regular government employee. This measure also aims to empower the barangays by providing them appropriate basic services and facilities. It provides for measures that will help ensure that barangays enjoy genuine and meaningful local autonomy. This bill also delegates to the sangguniang barangay the determination of the proper number of barangay tanods needed in their respective barangays.

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



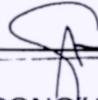
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**AN ACT
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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 community may be crystallized.

Sec. 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

barangays, as they are the country's basic political units;
b.) Every barangay shall be given the authority and capability to handle its concerns on its level; and
c.) Self-help or people power shall be the guiding principle in all barangay development projects.

ARTICLE II

BARANGAY OFFICIALS

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

Sec. 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 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

1 of the sangguniang bayan member of his/her municipality or city.
2

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

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

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

18 Barangay tanods shall receive the following benefits and privileges:

- 19 (a) Honoraria, allowances, and such other emoluments as may be authorized
20 by law or barangay, municipal or city ordinance in accordance with the
21 provisions of Republic Act No. 7160, but in no case shall it be less than Six
22 hundred pesos (P600.00) per month;
- 23 (b) Christmas bonus of at least One thousand pesos (P1,000.00) each, the
24 funds for which shall be taken from the general fund of the barangay or
25 from such other funds appropriated by the national government for the
26 purpose;
- 27 (c) Insurance coverage which shall include, but shall not be limited to
28 temporary and permanent disability, double indemnity, accident insurance,
29 death and burial benefits;
- 30 (d) Free medical care including subsistence, medicines, and medical attendance
31 in any government hospital or institution: *Provided*, That such hospital care
32 shall include surgery or surgical expenses, medicines, X-rays, laboratory

1 fees, and other hospital expenses; and

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

7

8 **ARTICLE III**

9 **BASIC PRIORITIES IN THE BARANGAY**

10

11 **Sec. 7. Drinking Water for Every Barangay.** - It is the right of every
12 barangay to have a regular supply of clean and potable water. To attain this goal,
13 every city or municipality, as the case may be, is hereby required to construct or
14 maintain at least one (1) facility for drawing drinking water to supply the needs of
15 every one thousand (1,000) residents for each barangay within its jurisdiction.

16

17 **Sec. 8. Transportation for Every Barangay.** - It is also the right of every
18 barangay to have public transportation available at least once a day. For this purpose,
19 every municipality or city, as the case may be, should make such necessary
20 representations before appropriate government agencies to require public utility
21 companies operating primarily within its jurisdiction to provide the minimum means of
22 transportation in every barangay.

23

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

30

31 **ARTICLE IV**

32 **MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY**

1 **Sec. 10. Automatic Release of Share from National Taxes.** – The share
2 of each barangay from all national taxes shall be released, without need of further
3 action, directly to the barangay treasurer. The national taxes to be included in the
4 base for computing the just share of barangays shall include, but not be limited to,
5 the following:

- 6 (a) The national internal revenue taxes enumerated in Section 21 of
7 the National Internal Revenue Code, as amended, collected by the Bureau
8 of Internal Revenue and the Bureau of Customs;
- 9 (b) Tariff and customs duties collected by the Bureau of Customs;
- 10 (c) 60% of the national taxes collected from the exploitation and development
11 of the national wealth.
- 12 (d) The remaining 40% of the national taxes collected from the exploitation
13 and development of the national wealth shall exclusively accrue to the host
14 Local Government Units pursuant to Section 290 of Republic Act No.
15 7160 (Local Government Code);
- 16 (e) 85% of the excise taxes collected from locally manufactured Virginia and
17 other tobacco products.
- 18 (f) The remaining 15% shall accrue to the special purpose funds created by
19 Republic Act No. 7171 and Republic Act No. 7227;
- 20 (g) The entire 50% of the national taxes collected under Sections 106, 108 and
21 116 of the NIRC as provided under Section 283 of the NIRC;
- 22 (h) 5% of the 25% franchise taxes given to the National Government under
23 Section 6 of Republic Act No. 6631 and Section 8 of Republic Act No. 6632;
24 and
- 25 (i) The appropriate sharing for the Bangsamoro Autonomous Region in Muslim
26 Mindanao under Republic Act No. 11054.

27
28 **Sec. 11. Transfer of Funds to Barangay for the Maintenance of Roads
29 and Bridges.** – All public funds appropriated from the National Treasury for the
30 maintenance of barangay roads and bridges and other similar construction works shall
31 be transferred or remitted directly to the general fund of every barangay for their
32 proper disposition by barangay officials, subject to auditing laws, rules, and

regulations.

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 office 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 – For the exploitation,

utilization, and development of natural resources within its territory, every barangay shall be entitled to an equitable share of the proceeds derived therefrom. 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, flood and ecological imbalance: *Provided*, That, this equitable sharing rate for 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.

ARTICLE V

MISCELLANEOUS BENEFITS

Sec. 14. Scholarship Grant. – Every barangay shall sponsor at least one (1)

college scholarship grant every year to be awarded by a committee of five (5) 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.

1

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

5

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

10

11

ARTICLE VI

12

ADMINISTRATION AND ENFORCEMENT

13

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

20

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

23

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

30

31

Sec. 20. Separability Clause. – If any provision of this Act is subsequently

1 declared unconstitutional, the validity of the remaining provisions hereof shall remain
2 in full force and effect.

3

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

7

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

Approved,