Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

House Bill No. 1527

HOUSE OF REPRESENTATIVES
RECEIVED
DATE: 20 JUL 2004
TIME: 2:36 PM
BY:
PUBLIC & INDEX DIVISION

Introduced by REP. DOUGLAS RA. CAGAS

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 programs, projects and activities. It is also the forum in which the collective views of the people in the community may be crystallized and considered.

Due to the important role of barangays, it is but just that measures be adopted to promote their welfare and prosperity.

This legislative measure proposes the following:

1. That barangay officials be considered as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and other fringe benefits to which regular government employee is entitle
2. Basic priorities such as regular supply of clean and potable water, public transportation, schools, health centers and Barangay halls, should be provided every barangay.
3. Automatic release of share from the national taxes;
4. Transfer of funds to barangay for the maintenance of roads and bridges;
5. Mandatory share of barangays in taxes, fees and other charges;
6. priority in employment.

The approval of this bill is, therefore, earnestly urged.

DOUGLAS RA. CAGAS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

House Bill No. 1527

Introduced by REP. DOUGLAS RA. CAGAS

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:

I. - TITLE, DECLARATION OF POLICY AND GENERAL PRINCIPLES

SECTION 1. ***Title of Act.*** - 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 insure 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.

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 barangay, as it is the base of this country's economy.

b. Every barangay shall be given the authority and capability to solve its problems 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

SEC. 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 government 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. 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:

Punong Barangay - An amount equivalent to the salary of a sangguniang bayan member of his municipality.

Six Sangguniang Barangay Members - An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality.

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 his municipality.

III. - BASIC PRIORITIES IN THE BARANGAY

SEC. 6. ***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 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.

SEC. 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.

SEC. 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

SEC. 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.

SEC. 10. ***Transfer of Funds 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 their proper disposition by the barangay officials.

SEC. 11. ***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 and/or manufacturing plant is located within the barangay.

SEC. 12. ***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 from.

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, however,* 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 from part of the general fund of the barangay.

V. - SUNDRY MATTERS

SEC. 13. ***Scholarship Grant.*** - 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 schoolbooks, supplies and transportation and other expenses as the barangay may deem appropriate.

SEC. 14. ***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. 15. ***Cooperative Enterprise.*** - Cooperative enterprises 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.

VI. - ADMINISTRATION AND ENFORCEMENT

SEC. 16. ***Rules and Regulations.*** - The Secretary of Local Government 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. 17. ***Budgetary Estimates.*** - The Secretary of Local Government 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. 18. ***Penal Provision.*** - 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 or 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. 19. ***Repealing Clause.*** - All Acts and decrees, executive orders, implementing rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

SEC. 21. This Act shall take effect upon its publication in two national newspapers of general circulation.

Approved,