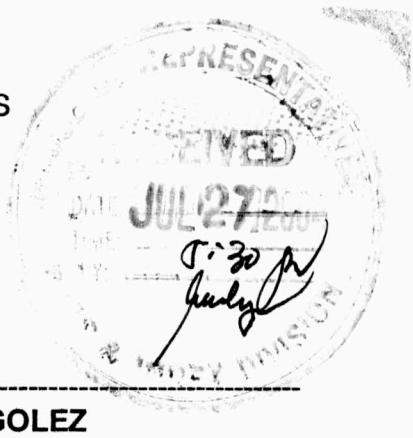
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS

House Bill No. 1733



Introduced by the **Honorable ROILO GOLEZ**

EXPLANATORY NOTE

The barangay is the basic political unit and as such is closest to the people, being in the frontline of the whole government machinery.

The barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community. It is a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.

Thus, in the overall government machinery, the barangay plays a vital role in service delivery, information dissemination and community building, among others. Since barangays are close to the people, barangays need to be empowered to respond adequately to the peculiarities of the locality and the citizenry in general. Having been vested with authority to implement the *Katarungang Pambarangay Program* - a task which is quite tedious to operationalize - to grant additional powers to the barangay insofar as the issuance of licenses and permits are concerned would seem to be ministerial.

Barangays are also the most logical guards or natural resources within their jurisdiction. They suffer most from degradation, thus they should have a major say in the exploration and utilization of barangay resources. In having a say on the matter, barangays need to also be empowered to a bigger share of proceeds of tax on sand, gravel and other quarry resources.

The grant of these powers would reduce the workload of the municipal government and speed up processing at the direct level of the community. In reinventing government, empowering the basic political unit is vital and necessary. In empowering barangays, we therefore enhance their role functionally and financially as partners of the community and of the nation.

Passage of this measure is earnestly sought.

ROILO GOLEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1733

Introduced by the **Honorable ROILO GOLEZ**

AN ACT
PROVIDING FOR BARANGAY EMPOWERMENT, AMENDING VARIOUS PROVISIONS OF THE LOCAL GOVERNMENT CODE AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known and cited as the "Barangay Empowerment Act of 2004".

SEC. 2. *Declaration of Policy.* - It is hereby declared to be the policy of the State that the barangay, which is the basic political unit of the State, shall further be empowered to enjoy genuine and meaningful local autonomy, enabling them to enhance their capabilities, attain their fullest development as self-reliant communities and make them more effective partners in nation-building.

SEC. 3. *Scope of Application.* - This Act shall apply to all barangays with a population of at least three thousand (3,000) inhabitants as certified by the National Statistics Office, already existing upon the effectivity of this Act and as may be created by law.

SEC. 4. *Barangay Building Official.* - There shall be created a position of a Barangay Building Official in all barangays provided of a Barangay Building Official in all barangays provided for in Section 3 hereof. No person shall be appointed barangay building official unless he or she possesses the following qualifications:

1) A Filipino citizen, of good moral character and a resident in the barangay;

2) A duly registered architect or civil engineer;

3) A member in good standing of a duly accredited organization of his profession for not less than nine (9) months;

4) Has at least two (2) years of diversified and professional experience in building design and construction.

The barangay building official shall be under the administrative supervision of the Secretary of the Department on Public Works and Highways per Presidential Decree No. 1096 and its implementing rules and regulations and shall enforce the provisions of the same within the barangay; *Provided* That, the barangay building official shall be responsible for the issuance of building permits within the barangay for one floor/storey buildings and/or residence with a floor area not exceeding 120 square meters.

SEC. 5. *Additional Powers.* - The punong barangay shall:

a) Issue business licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance: *Provided* That, the exercise of this power shall be limited to convenience stores and other small business establishments with an annual gross income of one million pesos (PhP 1,000,000.00) or less;

b.) Upon approval by a majority of all the members of the sangguniang barangay, appoint or replace a barangay building official and provide for compensation and reasonable allowances pursuant to Section 391 (10) of Republic Act No. 7160;

c.) Issue permits, without need of approval therefor from any national or local agency, for the holding of activities for any charitable or welfare purpose, excluding prohibited games of chance or shows contrary to law, public policy and public morals;

d.) Require owners of illegally constructed single floor houses, buildings or other structures to obtain the necessary permit, subject to such fines and penalties as ma be imposed by law or ordinance, or to make necessary changes in the construction of the same when said construction violates any law or ordinance, or to order the demolition or removal of said house, building or structure within the period prescribed by law or ordinance.

e.) Act as collecting agent, after being deputized by the local treasurer, for the municipality/city of license fees for signs, signboards, or billboards at the place or places where the profession or business advertised thereby is, in whole or in part, conducted: *Provided* That, the barangay shall retain thirty percent (30%) of the collection which shall be entered into its book and be appropriated for development projects: Provided, finally, That, the seventy percent (70%) shall accrue to the municipality/city concerned.

SEC. 6. Section 138 of Republic Act No. 7160, otherwise known as the Local Government Code, is hereinafter amended to read as follows:

"Sec. 138. *Resources Tax on Sand, Gravel and other Quarry.* - The province may levy and collect more than ten percent (10%) of the fair market value in the locality per cubic meter of ordinary stones, sand, gravel, earth, and other quarry resources, as defined by the National Internal Revenue Code, as amended, extracted from public lands or from the beds of the seas, lakes, rivers, streams, creeks, and other public water within its territorial jurisdiction.

The permit to extract sand, gravel and other quarry resources shall be issued exclusively by the provincial governor FOR MEDIUM AND LARGE-SCALE EXTRACTION ACTIVITIES, pursuant to the ordinance of the sangguniang panlalawigan: *Provided* That, PERMIT TO EXTRACT SAND, GRAVEL AND OTHER QUARRY RESOURCES FOR SMALL-SCALE EXTRACTION ACTIVITIES IN ACCORDANCE WITH REPUBLIC ACT NO. 7942, OTHERWISE KNOWN AS THE PHILIPPINE MINING ACT, SHALL BE ISSUED EXCLUSIVELY BY THE PUNONG BARANGAY, PURSUANT TO THE ORDINANCE OF THE SANGGUNIANG BARANGAY.

The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as follows:

(1) Province - [Thirty] TWENTY percent (20%)

(2) Component City or Municipality where the sand, gravel, and other quarry resources are extracted - Thirty percent (30%); and

(3) Barangay where the sand, gravel, and other quarry resources are extracted - [Forty] FIFTY percent (50%).

SEC. 7. *Procedure of Appeal.* - In the exercise of the additional powers granted herein, the aggrieved party may file an appeal to the municipality or city concerned. The municipality/city shall have fifteen (15) days to dispose of the matter, or the same shall be construed as final.

SEC. 8. *Review Powers Among Local Governments* . - The procedure of review of executive orders in the exercise of the powers granted herein shall be in accordance with Section 30 of Republic Act No. 7160 or the Local Government Code.

SEC. 9. *Separability Clause* . - If any section or provision of this Act shall be declared unconstitutional or invalid, such shall not invalidate any other section of this Act.

SEC. 10. *Repealing Clause* . - All laws, decrees, orders, rules, regulations, ordinances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity clause* . - This Act shall take effect fifteen (15) days upon its publication in the at least two (2) general newspapers of national circulation.

Approved,