

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

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 1847

Introduced By **HONORABLE DANTON Q. BUESER**

EXPLANATORY NOTE

Despite the lack of adequate facilities and resources, barangay tanod brigades have consistently proved to be effective in the maintenance of public order, protection and security of life and property and the maintenance of a desirable environment in many parts of the country where they have been considerably tapped.

Unfortunately, however, sangguniang barangays have always found difficulty in the selection of barangay tanods because very few barangay residents show interest in becoming part of the tanod brigades. This problem is admittedly due to the low sense of worth and dignity in the work of barangay tanods as there has never been, so far, a serious effort on the part of the government to promote and enhance their social and economic well-being as well as their living and working conditions.

Also, many barangays do not bother to organize barangay tanod brigades as the appointment of barangay tanods is not a mandatory appointment required by the Local Government Code.

This bill seeks to grant to barangay tanods similar privileges and benefits received by other appointive barangay officials to improve their economic welfare and to enhance their skills and capabilities to make them better equipped in the maintenance of peace and order in barangays, thereby effectively helping the National Government in its efforts to deter and put an end to the upsurge of criminality in the country.

It is contended that it is only through the grant of special benefits, privileges and opportunities for personal development can the government effectively encourage barangay residents to take interest in joining tanod brigades.

More importantly, the work of a barangay tanod entails great personal sacrifice. Hence, it is but just and reasonable for the government to recognize his/her services which he/she selflessly offers to his community .

DANTON Q. BUESER
Representative
3rd District, Laguna

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"AN ACT PROVIDING FOR A MAGNA CARTA FOR BARANGAY TANODS"

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 as the "Magna Carta of Barangay Tanods".

SECTION 2. ***Definition of Terms.*** - As used in this Act, the following terms shall mean as follows:

a) **Barangay Tanod** - A barangay member or resident appointed by the Punong Barangay upon selection and approval by a majority of all the members of the sangguniang barangay, and is charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, whose duties and functions are enumerated under Sec. 6 of this Act;

b) **Merit and Fitness Principle** - By merit and fitness principle in the selection and appointment of barangay tanods is meant that such selection and appointment must be made solely on the basis of qualification, capability, competency, aptitude, experience or fitness, rather than on patronage or partisan reasons.

SECTION 3. ***Declaration of Policy.*** - It shall be the policy of the State to promote and enhance the social and economic well-being of the barangay tanods, their living and working conditions and their terms of employment. The State shall develop and improve their skills and capabilities to make them better equipped in the maintenance of peace and order in the barangays, thereby effectively helping not only the local governments but the National Government as well in its efforts to deter and put an end to the upsurge of criminality in the country. The State shall likewise enjoin the sangguniang barangay to eliminate partisan considerations in the selection and appointment of barangay tanods and to retain those with commendable qualifications and track record of service.

SECTION 4. ***Coverage.*** - This Act shall cover all barangay tanods of all barangays.

SECTION 5. ***Selection and Qualifications.*** - The appointment of barangay tanods shall be done by the Punong Barangay upon selection and approval by a majority of the members of the sangguniang barangay concerned in accordance with the *merit and fitness 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, of sound mind and has completed at least elementary education: *Provided further,* That patronage or partisan considerations shall not be a basis for such selection and appointment, otherwise the same shall be null and void if so proved in a proper proceeding.

SECTION 6. ***Duties and Functions.*** - All barangay tanods shall have the following duties and functions:

a) Enforce all laws and ordinances relative to the protection of lives and properties in their respective barangays;

b) Maintain peace and order and take all the necessary steps to ensure public safety;

c) Report to, assist or coordinate with the local police authorities in the arrest of criminal offenders who may be found in their barangays;

d) Effect the arrest of criminal offenders or persons whose actions or behavior threaten public order and deliver them to the proper police or judicial authorities;

e) Perform such other functions as may be provided by law or ordinance.

SECTION 7. ***Security of Tenure.*** - All barangay tanods shall be appointed to a permanent status during the administration of the sangguniang barangay which appointed them, and no barangay tanod so appointed shall be suspended or terminated except for cause: *Provided*, That in the event a barangay tanod is found to be unjustly suspended or terminated, he or she shall be entitled to reinstatement and to payment of all honoraria, allowances and such other emoluments and benefits accruing during such suspension or termination: *Provided however,* that if the barangay tanod does not desire to be reinstated, he or she shall still receive such honoraria, allowances and such other emoluments and benefits.

SECTION 8. ***Freedom from Undue Influence, Interference and Coercion.*** - It shall be unlawful for any person to commit any of the following acts of interference and coercion:

a) To put as a condition for selection and appointment that a barangay tanod must support or vote for, or must have supported or voted for any incumbent elective barangay official or for any candidate of the barangay official's choice in either previous or future elections, whether local or national;

b) To prevent, in any manner, a barangay tanod from effectively carrying out his or her duties and functions;

c) To coerce, intimidate or unduly influence a barangay tanod to refrain from arresting any person who is committing, has committed or is about to commit any crime or any acts which disturb public peace or order or which offends against decency, morals or good customs within the barangay tanod's area of jurisdiction, or to prevent him/her from delivering such person to the proper police or judicial authorities, or from reporting the same to said authorities;

d) To suspend or terminate the services of a barangay tanod without just cause or without observance of due process.

SECTION 9. ***Benefits of Barangay Tanods.*** - Any provision of law to the contrary notwithstanding, barangay tanods shall receive the same benefits and privileges enjoyed by barangay secretaries and barangay treasurers under Sec. 393 of Republic Act 7160, otherwise known as the Local Government Code of 1991, including but not limited to the following:

a) Honoraria, allowances and such other emoluments as may be authorized by law or the barangay in accordance with the provisions of Republic Act 7160 but in no case shall it be less than 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, during their incumbency, which shall include, but shall not be limited to temporary and permanent disability, double indemnity, accident insurance, death and burial benefits, in accordance with Republic Act 6942 entitled "An Act Increasing the Insurance Benefits of Local Government Officials and Providing Funds Therefor;

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.

In case of extreme urgency where there is no available government hospital or institution, the barangay tanod concerned may submit himself/herself for immediate medical attendance to the nearest private clinic, hospital or institution and the expenses not exceeding Five thousand pesos (P5,000.00) that may be incurred therein shall be chargeable against the funds of the barangay concerned;

e) Exemption from payment of tuition and matriculation fees for their legitimate dependent children attending state colleges or universities.

He/she may also avail of such educational benefits in a state college or university located within the province or city to which the barangay belongs.

f) Appropriate civil service eligibility on the basis of the number of years of service to the barangay, pursuant to the rules and regulations issued by the Civil Service Commission;

g) Clothing allowance of at least Five hundred pesos (P500.00) annually, which amount shall be adjusted as circumstances require.

Any additional benefits and privileges which shall hereinafter be granted to barangay secretaries and barangay treasurers by virtue of any law, order, rules and regulations, ordinance, decree or other issuances shall, as may be deemed proper, likewise be enjoyed by barangay tanods.

SECTION 10. ***Compensation from Injuries.*** - All barangay tanods shall be protected against injuries sustained in the performance of their functions or on occasion of such performance in accordance with the Civil Service Law.

SECTION 11. ***Human Resource Development.*** - The Department of Interior and Local Government in coordination with the provincial, city and municipal governments shall conduct human resource development study in the following areas:

a) Opportunities for barangay tanods to enhance their skills and potentials and experience a sense of worth and dignity in their work;

b) Allocation of funds for the participation of barangay tanods in seminars, conferences, conventions and similar activities as part of the continuing development of their capabilities to make them more responsive and better equipped in the performance of their functions;

c) Upgrading of their allowances, emoluments and such other benefits or privileges received under this Act and other existing laws, orders, decrees, ordinances and other issuances;

d) Adequate facilities and resources to improve the efficiency of barangay tanods in maintaining peace and order in all barangays.

SECTION 12. ***Rules and Regulations.*** - The Department of Interior and Local Government shall formulate the necessary rules and regulations for the implementation of the Magna Carta of Barangay Tanods.

SECTION 13. ***Penal Provision.*** - Any person who shall knowingly and willfully interfere with, restrain or coerce any barangay tanod in the performance of his/her functions or duties or shall in any manner commit any act in violation of the provisions of this Act shall, upon conviction, be punished by a fine of not less than Twenty Five Thousand Pesos (P25,000.00) but not more than Fifty Thousand Pesos (P50,000.00) or imprisonment of not more than one (1) year, or both fine and imprisonment, at the discretion of the court: *Provided,* That in case where the offender is an incumbent elective or appointive barangay official, the same shall constitute a ground for his suspension from office: *Provided further,* That where such barangay official shall have been previously found guilty of any of the offenses herein referred to, he/she shall be subject to expulsion from office in accordance with the provisions of Republic Act 7160.

SECTION 14. ***Separability Clause.*** - If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SECTION 15. ***Repealing Clause.*** - All laws, decrees, orders, rules and regulations or other issuances inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 16. ***Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,