

HOUSE OF REPRESENTATIVES

House Bill No. 151

Introduced by Representative Ben P. Evardone

EXPLANATORY NOTE

As the basic political unit, the barangay, serves as the main planning and implementing unit of government programs and projects. The barangay also serves as an avenue, both for the exchange of opinion and for settling disputes between and among members of the locality.

To advance the interest of our barangays, this bill seeks to create a magna carta for barangays which proposes the following:

- a) Entitlement of barangay officials to be considered as regular government employees, thus, awarding them with fixed compensation and allowance, medical and dental coverage, insurance, as well as retirement benefits that is due to all other employees in the public sector;
- b) Construction of infrastructures, such as public schools, health centers and barangay halls, in every barangay. All of these facilities are essential in the provision of basic services in the community such as quality education and healthcare;
- c) Improvement of funds transfer from provincial/municipal unit to the barangay for the construction and maintenance of roads and bridges;
- d) Provision of better public transportation systems in every barangay;
- e) Enact the automatic release of barangays' share from national taxes as well as mandatory share of barangays in revenues, fees and other charges;
- f) Increasing employment opportunities by giving priority employment for barangay units and its residents.

In view of the foregoing, early passage of this bill is earnestly urged.



BEN P. EVARDONE

Representative, Lone District of Eastern Samar

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AN ACT
TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

Be it enacted by the Senate and the House of Representatives of the Republic 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)

1 months from the approval hereof, all barangay officials mentioned in paragraph 4
2 hereof, shall be entitled to the following fixed salaries:

3
4 **Punong Barangay** - An amount equivalent to the salary of a sangguniang
5 bayan member of his municipality.

6
7 **Six Sangguniang Barangay Members** - An amount equivalent to eighty
8 percent (80%) of the salary of a sangguniang bayan member of his
9 municipality.

10
11 **Kabataang Barangay Chairman, Barangay Secretary, Barangay**
12 **Treasurer** -For each, an amount equivalent to seventy-five percent (75%) of
13 the salary of a sangguniang bayan member of his municipality.

14 15 **III. - BASIC PRIORITIES IN THE BARANGAY**

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17 **SEC. 6. *Drinking Water for Every Barangay.*** - It is the right of every
18 barangay to have a regular supply of clean and potable water. To attain this goal,
19 every city or municipality, as the case may be, is hereby required to construct and/or
20 maintain at least one deep well with pumping device for drawing drinking water to
21 supply the needs of every one thousand residents for each barangay within its
22 jurisdiction.

23
24 **SEC. 7. *Transportation for Every Barangay.*** - It is also the right of every
25 barangay to have public transportation available at least once a day. For this purpose,
26 every municipality or city, as the case may be, should make such necessary
27 representations before the appropriate government agencies to require public utility
28 companies operating within its jurisdiction to provide the minimum means of
29 transportation in every barangay.

30
31 **SEC. 8. *Schools, Health Centers and Barangay Halls for the Barangays.*** -
32 Every barangay is entitled to have at least one elementary school, provided that there
33 shall be at least one high school for every five (5) kilometers from the barangay
34 center. It shall also be the right of every barangay to have one health center and one
35 barangay hall.

36 37 **IV. - MEASURES TO ASSURE THE ENJOYMENT** 38 **OF LOCAL AUTONOMY**

39
40 **SEC. 9. *Automatic Release of share from National Taxes.*** - It shall be the
41 duty of the National Treasury to remit automatically to the barangays every end of the
42 calendar year their just share from the national taxes.

43
44 **SEC. 10. *Transfer of Funds to Barangay for the Maintenance of Roads and***
45 ***Bridges.*** - All public funds appropriated from the national treasury for the
46 maintenance of barangay roads and bridges and other similar constructions shall be
47 transferred or remitted directly to the general fund of every barangay for their proper
48 disposition by the barangay officials.

49
50 **SEC. 11. *Mandatory Share of Barangays in All Taxes, Fees or Other***
51 ***Charges.*** - Twenty-five percent (25%) of all taxes collected on real property located
52 within the barangay shall be considered barangay funds and shall be allocated in
53 accordance with existing laws. In addition thereto, each barangay shall be entitled to
54 ten percent (10%) from all other forms of taxes, fees, penalties, compromises or other
55 charges collected from persons residing in the barangay or entities whose office
56 and/or manufacturing plant is located within the barangay.

1 **SEC. 12. Equitable Share of the Barangay from the Proceeds of the**
2 **Utilization and Development of National Wealth.** - For the exploitation, utilization
3 and development of natural resources within its territory. Every barangay shall be
4 entitled to an equitable share of the proceeds derived from. The amount of barangay
5 share shall be determined by the city or municipality concerned after consultations
6 with the concessionaires, the municipal or city officials and barangay officials, taking
7 into account the extent of the exposure of the barangay residents to pollution, flood
8 and ecological imbalance: *Provided, however,* that this equitable sharing rate for each
9 barangay shall be resolved by all parties concerned not later than six (6) months from
10 the approval of this Act. Revenues derived from this source shall also from part of the
11 general fund of the barangay.

12
13 **V. - SUNDRY MATTERS**
14

15 **SEC. 13. Scholarship Grant.** - Every barangay shall sponsor at least one
16 scholarship grant every year leading to any bachelor degree to be awarded by a
17 committee of five persons appointed by the Sangguniang Barangay with the approval
18 of the Punong Barangay after competitive examinations are given to applicants who
19 should be bona fide residents of the barangay. The grant shall include tuition fees and
20 all other school fees, reasonable allowances for school books, supplies and
21 transportation and other expenses as the barangay
22 may deem appropriate
23

24 **SEC. 14. Priority in Employment.** - Residents in every barangay shall have
25 the priority in the hiring of workers and laborers to be needed in any government
26 construction or development projects within the barangay.
27

28 **SEC. 15. Cooperative Enterprise.** - Cooperative enterprises in the barangay
29 shall be encouraged and every barangay is directed to give full assistance for the
30 establishment and organization of said enterprises and to take every possible effort to
31 make cooperative undertakings a way of life in the barangay.
32

33 **VI. - ADMINISTRATION AND ENFORCEMENT**
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35 **SEC. 16. Rules and Regulations.** - The Secretary of Department of Interior
36 and Local Government shall promulgate such rules and regulations as may be
37 necessary to implement the provisions of this Act. Rules and regulations issued
38 pursuant to this Section shall take effect thirty (30) days after publication in a national
39 newspaper of general circulation and by such other means as the Secretary of Local
40 Government deems reasonably sufficient to give interested parties general notice of
41 such issuance.
42

43 **SEC. 17. Budgetary Estimates.** - The Secretary of Department of Interior
44 and Local Government shall submit to the Congress the necessary budgetary
45 estimates to implement the provisions of this Act concerning the allowances,
46 insurance, medical, dental and retirement benefits and other fringe benefits of
47 barangay officials, the basic priorities in the barangays and the barangay scholarship
48 grant.
49

50 **SEC. 18. Penal Provision.** - Any person who shall willfully interfere with,
51 restrain or coerce any barangay official or barangay resident in the exercise of his or
52 their rights guaranteed by this Act or who shall in any other manner commit any act
53 to defeat any of the provisions of this Act shall, upon conviction, be punished by a
54 fine of not less than five hundred pesos nor more than two thousand pesos, or by
55 imprisonment or six months and one day, or both, subject to the discretion of the
56 court. If the offender is a public official, the court shall order his dismissal from the
57 government service.

1 **SEC. 19. *Repealing Clause.*** - All Acts and decrees, executive orders,
2 implementing rules and regulations or parts thereof, inconsistent with the provisions
3 of this Act are hereby repealed, amended or modified accordingly.
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5 **SEC. 20. *Separability Clause.*** - If any provisions of this Act are declared
6 invalid, the remainder or any provisions thereof not affected thereby shall remain in
7 force and effect.
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9 **SEC. 21.** This Act shall take effect upon its publication in two national
10 newspapers of general circulation.
11

12 *Approved,*