

Republic of the Philippines
House of Representatives
Quezon City

FITEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 157

Introduced by Honorable Edwin L. Olivarez

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 in formulating local and national policies. The Barangay also serves as the basic training ground for future leaders of the nation. Due to the important role of Barangays, it is just appropriate 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 entitled.
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 national taxes;
4. Transfer of funds to Barangay for the maintenance of roads and bridges, and other infrastructure within their jurisdiction;
5. Mandatory share of Barangays in taxes, fees and other charges;
6. Priority in employment.

The approval of this is, therefore, earnestly urged.


EDWIN L. OLIVAREZ
1st District Paranaque City

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AN ACT
TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

I. TITLE, DECLARATION OF POLICY AND GENERAL PRINCIPLES

SECTION 1. *Title of Act.* – This Act shall be known as “The Magna Carta for Barangays.”

SECTION 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 ensure 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.

SECTION 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 empowerment shall be the guiding principle in all Barangay development projects.

II. BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES

SECTION 4. *The Barangay Officials as Regular Government Employees.* - The Punong Barangay, Sangguniang Barangay Members, the Sangguniang Kabataan Chairman, the Barangay Secretary and Barangay treasurer in all Barangays are hereby declared regular government employees, and 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.

SECTION 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 or city.

Seven Sangguniang Barangay Members - An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his Municipality or city.

Sangguniang Kabataan 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 or city.

SECTION 6. *Barangay Employees* – All employees of Barangays shall be entitled to have some form of compensation such as, Representation and Transportation Allowance to be determined by each Barangay according to their capacity but in no case lower than the minimum daily wage law as per ceilings set by the respective Regional Wage Board. They shall also be provided with medical/dental or health insurance.

III. BASIC PRIORITIES IN THE BARANGAY

SECTION 7. *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.

SECTION 8. *Transportation for Every Barangay.* – It is also the right of every Barangay to have public transportation available at least once a day, as far as practicable. For this purpose, every municipality of 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.

SECTION 9. *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 Hall/Center. It shall also be the right of every Barangay to have one health center and one Barangay Day Care Center.

IV. MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

SECTION 10. *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.

SECTION 11. *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.

SECTION 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 and Barangay Development Plan. 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.

SECTION 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 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 form part of the general fund of the Barangay.

SECTION 14. Senators and Congressmen may directly provide funding from their Priority Development Assistance Fund (PDAF) to any Barangay in the country in the amount they may deem necessary to the extent of development funding requirement.

V. SUNDRY MATTERS

SECTION 15. *Scholarship Grant.* - Every Barangay shall sponsor at least one scholarship grant to their Barangay Employee 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. The TESDA shall provide at least one TESDA scholarship grant to Barangay Employee to each Barangay in the Philippines.

SECTION 16. *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.

SECTION 17. *Cooperative Enterprise.* - Cooperative enterprises in the Barangay shall be encouraged and every Barangay is directed to give full assistance for the establishment an organization of said enterprises and to take every possible effort to make cooperative undertakings a way of life in the Barangay.

SECTION 18. *Rules and Regulations.* - The Secretary of Department of Interior and 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.

SECTION 19. *Budgetary Estimates.* - The Secretary of Department of Interior and Local Government (DILG) shall submit to 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.

SECTION 20. *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 (P500.00) pesos nor more than two thousand (P2,000.00) pesos, or by imprisonment of six months and one day, or both, subject to the discretion court. If the offender is a public official, the court shall order his dismissal from the government service.

SECTION 21. *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.

SECTION 22. *Reparability 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.

SECTION 23. This Act shall take effect upon its publication in two national newspapers of general circulation.

Approved.