

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 446

Introduced by HON. FLORENCIO C. GARAY

EXPLANATORY NOTE

This bill seeks to authorize *barangays* to implement the programs and projects funded by the Priority Development Assistance Fund (PDAF) amounting to a maximum of Three Hundred Thousand Pesos.

The Constitution provides that the State shall ensure the autonomy of local government units. A way of achieving such autonomy is to entrust into the hands of such local government units, especially the *barangays*, the right to plan for their growth and economic development. Under the Local Government Code, *barangays* are likewise empowered to enforce the laws, maintain public order, ensure delivery of basic services and promote the general welfare.

With the authority to implement the projects and activities provided under the Priority Development Assistance Programs, the *barangays* can be fully utilized as effective partners in the pursuit of national development and social progress.

In view of its national and local importance, the approval of this bill is earnestly sought.


FLORENCIO C. GARAY

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HOUSE BILL NO. _____

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AN ACT
AUTHORIZING BARANGAYS AS THE IMPLEMENTING AGENCIES FOR
PRIORITY DEVELOPMENT ASSISTANCE PROGRAMS AND PROJECTS
UP TO A MAXIMUM OF THREE HUNDRED THOUSAND PESOS
(P300,000.00) AND FOR OTHER PURPOSES

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

SECTION 1. *Short title.* - This Act shall be known as the
"Barangay Empowerment Act of 2010".

SECTION 2. *Statement of Policy.* - Pursuant to the policy of local autonomy, the State shall enable local government units (LGUs) to develop as self-reliant communities and effective partners in the attainment of national goals. Towards this end, the state shall provide for a more responsive and accountable local government structure whereby the *barangays* are given more powers, authority, responsibilities and resources to participate actively in the implementation of programs and projects.

SECTION 3. *Objectives.* The objectives of this Act are as follows:

- a)** Decentralize the management of funds intended for projects of the *barangay* to prevent the delay in the implementation thereof;
- b)** Ensure the full implementation of the projects or infrastructure intended for *barangays*;

- c) Bring about maximum efficiency in the implementation and maintenance of projects;
- d) Promote coordination and cooperation between and among LGUs in the development of their respective localities; and
- e) Ensure the proportional allocation and distribution of public works funds intended for projects of each *barangay*.

SECTION 4. *Scope of Application.* - This Act shall apply to all *barangay*-based infrastructure projects funded by the Priority Development Assistance Fund (PDAF) the amount of which shall not be more than Three Hundred Thousand Pesos (P300,000.00).

SECTION 5. *Authority.* - For purposes of infrastructure projects mentioned in the preceding section, *barangay* officials shall likewise be given the authority to decide on the design, plan, specification and procurement of the equipment and materials necessary to implement the project: *Provided*, That such design, plan and specification and procurement of the equipment and materials shall comply with existing laws, standards and regulations;

SECTION 6. *Barangay Supervision.* - The planning, implementation and coordination of the infrastructure projects shall be under the supervision of the *barangay* where the particular public works project is assigned.

SECTION 7. *City or Municipal Engineer.* - In case a *barangay* concerned has no technical capacity to undertake the infrastructure project, the city or municipal engineer shall take charge of the implementation thereof.

SECTION 8. *Barangay Prequalification, Bids and Awards Committee.* -

- a) There is hereby created a Barangay Prequalification, Bids and Awards committee, hereinafter referred to as the committee, in every *barangay* which shall be primarily responsible for the conduct of prequalification of contractors, bidding, evaluation of bids and the recommendation of awards concerning *barangay* infrastructure projects.

The Committee shall be composed of the following:

- i. Punong Barangay, as Chairman;
- ii. Chairman of the appropriate committee of the *sangguniang barangay*;
- iii. Barangay treasurer;
- iv. Municipal engineer; and
- v. Two (2) representatives of non-governmental organizations, as members

Representatives from the Commission on Audit shall observe the proceedings of such Committee and shall certify that the rules and procedures for prequalification, bids and awards have been complied;

- b) The agenda and other information relevant to the meeting of such Committee shall be deliberated upon at least one (1) week before the holding of such meeting;
- c) All meetings of the Committee shall be held in the city or municipal hall where the *barangay* is located. The minutes of the meeting and any decision made therein shall be duly recorded and posted at a prominent place in the municipality or *barangay* hall; and
- d) The bidding process, posting of mandatory notices and other requirements provided for by pertinent laws, rules and regulations shall be strictly observed.

SECTION 9. *Local Technical Committee* - The chairman of the city or municipal Local technical Committee shall be present in all the meetings of the Committee to give advice and to supervise the proceedings of the meeting.

SECTION 10. *Audit* - The *barangay* officials and other accountable officers who are involved in the project shall be subject to government auditing rules and regulations.

SECTION 11. *Implementing rules and regulations* - Within sixty (60) days from the effectivity of this Act, the Department of the Interior and Local Government (DILG) shall, in coordination with the Department of Budget and Management (DBM) and other concerned agencies, promulgate the necessary implementing rules and regulations.

SECTION 12. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,