

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 638

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The inherent rights of indigenous cultural communities/indigenous peoples to self-governance and self-determination are expressly recognized in Republic Act No. 8371 also known as "The Indigenous Peoples Rights Act of 1997." The State guarantees their right to freely and effectively pursue their economic, social and cultural development.

Despite the law's recognition of these rights, the unfortunate reality is that indigenous cultural communities do not fully benefit from their State-guaranteed rights. They are not extended their preferential rights to public services and their cultural integrity remains unprotected.

The municipality serves as the basic unit for the coordination and delivery of basic, regular and direct services and effective governance of people within its territorial jurisdiction. As such, the task of ensuring the economic, social and cultural well-being of indigenous peoples lies primarily in the municipality.

In order for indigenous cultural communities/indigenous people to be guaranteed of their right to self-governance and self-determination and in order to develop and preserve their cultures, traditions and institutions, the bill seeks to lift the strict requirements for a regular municipality, where the proposed municipality is inhabited by a large and significant number of indigenous cultural communities.

For the full realization and protection of indigenous peoples' rights, I earnestly seek the approval of this bill.



JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District of Aurora Province

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
AMENDING SECTION 442 OF REPUBLIC ACT NO. 7160, AS AMENDED,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. Section 442 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby further amended to read as follows:

"SEC. 442. *Requisites for Creation.* – (a) A municipality may be created if it has an average annual income, as certified by the provincial treasurer, of at least Two million five hundred thousand pesos (P2,500,000.00) for the last two (2) consecutive years based on the 1991 constant prices; a population of at least twenty-five thousand (25,000) inhabitants as certified by the National Statistics Office; and a contiguous territory of at least fifty (50) square kilometers as certified by the Lands Management Bureau: *Provided, That the creation thereof shall not reduce the land area, population or income of the original municipality or municipalities at the time of said creation to less than the minimum requirements prescribed herein.*

"(b) The territorial jurisdiction of a newly-created municipality shall be properly identified by metes and bounds. The requirement on land area shall not apply where the municipality proposed to be created is composed of one (1) or more islands. The territory need not be contiguous if it comprises two (2) or more islands.

"(c) The average annual income shall include the income accruing to the general fund of the municipality concerned, exclusive of special funds, transfers and non-recurring income.

"(d) Municipalities existing as of the date of the effectivity of this Code shall continue to exist and operate as such. Existing municipal districts organized

pursuant to presidential issuances or executive orders and which have their respective set of elective municipal officials holding office at the time of the effectivity of this Code shall henceforth be considered as regular municipalities.

"(E) THE POPULATION REQUIREMENT PRESCRIBED HEREIN SHALL NOT APPLY IF THE MAJORITY OF THE INHABITANTS OF THE PROPOSED MUNICIPALITY ARE INDIGENOUS PEOPLES: *PROVIDED, HOWEVER, THAT THE TOTAL POPULATION SHALL BE AT LEAST FIVE THOUSAND (5,000).*"

SEC. 2. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 3. *Effectivity.* This Act shall take effect seven (7) days after its publication in a newspaper of general circulation.

Approved,