

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 756

Introduced by: **Hon. RODOLFO W. ANTONINO**

EXPLANATORY NOTE

The powers allotted to the barangay are considerably minimal compared to those powers which are granted to the province, city or municipality. The reason for this was that conventional thinking in congress then, was to the effect that the barangay do not yet possess either the structural capacity or the administrative know-how to handle certain powers that are now devolved to the other LGU's and those which are left to the Department of Public Works and Highways. As mandated in Republic Act No. 7160 otherwise known as the Local Government Code, the role of the barangay as the basic political unit is to serve as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community. However, this mandate is confined only to certain powers now devolved to the barangay which have rather rendered them inutile and that these limited powers merely a tell-tale without affecting change substantially.

It is for this reason that this bill is earnestly sought so that barangays may truly become "more responsive and accountable," consequently ensuring their fullest development as self-reliant communities, making them more effective partners in the pursuit of national development and "social progress."


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AN ACT DESIGNATING BARANGAYS AS THE IMPLEMENTING AGENCIES FOR PRIORITY DEVELOPMENT PROGRAMS AND PROJECTS THEREBY AMENDING REPUBLIC ACT NUMBER 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE AND FOR OTHER PURPOSES

Be it enacted by the Senate and 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.*”

SEC. 2. Declaration of Policy. – It is hereby the policy of the State that Local Government Units (LGU) shall enjoy genuine and meaningful autonomy to enable them to achieve their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Towards this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby LGUs are given more powers, authority, responsibilities, and resources by providing them with opportunities to participate actively in the implementation of national programs and projects.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall be understood as follows:

- a) "*Devolution*" refers to the act by which the national government confers power and authority upon the various local government units to perform specific functions and responsibilities;
- b) "*Barangay-based Infrastructure Programs or Projects*" refer to any construction of any infrastructure which shall include the building, improvement, rehabilitation, repair, restoration or maintenance of roads and bridges, and other public improvements, such as viaducts, sidewalks, parks and playgrounds, school or classroom buildings, water supply system, drainage, irrigation, sewerage, public toilets, and similar public works and facilities;
- c) "*Barangay Prequalification, Bids and Awards Committee (BPBAC)*" refers to the Prequalification, Bids and Awards Committee established in accordance with the provisions of this Act.

SEC. 4. *Scope of Application.* – (a) this Act shall apply to all barangays with a population of at least two thousand (2,000) inhabitants as certified by the National Statistics Office, and in cities and municipalities within Metro Manila and other metropolitan political subdivisions or in highly urbanized cities where such territory shall have a certified population of at least five thousand (5,000) inhabitants.

SEC. 5. *Devolution of Infrastructure Programs or Projects.* – (a) It is hereby mandated that barangay-based infrastructure programs or projects funded by the Priority Development Assistance Fund (PDAF) under the General Appropriations Act; or, from the barangay's share in the proceeds of national taxes and local revenues; or, funding support from the national government; or, the avails of credit facilities from local banks and financial institutions; or borrowings or donations from local or foreign sources, whose total cost is not higher than the amount provided in Section 8 hereof, shall be devoted to the barangay or barangays concerned where the said public works is intended. *Provided however*, where the public works shall traverse two or more contiguous barangays in the same or adjoining municipalities, the planning, implementation and direct supervision of the said public works shall be in accordance with Section 8 and 9 of this Act.

SEC. 6. *Amendment of Section 17(b) (1) of RA No. 7160.* – For purposes of the immediately preceding provision, Section 17 (b) (1) of Republic Act 7160 otherwise known as the Local Government Code is hereby amended accordingly to read as follows:

“(b) Such basic services and facilities include, but are not limited to, the following:

(1) For a Barangay:

- i. Construction and maintenance of agricultural support services which include planting materials distribution system and operation of farm produce collection and buying stations;
- ii. Construction and maintenance of health and social welfare services which include maintenance of barangay health center and day-care center;
- iii. Construction and maintenance of services and facilities related to general hygiene and sanitation, beautification, and solid waste collection;
- iv. Construction and maintenance of katarungang barangay;
- v. Construction and maintenance of barangay roads and bridges and water supply systems;
- vi. Construction and maintenance of infrastructure facilities such as multi-purpose halls, multi-purpose pavements, plaza, sports centers, and other similar facilities;
- vii. Information and reading centers; and
- viii. Satellite or public markets, where viable,”

SEC. 7. *Accessory Authority. Compliance with National Policies, etc.* – The infrastructure programs or projects devolved to the barangay or barangays in the immediately preceding section includes the authority to make designs, plans, specifications, testing of materials, and procurement of the equipment and materials from both foreign and local sources needed to implement the public works and other services or facilities; *Provided however*, that national policies, standards, and guidelines on the matter must be followed.

SEC. 8. *Limitation on the Devolution of Programs and Projects* .- The devolved program or project shall in no case cost more than Five Hundred Thousand Pesos (P 500,000.00) only, which is hereby initially fixed. Upon the effectivity of this Act and within five (5) years thereafter, said amount may be determined by the President but in no case shall be lower than herein set.

SEC. 9. *Planning, Implementation and Direct Supervision*. – The planning, implementation and direct supervision of the aforementioned devolved infrastructure programs or projects shall be undertaken exclusively by the barangay or barangays where the intended public works is earmarked. *Provided however*, where the barangay or barangays concerned is not capable to undertake the public works, the Department of Interior and Local Government (DILG) shall provide only capability-building assistance and the Department of Public Works and highways (DPWH) and other technical agencies providing and transferring technical expertise to the barangay or barangays only when necessary.

SEC. 10. *Joint effort in cases which interlink or mutually affect barangays in the same or adjoining province, city or municipality*. – (a) In cases where the infrastructure programs or projects which interlink or mutually affect several contiguous barangays in the same or adjoining municipalities, the BPBACs of the barangay to which the larger portion of the threshold amount herein set in Section 8 shall take the responsibility of being the lead barangay unit in the implementation of the public works while the other barangay units shall contribute labor, local knowledge and material assistance not otherwise available in other barangay units.

(b) However, as to planning provided in Section 9 hereof, both sangguniang councils shall sit together in a joint session. In any case, all the barangays concerned shall participate in the direct supervision.

(c) Where the program or project is exclusive in one barangay but the same shall benefit or affect the entire city or municipality, the planning shall be jointly undertaken by the barangays affected or benefitted while the implementation and direct supervision shall rest exclusively in the barangay concerned. Such public works are the following but not limited to: School structure, water supply systems, health centers and similar social structures.

SEC. 11. *Barangay Prequalification, Bids and Awards Committee (BPBAC).*

– (a) There is hereby created a local prequalification, bids and awards 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 barangay chairman or, in the latter's absence; the first councilor shall act as the chairman with the following members:

- (1) The chairman of the appropriations committee of the sangguniang barangay concerned;
- (2) Barangay treasurer;
- (3) Municipal engineer;
- (4) Two (2) representatives of nongovernmental organizations that are represented in the barangay development council concerned, to be chosen by the accredited organizations or sectors themselves; and
- (5) Any practicing certified public accountant from the private sector, to be designated by the local chapter of the Philippine Institute of Certified Public Accountants, if any.

Representatives of the Commission on Audit appointed for the Engineering District concerned shall observe the proceedings of such committee and shall certify that the rules and procedures for prequalification, bids and awards have been complied with.

(b) The agenda and other information relevant to the meetings of such committee shall be deliberated upon by the committee at least one (1) week before the holding of such meetings.

(c) All meetings of the committee shall be held in the city or municipal hall. The minutes of such meetings of the committee and any decision made therein shall be duly recorded, posted at a prominent place in the city or municipal hall and barangay hall, and delivered by the most expedient means to elective officials concerned.

(d) In any case, the bidding process and postings of mandatory notices and other requirements provided for by law shall be strictly observed.

SEC. 12. *Local Technical Committee.* The chairman of the local technical committee is hereby obligated to attend the meetings of BPBAC in order to present the reports and recommendations of the local technical committee in the municipality.

SEC. 13. *Auditorial Visitation.* The books, accounts, papers, and cash of local treasurer, accountant, budget officer, or other accountable officers shall at all times be open for inspection of the COA designated for the Engineering District or its duly authorized representative.

SEC. 14. *Implementing rules and Regulations.* – Within 90 days from the promulgation of this Act, the Secretary of Budget and Management, in coordination with the Secretary of Interior and Local Government, and concerned sectors shall issue such guidelines, orders or rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 15. *Separability Clause.* – If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, the remainder of this Act or the application of such provision to other persons or circumstance shall not be affected by such declaration.

SEC. 16. *Repealing Clause.* - All laws, decrees, executive orders and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,