

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
First Regular Session

H. No. 2106

Introduced by Representative Malapitan

EXPLANATORY NOTE

The barangay, as the basic political unit, serves as the primary planning and implementing unit of government programs, projects and activities in the community, and as a forum wherein the collective views of the people may be expressed and discussed in a transparent manner and considered, as well as where disputes may be amicably settled.

Due to the important role of barangays, it is but just and reasonable that a legislative measure be approved to promote their welfare and prosperity, namely, among others, (1) mandatory coverage of barangay officials under the Government Service Insurance System Charter, declaring them as regular government employees, and as such shall be entitled to fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such other fringe benefits accorded to regular government employees; (2) basic priorities, such as regular supply of clean and potable water, public transportation, schools, health centers, daycare centers and barangay halls; (3) automatic release of share from the national taxes; (4) mandatory share of barangays in taxes, fees and other charges; and (5) equitable share of the barangay from the proceeds of the utilization and development of national wealth (6) scholarship grant; (7) priority in employment of residents (8) encouragement of cooperative enterprises..

Hence, the attached bill is earnestly urged.


OSCAR G. MALAPITAN

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AN ACT
PROVIDING MANDATORY COVERAGE OF BARANGAY OFFICIALS UNDER
THE GOVERNMENT SERVICE INSURANCE CHARTER, GRANT BARANGAYS
ADDITIONAL LOCAL AUTONOMY, AND OTHER BASIC PRIORITIES,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

SECTION 1. ***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 conditions therein and provide new measures that will insure its enjoyment of local autonomy; ensure 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. 2. ***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 empowerment shall be the guiding principle in all barangay development projects.

SEC. 3. ***Barangay Officials as Regular Government Employees.*** - The punong barangay, sangguniang barangay members, the kabataan 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, which a regular government employee is entitled to.

SEC. 4. ***Salaries of Barangay Officials.*** - As soon as the appropriate steps and measures are undertaken by each city or municipality in accordance with the individual barangay involved on matters relating to the sources of funds 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 Section 3 hereof, shall be entitled to the following fixed salaries.

Punong Barangay – An amount equivalent to eighty percent (80%) of sangguniang panlungsod/bayan member of his city/municipality, as the case may be;

Sangguniang Barangay Members, Kabataang Barangay Chairman, Barangay Secretary, Barangay Treasurer – For each, an amount equivalent to seventy percent (70%) of the salary of a sangguniang panlungsod/bayan member of his city/municipality, as the case may be; Provided, That to entitle barangay officials the salaries mentioned in Section 4 hereof, the barangay in cities and municipalities within Metro Manila and other metropolitan political subdivisions or in highly urbanized cities, where such territory shall have a population certified to by the National Statistics Office, at least five thousand (5,000) residents and other barangays in cities and municipalities shall have at least two thousand (2,000) residents. Barangays not covered under this proviso, the barangay officials shall receive their salaries/allowances, as the case may be, in accordance with the provisions of the Local Government Code of 1991.

SEC. 5. *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 five hundred (500) residents for each barangay within its jurisdiction.

SEC. 6. *Transportation for Every Barangay.* - It is also the right of every barangay to have public transportation available at least once a day. For this purpose, every city or municipality, as the case may be, should make such necessary representations with the appropriate government agencies to require public utility companies operating within its jurisdiction to provide the minimum means of transportation in every barangay.

SEC. 7. *Schools, Health Centers, Barangay DayCare Centers and Barangay Halls for the Barangays.* - Every barangay is entitled to have least one elementary school, provided that there shall be at least one high school for every five (5) kilometers from the barangay center. It shall also be the right of every barangay to have one health center, daycare center and a barangay hall.

SEC. 8. *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.

SEC. 9. *Mandatory Share of Barangays in All Taxes, Fees or Other Charges.* - Thirty percent (30%) of all taxes collected on real properties located within the barangay shall be considered barangay funds and shall be allocated in accordance with existing laws. In addition thereto, each barangay shall be entitled to ten percent (10%) of 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.

SEC. 10. *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 the territorial jurisdiction of a barangay, the barangay shall be entitled to an equitable share of the proceeds derived therefrom.

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.

SEC. 11. **Scholarship Grant.** - Every barangay shall sponsor at least one (1) scholarship grant every year leading to any bachelor degree, to be awarded by a committee of five (5) 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 incidental expenses as the barangay may deem appropriate: **Provided,** That the grantee herein shall only enroll in public colleges/universities subsidized by national and local governments.

SEC. 12. **Priority in Employment.** - Residents in every barangay shall have the priority in the hiring of workers and laborers needed in any government construction or development projects: **Provided,** That any person or private entity contracted to undertake any construction of a building shall hire, at least fifty percent (50) of its workforce, qualified residents of the barangay.

SEC. 13. **Cooperative Enterprises.** - Cooperative enterprises in the barangay shall be encouraged and every barangay is directed to give full assistance for the organization of a cooperative enterprise and to take every possible effort to make cooperative undertakings a way of life in the barangay.

SEC. 14. **Budgetary Estimates.** - The Secretary of Local Government shall submit to Congress the necessary budgetary requirements 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.

SEC. 15. **Implementing Rules and Regulations.** - The Secretary of 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 its publication in a national newspaper of general circulation.

SEC. 16. **Penal Provisions.** - 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 provision of this Act shall, upon conviction, be punished by a fine of not less than five hundred pesos nor more than two thousand pesos, or by imprisonment of six months and one day, or both, at the discretion of the court.

If the offender is a public official, the court shall order his dismissal from the government service.

SEC. 17. ***Repealing Clause.*** - Any provision of acts, laws, decrees, executive orders, implementing rules and regulations inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 18. ***Separability Clause.*** - If any provision of this Act is declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SEC. 19. ***Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in two national newspapers of general circulation.

Approved,