



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 3416

Introduced by Honorable Raul A. Daza

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. It also serves as a forum wherein the collective views of the people may be expressed, considered and discussed in a transparent manner, or 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, such as (1) mandatory coverage of barangay officials under the Government Service Insurance System Charter, declaring them as regular government employees who 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; (5) equitable share of the barangay from the proceeds of the utilization and development of national wealth; (6) power to grant scholarships; (7) priority in employment of residents; and (8) encouragement of cooperative enterprises.

In view of the foregoing, approval of this bill is earnestly urged.


RAUL A. DAZA



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AN ACT
PROVIDING FOR A MAGNA CARTA FOR BARANGAYS,
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. *Short Title.* – This Act shall be known as the “*Magna Carta for Barangays.*”

SEC. 2. *Declaration of Policy.* – It is hereby declared 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 and grant every barangay the basic facilities for decent, healthy and comfortable living conditions. Toward these ends, the State shall ensure the local autonomy of barangays, the effective performance of their role as primary planning and implementing units of government programs, projects and

activities, and as fora in which the collective views of the people in the community may be crystallized and considered.

SEC. 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; and

c) Self-help or people empowerment shall be the guiding principle in all barangay development projects.

SEC. 4. *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 given to regular government employees.

SEC. 5. *Salary.* – All barangay officials mentioned in Section 4 hereof, shall be entitled to the following fixed salaries:

a) *Punong Barangay* – An amount equivalent to eighty percent (80%) of the salary of the member of the sangguniang panlungsod or sangguniang bayan of his or her city or municipality;

b) *Sangguniang Barangay Members, Kabataang Barangay Chairman, Barangay Secretary, Barangay Treasurer* – An amount equivalent to seventy percent (70%) of the salary of the members of the sangguniang panlungsod or sangguniang bayan of their city or municipality.

SEC. 6. *Supply of Drinking Water.* – 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 is hereby required to construct and maintain at least one deep well with pumping device for drawing drinking water to supply the needs of five hundred (500) residents for each barangay within its jurisdiction.

SEC. 7. *Transportation.* – 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 should make the necessary representations with the Land Transportation Franchising and Regulatory Board (LTFRB) to require public utility companies to provide the means of transportation in every barangay within its jurisdiction.

SEC. 8. *Schools, Health and Day Care Centers.* – Every barangay is entitled to have at least one elementary school and one high school. Every barangay shall also have one health center, one day care center and a barangay hall.

SEC. 9. *Share from National Taxes.* – It shall be the duty of the National Treasury to remit automatically to the barangays at the end of the calendar year their just share from the national taxes.

SEC. 10. *Share 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 or manufacturing plant is located within the barangay.

SEC. 11. *Share 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. Revenues derived from this source shall also form part of the general fund of the barangay.

The amount of barangay share shall be determined by the city or municipality 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 share for each barangay shall be resolved by all parties not later than six (6) months from the approval of this Act.

SEC. 12. *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 are *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. The grantee of the scholarship shall only enroll in public colleges or universities subsidized by national and local governments.

SEC. 13. *Priority in Employment.* – The residents of every barangay shall have priority in the hiring of workers and laborers needed in any government construction or development projects. Any person or private entity contracted to undertake any construction of a project should hire from qualified residents of the barangay, in accordance with the workforce requirement provided under Republic Act No. 6685.

SEC. 14. *Cooperative Enterprises.* – Cooperative enterprises in the barangay shall be encouraged and every barangay is directed to give full assistance to the organization of a cooperative enterprise and to take every possible effort to make cooperative undertakings a way of life in the barangay.

SEC. 15. *Appropriations.* – The amount necessary for the effective implementation of this Act shall be charged against the funds of the Department of the Interior and Local Government. Thereafter, such sum as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 16. *Implementing Rules and Regulations.* – The Secretary of Local Government shall, within six (6) months from the effectivity of this Act, issue the necessary rules and regulations to carry out the objectives of this Act.

SEC. 17. *Penal Provisions.* – Any person who shall willfully interfere with, or restrain any barangay official or barangay resident in the exercise of his rights guaranteed by this Act shall, upon conviction, be punished by a fine of not less than five hundred pesos (Php500.00) but not more than two thousand pesos (Php2,000.00), or by imprisonment of not more than six (6) months, 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. 18. *Repealing Clause.* – All laws, executive orders, presidential decrees, implementing rules and regulations inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 19. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,