

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon, City

FIFTEENTH CONGRESS
_____ Regular Session

House Bill No. **3969**

Introduced by Honorable Pastor M. Alcover Jr.

EXPLANATORY NOTE

This bill seeks to transfer to the Local Government Units the duty of fighting and suppressing communist insurgency amending for the purpose Republic Act No. 7160 otherwise known as the "Local Government Code of 1991."

The Philippines has been plagued by communist insurgency for close to five decades already. And despite the Government's efforts to finally end the problem, it is just as stubborn as a perennial grass that is almost impossible to uproot. Because of this, there is an urgent need to reassess and reformulate the government's strategy in dealing with the problem, lest, this cancer could metastasize and destroy every fiber, every facet and every stratum of the Philippine society.

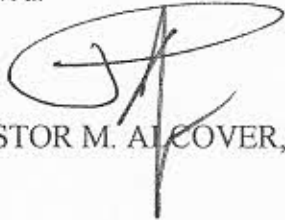
Insurgency is not just about a group of rebels taking up arms against the Government then seize and take control a particular area or territory of the country. The insurgency problem is a complex one. It goes through different stages before it finally metamorphosis into a full-blown armed conflict. It is for this reason that the solution for the insurgency problem in the Philippines should not be focused on a purely military one. Military option should only be considered as a last resort. Instead, the problem should be aggressively addressed while it is still on its initial stages.

The initial stage of an insurgency is when it is still a political propaganda movement and not yet an armed struggle. This happens when the Propaganda Organizing Team (POT) of the communist insurgents would enter a target area or village, befriend the local inhabitants, and then, slowly, as they gradually win the hearts of the local people, they will begin indoctrinating them. At this point, they will start spreading lies about the government. They will exploit the most vulnerable aspect of the lives of the villagers – their poverty – and use it to fan a flame of hatred against the government. This strategy is basically in line with the doctrine laid down by Mao Tse Tung that propaganda is essential in pursuit of its revolution, when he said, "Propaganda plays a vital role in the revolution. He, who wins the propaganda, wins the war."

It is at this stage where the role of the Local Government Units would be very crucial. The Local Chief Executives, because of their proximity, are the first government officials to know any unusual activities happening within their jurisdictions. Therefore, they should be our first line of defense against communist insurgency. Moreover, since insurgency is basically a propaganda war, it should be considered as a political problem and not a military problem hence it is the political

machinery of the government in the form of the Local Government Units that should be utilized in solving the problem. The vigilance and active participation of the Local Government Units would be very effective in nipping a nascent insurgency in the bud and prevent it from passing through its infant stage. If a local Chief Executive does not want insurgent activities in his territorial jurisdictions, the insurgents cannot enter within his territory. If all the Chief Executives of the Local Government Units in the country were united in fighting against insurgency, there would be no more space for any insurgency movement in the entire Philippine territory!

In view of the foregoing, approval of this bill is highly and earnestly recommended.

A handwritten signature in black ink, consisting of a large, stylized 'A' with a horizontal bar and a vertical stroke, followed by a smaller 'C' and 'O'.

PASTOR M. ALCOVER, JR.

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AN ACT
TRANSFERRING TO THE LOCAL GOVERNMENT UNITS THE DUTY OF
FIGHTING AND SUPPRESSING COMMUNIST INSURGENCY WITHIN THEIR
TERRITORIAL JURISDICTIONS AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE
OF 1991

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

SECTION 1. Section 384 of the Local Government Code of 1991 is hereby
amended to read as follows:

“SEC 384. *Role of the Barangays.* As the basic political unit, the
Barangay serves as the primary planning and implementing unit of the
government policies, plans, programs, projects, and activities in the
community, and as a forum wherein the collective views of the people may
be expressed, crystallized and considered, and where disputes may be
amicably settled. **IN ADDITION, THE BARANGAY SHALL BE THE
LEADING LOCAL GOVERNMENT UNIT TO SUPPRESS
COMMUNIST INSURGENCY MOVEMENTS OR SUSPECTED
COMMUNIST INSURGENCY MOVEMENTS WITHIN ITS
TERRITORIAL JURISDICTION AND SHALL FORMULATE
MEASURES, PROGRAMS AND POLICIES IN RELATION
THERE TO.”**

SEC 2. Sub-paragraph (3) of paragraph (b) of Section 389 of the same Act is
hereby further amended to read as follows:

“SEC 389. *Chief Executive: Powers, Duties, and Functions.*

(a) x x x

(b) x x x

(c) x x x

(1) x x x

(2) x x x

(3) Maintain public order in the Barangay and, in pursuance thereof, assist the city or municipal mayor and the sanggunian members in the performance of their duties and functions[;]: **PROVIDED, THAT IN RELATION TO THE DUTY OF THE BARANGAYS TO SUPPRESS COMMUNIST INSURGENCY MOVEMENTS WITHIN THEIR TERRITORIAL JURISDICTIONS, THE PUNONG BARANGAY SHALL IMMEDIATELY REPORT TO THE MUNICIPAL MAYOR OR CITY MAYOR ANY INSURGENT ACTIVITY OR SUSPECTED INSURGENT ACTIVITY WITHIN HIS BARANGAY AND SHALL CLOSELY WORK AND COORDINATE WITH THE MAYOR IN THE FORMULATION OF MEASURES OR STRATEGIES FOR THE SUPPRESSION THEREOF.**

SEC 3. Section 440 of the same Act is hereby further amended to read as follows:

“SEC 440. *Role of the Municipality.* – The municipality, consisting of a group of barangays, serves primarily as a general-purpose government for the coordination and delivery of basic, regular and direct services and effective governance of the inhabitants within its territorial jurisdiction. IN ADDITION, THE MUNICIPALITY SHALL HAVE THE DUTY TO SUPPRESS ANY COMMUNIST INSURGENCY MOVEMENT OR SUSPECTED COMMUNIST INSURGENCY MOVEMENT WITHIN ITS TERRITORIAL JURISDICTION AND SHALL FORMULATE MEASURES, PROGRAMS AND POLICIES IN RELATION THERETO.”

SEC 4. Item (vi) of Sub-paragraph (2) of Paragraph (b) of Section 444 of the same Act is hereby further amended to read as follows:

“SEC 444. *The Chief Executive: Powers, Duties, Functions and Compensation.*

(a) x x x

(b) x x x

(1) x x x

(2) x x x

x x x

(vi) Call upon the appropriate law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition or to apprehend violators of the law when public interest so requires and the municipal police forces are inadequate to cope with the situation of the violators[;]: **PROVIDED, THAT IN RELATION TO THE DUTY OF MUNICIPALITIES TO SUPPRESS COMMUNIST INSURGENCY MOVEMENTS WITHIN THEIR TERRITORIAL JURISDICTIONS, THE MUNICIPAL MAYOR SHALL IMMEDIATELY REPORT TO THE PROVINCIAL GOVERNOR ANY INSURGENT ACTIVITY OR SUSPECTED INSURGENT ACTIVITY WITHIN HIS TERRITORIAL JURISDICTION AND COORDINATE**

CLOSELY WITH THE PROVINCIAL GOVERNOR IN THE FORMULATION OF MEASURES OR STRATEGIES FOR THE SUPPRESSION THEREOF: PROVIDED, FURTHER, THAT THE MUNICIPAL MAYOR MAY REQUEST THE ASSISTANCE OF THE ARMED FORCES OF THE PHILIPPINES, AS A LAST RESORT, IF THE MUNICIPAL RESOURCES AND MUNICIPAL POLICE FORCES ARE INADEQUATE TO COPE WITH THE INSURGENCY PROBLEM;"

SEC 5. Section 448 of the same Act is hereby further amended to read as follows:

"SEC 448. *Role of the City.* – The city, consisting of more urbanized and developed barangays, serves as a general-purpose government for the coordination and delivery of basic, regular, and direct services and effective governance of the inhabitants within its territorial jurisdictions. **IN ADDITION, THE CITY SHALL HAVE THE DUTY TO SUPPRESS ANY COMMUNIST INSURGENCY MOVEMENT OR SUSPECTED COMMUNIST INSURGENCY MOVEMENT WITHIN ITS TERRITORIAL JURISDICTION AND SHALL FORMULATE MEASURES, PROGRAMS AND POLICIES IN RELATION THERETO."**

SEC 6. Item (vi) of Sub-paragraph (2) of Paragraph (b) of Section 455 of the same Act is hereby further amended to read as follows:

"SEC 455. *The Chief Executive: Powers, Duties, Functions and Compensation.*

(a) x x x

(b) x x x

(1) x x x

(2) x x x

x x x

(vi) Call upon the appropriate law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition or to apprehend violators of the law when public interest so requires and the city police forces are inadequate to cope with the situation of the violators[:]; **PROVIDED, THAT IN RELATION TO THE DUTY OF THE CITIES TO SUPPRESS COMMUNIST INSURGENCY MOVEMENTS WITHIN THEIR TERRITORIAL JURISDICTIONS, THE CITY MAYOR SHALL IMMEDIATELY TAKE ACTION ON ANY INSURGENT ACTIVITY OR SUSPECTED INSURGENT ACTIVITY WITHIN HIS TERRITORIAL JURISDICTION AND SHALL FORMULATE MEASURES OR STRATEGIES FOR THE SUPPRESSION THEREOF: PROVIDED, FURTHER, THAT THE CITY MAYOR MAY REQUEST THE ASSISTANCE OF THE ARMED FORCES OF THE PHILIPPINES, AS A LAST RESORT, IF THE CITY RESOURCES AND CITY POLICE FORCES ARE INADEQUATE TO COPE WITH**

THE INSURGENCY PROBLEM, AND IN THE CASE OF A COMPONENT CITY, THE DUTY OF THE MAYOR OF SAID CITY SHALL BE AS PROVIDED UNDER ITEM (VI) OF SUB-PARAGRAPH (2) OF PARAGRAPH (B) OF SECTION 444 OF THIS CODE, AS AMENDED;"

SEC 7. Section 459 of the same Act is hereby further amended to read as follows:

cluster of municipalities, or municipalities and component cities, and as a political and corporate unit of government, serves as a dynamic mechanism for development processes and effective governance of local government units within its territorial jurisdiction. **IN ADDITION, THE PROVINCE SHALL HAVE THE DUTY TO SUPPRESS ANY COMMUNIST INSURGENCY MOVEMENT OR SUSPECTED COMMUNIST INSURGENCY MOVEMENT WITHIN ITS TERRITORIAL JURISDICTION AND SHALL FORMULATE MEASURES, PROGRAMS AND POLICIES IN RELATION THERETO."**

SEC 8. Item (vi) of Sub-paragraph (2) of Paragraph (b) of Section 465 of the same Act is hereby further amended to read as follows:

"SEC 465. The Chief Executive: Powers, Duties, Functions and Compensation.

(a) x x x

(b) x x x

(1) x x x

(2) x x x

x x x

(vi) Call upon the appropriate national law enforcement agencies to suppress disorder, riot, lawless violence, rebellion or sedition or to apprehend violators of the law when public interest so requires and the police forces of the component city or municipality where the disorder or violence is happening are inadequate to cope with the situation of the violators[:]; **PROVIDED, THAT IN RELATION TO THE DUTY OF THE PROVINCES TO SUPPRESS COMMUNIST INSURGENCY MOVEMENTS WITHIN THEIR TERRITORIAL JURISDICTIONS, THE PROVINCIAL GOVERNOR SHALL IMMEDIATELY TAKE ACTION ON ANY INSURGENT ACTIVITY OR SUSPECTED INSURGENT ACTIVITY REPORTED BY THE MUNICIPAL MAYORS OR CITY MAYORS OF COMPONENT CITIES WITHIN HIS PROVINCE AND SHALL CLOSELY COORDINATE WITH THE MAYOR OF THE MUNICIPALITY OR COMPONENT CITY WHERE THE INSURGENT ACTIVITY OR SUSPECTED INSURGENT ACTIVITY IS REPORTED IN THE FORMULATION OF MEASURES OR STRATEGIES FOR THE SUPPRESSION THEREOF, PROVIDED, FURTHER, THAT THE PROVINCIAL GOVERNOR MAY REQUEST THE ASSISTANCE OF THE ARMED FORCES OF THE PHILIPPINES, AS A LAST RESORT, IF THE MUNICIPAL OR CITY**

RESOURCES AND THE MUNICIPAL OR CITY POLICE FORCES OF THE MUNICIPALITY OR COMPONENT CITY WHERE THE INSURGENT ACTIVITY OR SUSPECTED INSURGENT ACTIVITY IS REPORTED, ARE INADEQUATE TO COPE WITH THE INSURGENCY PROBLEM;"

SEC 9. Any elected or non-elected local government unit official who has failed to act or report any communist insurgency movement within his territorial jurisdiction or has given assistance, aid or support, in whatever form, to the communist insurgents shall be principally liable for the crime of rebellion as penalized under Article 134 of the Revised Penal Code.

SEC 10. The Secretary of the Interior and Local Government shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC 11. All laws, decrees, executive orders, letters of instructions, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC 12. This Act shall take effect fifteen (15) days after its publications in the official Gazette or in two (2) national newspaper of general circulation.

APPROVED