

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4046

Introduced by Rep. Gabriel Luis R. Quisumbing

EXPLANATORY NOTE

This bill seeks to establish a Magna Carta for barangays. As the basic political unit, the barangay serves as the primary planning and implementing unit of government programs, projects and activities. It is also the forum in which the collective views of the people in the community may be crystallized and considered.

Due to the important role of barangays, it is but just that measures be adopted to promote their welfare and prosperity.

This Legislative measure proposes the following:

1. That barangay officials be considered as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and other fringe benefits to which a regular government employee is entitled;
2. Basic necessities, such as regular supply of clean and potable water, public transportation, schools, health centers and Barangay halls, be provided to every barangay;
3. Automatic release of share from national taxes;
4. Transfer of funds to the barangay for the maintenance of roads and bridges;
5. Mandatory share of barangays in taxes, fees and other charges; and
6. Priority in employment.

In view of the foregoing, early passage of this bill is earnestly requested.



GABRIEL LUIS R. QUISUMBING

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2 **HOUSE OF REPRESENTATIVES**
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8 **HOUSE BILL NO. 4046**
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12 **AN ACT**
13 **TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS**
14

15 *Be it enacted by the Senate and House of Representatives of the Philippines in*
16 *Congress assembled:*
17

18 **ARTICLE I**

19 **TITLE. DECLARATION OF POLICY AND GENERAL PRINCIPLES**
20

21 **SECTION 1. Title.** - This Act shall be known as "The Magna Carta for
22 Barangays."
23

24 **SEC. 2. Declaration of Policy.** - It is the policy of the State to promote, develop
25 and improve the general welfare of barangay residents, raise the economic and social
26 status of barangay officials, grant every barangay, the basic facilities for decent,
27 healthy and comfortable living therein, and provide new measures that will ensure its
28 enjoyment of local autonomy to ascertain the effective performance of its role as the
29 primary planning and implementing unit of government programs, projects and
30 activities, and as a forum in which the collective views of the people in the community
31 may be crystallized and considered.
32

33 **SEC. 3. General Principles.** - The following are the general principles of this
34 Act
35

- 36 a. The National Government shall give more attention to the development of the
37 barangay, as it is the base of this country's economy.

- 1
- 2 b. Every barangay shall be given the authority and capability to solve its
- 3 problems on its level.
- 4 c. Self-help or people power shall be the guiding principle in all barangay
- 5 development projects.
- 6

7 **ARTICLE II**

8 **BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES**

9

10 **SEC. 4. *The Barangay Officials as Regular Government Employees.*** - The

11 punong barangay, sangguniang barangay members, the sangguniang kabataan

12 chairman, the barangay secretary, and barangay treasurer in all barangays are hereby

13 declared regular government employees, and as such are entitled to fixed salaries,

14 allowances, insurance, medical and dental coverage, retirement benefits and such

15 other fringe benefits which, under Civil Service laws, rules and regulations, a regular

16 government employee may be entitled to.

17

18 **SEC. 5. *Salaries of Barangay Officials.*** - As soon as the appropriate steps and

19 measures are undertaken by each city or municipality in coordination with the

20 individual barangay involved on matters relating to the sources of fund and the

21 corresponding appropriation ordinance, which in no case shall be later than six (6)

22 months from the approval hereof, all barangay officials mentioned in paragraph 4

23 hereof, shall be entitled to the following fixed salaries:

24

- 25 1. Punong Barangay - An amount equivalent to the salary of a sangguniang bayan
- 26 member of his municipality.
- 27
- 28 2. Six (6) Sangguniang Barangay Members - An amount equivalent to eighty
- 29 percent (80%) of the salary of a sangguniang bayan member of his
- 30 municipality.
- 31
- 32 3. Sangguniang Kabataang Chairman, Barangay Secretary, Barangay Treasurer -
- 33 An amount equivalent to seventy-five percent (75%) of the salary of a

1 sangguniang bayan member of his municipality.

2
3 **ARTICLE III**

4 **BASIC PRIORITIES IN THE BARANGAY**

5
6 **SEC. 6. *Drinking Water for Every Barangay.*** - It is the right of every
7 barangay to have a regular supply of clean and potable water. To attain this goal, every
8 city or municipality, as the case may be, is hereby enjoined to construct and/or
9 maintain at least one (1) deep well with pumping device for drawing drinking water
10 to supply the needs of every one thousand (1,000) residents for each barangay within
11 its jurisdiction.

12
13 **SEC. 7. *Transportation for Every Barangay.*** - It is also the right of every
14 barangay to have public transportation available at least once a day. For this purpose,
15 every municipality or city, as the case may be, should make such necessary
16 representations before the appropriate government agencies to require public utility
17 companies operating within its jurisdiction to provide the minimum means of
18 transportation in every barangay.

19
20 **SEC. 8. *Schools, Health Centers, and Barangay Halls for the Barangays.*** -
21 Every barangay is entitled to have at least one (1) elementary school: *Provided, That*
22 there shall be at least one (1) high school for every five (5) kilometers from the
23 barangay center. It shall also be the right of every barangay to have one (1) health
24 center and one (1) barangay hall.

25
26 **ARTICLE IV**

27 **MEASURES TO ASSURE ENJOYMENT OF LOCAL AUTONOMY**

28
29 **SEC. 9. *Automatic Release of Share from National Taxes.*** - It shall be the
30 duty of the National Treasury to remit automatically to the barangays every end of
31 the calendar year their just share from the national taxes.

32
33 **SEC. 10. *Transfer of Funds to Barangay for the Maintenance of Roads and***

1 **Bridges.** - All public funds appropriated from the National Treasury for the
2 maintenance of barangay roads and bridges and other similar constructions shall be
3 transferred or remitted directly to the general fund of every barangay for their
4 proper disposition by the barangay officials subject to auditing laws, rules and
5 regulations.

6
7 **SEC. 11. Mandatory Share of Barangays in All Taxes, Fees or Other**
8 **Charges.** - Twenty-five percent (25%) of all taxes collected on real property located
9 within the barangay shall be considered barangay funds and shall be allocated in
10 accordance with existing laws. In addition thereto, each barangay shall be entitled to
11 ten percent (10%) from all other forms of taxes, fees, penalties, compromises or
12 other charges collected from persons residing in the barangay or entities whose
13 office and/or manufacturing plant is located within the barangay.

14
15 **SEC. 12. Equitable Share of Barangays from Proceeds of Utilization and**
16 **Development of Natural Resources.** - For the exploitation, utilization and
17 development of natural resources within its territory, every barangay shall be entitled
18 to an equitable share of the proceeds derived therefrom. The amount of the barangay
19 share shall be determined by the city or municipality concerned after consultations
20 with the concessionaires, the municipal or city officials and barangay officials, taking
21 into account the extent of the exposure of the barangay residents to pollution, flood
22 and ecological imbalance: *Provided, however,* That this equitable sharing rate for each
23 barangay shall be resolved by all parties concerned not later than six (6) months
24 from the approval of this Act.

25
26 Revenues derived from this source shall also from part of the general fund of
27 the barangay.

28
29 **ARTICLE V**
30 **SUNDRY MATTERS**

31
32 **SEC. 13. Scholarship Grant.** - Every barangay shall sponsor at least one (1)
33 scholarship grant every year leading to any bachelor degree to be awarded by a

1 committee of five (5) persons appointed by the Sangguniang Barangay with the
2 approval of the Punong Barangay after competitive examinations are given to
3 applicants who should be bona fide residents of the barangay. The grant shall include
4 tuition fees and all other school fees, reasonable allowances for school books,
5 supplies, transportation, and other expenses as the barangay may deem appropriate.
6

7 **SEC. 14. *Priority in Employment.*** - Residents in every barangay shall have the
8 priority in the hiring of workers and laborers to be needed in any government
9 construction or development projects within the barangay.
10

11 **SEC. 15. *Cooperative Enterprise.*** - Cooperative enterprises in the barangay
12 shall be encouraged and every barangay is directed to give full assistance for the
13 establishment and organization of said enterprises and to take every possible effort
14 to make cooperative undertakings a way of life in the barangay.
15

16 **ARTICLE VI**
17 **ADMINISTRATION AND ENFORCEMENT**
18

19 **SEC. 16. *Rules and Regulations.*** - The Secretary of the Department of Interior
20 and Local Government shall promulgate such rules and regulations as may be
21 necessary to implement the provisions of this Act. Rules and regulations issued
22 pursuant to this Section shall take effect thirty (30) days after publication in a
23 national newspaper of general circulation and by such other means as the Secretary
24 of Local Government deems reasonably sufficient to give interested parties general
25 notice of such issuance.
26

27 **SEC. 17. *Budgetary Estimates.*** - The Secretary of Department of Interior and
28 Local Government shall submit to the Congress the necessary budgetary estimates to
29 implement the provisions of this Act concerning the allowances, insurance, medical,
30 dental and retirement benefits, and other fringe benefits of barangay officials,
31 including the basic priorities in the barangays and the barangay scholarship grant.
32

33 **SEC. 18. *Penal Provision.*** - Any person who shall willfully interfere with,

1 restrain or coerce any barangay official or barangay resident in the exercise of his or
2 her rights guaranteed by this Act or who shall in any other manner commit any act to
3 defeat any of the provisions of this Act shall, upon conviction, be punished by a fine of
4 not less than Five Hundred Pesos (P500.00) nor more than Two Thousand Pesos
5 (P2,000.00), or by imprisonment of six (6) months and one (1) day, or both, subject
6 to the discretion of the court.

7
8 If the offender is a public official, the court shall, after conviction, order his
9 dismissal from the government service, in addition to the above-mentioned penalties.

10
11 **SEC. 19. *Repealing Clause.*** - All acts and decrees, executive orders,
12 implementing rules and regulations or parts thereof, inconsistent with the provisions
13 of this Act are hereby repealed, amended or modified accordingly.

14
15 **SEC. 20. *Separability Clause.*** - If any provision of this Act is declared invalid,
16 the remaining provisions not affected thereby shall remain in force and effect.

17
18 **SEC. 21.** This Act shall take effect after its publication in two (2) national
19 newspapers of general circulation.

20
21 Approved,