

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

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1258

Submitted by the Committee on Local Government on 06 JUL 2011
Re: House Bill No. 4905

Recommending its approval in substitution of House Bill No. 570

Sponsors: Representatives George P. Arnaiz and Juan Edgardo M. Angara

Mr. Speaker:

The Committee on Local Government to which was referred House Bill No. 570 introduced by Representative Juan Edgardo M. Angara, entitled:

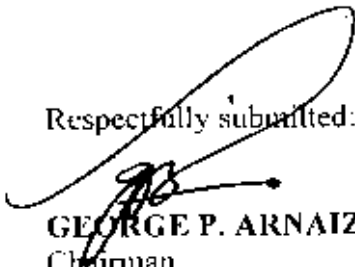
**"AN ACT
AMENDING SECTION 442 OF REPUBLIC ACT NO. 7160, AS AMENDED,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991"**

has considered the same and recommends that the attached House Bill No. 4905
entitled:

**"AN ACT
EXEMPTING FROM THE POPULATION REQUIREMENT, AMENDING
SECTION 442 OF REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE
KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991"**

be approved in substitution of House Bill No. 570 with Representative Juan Edgardo M. Angara as author thereof.

Respectfully submitted:



GEORGE P. ARNAIZ

Chairman

Committee on Local Government

**THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES**

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

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 4905

Introduced by: REPRESENTATIVE JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
EXEMPTING FROM THE POPULATION REQUIREMENT AMENDING
SECTION 442 OF REPUBLIC ACT NO. 7160, AS AMENDED, 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:*

1 **SECTION 1.** Section 442 of Republic Act No. 7160, as amended, otherwise
2 known as the Local Government Code of 1991 is hereby amended to read as follows:

3 **"SECTION 442. *Requisites for Creation.*** – (a) A
4 municipality may be created if it has an average annual income, as
5 certified by the provincial treasurer, of at least Two million five
6 hundred thousand pesos (P2,500,000.00) for the last two (2)
7 consecutive years based on the 1991 constant prices; a population
8 of at least twenty five thousand (25,000) inhabitants as certified by
9 the National Statistics Office; and a contiguous territory of at least
10 fifty (50) square kilometers as certified by the Land Management
11 Bureau: Provided, That the creation thereof shall not reduce the
12 land area, population or income of the original municipality or
13 municipalities at the time of said creation to less than the minimum
14 requirements prescribed herein.

15 (b) The territorial jurisdiction of a newly-created
16 municipality shall be properly identified by metes and bounds. The
17 requirement on land area shall not apply where the municipality

1 proposed to be created is composed of one (1) or more islands. The
2 territory need not be contiguous if it comprises two (2) or more
3 islands.

4 (c) The average annual income shall include the income
5 accruing to the general fund of the municipality concerned,
6 exclusive of special funds, transfers and non-recurring income.

7 (d) Municipalities existing as of the date of the effectivity
8 of this Code shall continue to exist and operate as such. Existing
9 municipal districts organized pursuant to presidential issuances or
10 executive orders and which have their respective set of elective
11 municipal officials holding office at the time of the effectivity of
12 this Code shall henceforth be considered as regular municipalities.

13 (E) TO ENHANCE THE DELIVERY OF BASIC
14 SERVICES IN THE INDIGENOUS CULTURAL
15 COMMUNITIES, MUNICIPALITIES MAY BE CREATED IN
16 SUCH COMMUNITIES BY AN ACT OF CONGRESS,
17 NOTWITHSTANDING THE ABOVE REQUIREMENT:
18 *PROVIDED*, HOWEVER, THAT THE MAJORITY OF THE
19 INHABITANTS ARE INDIGENOUS PEOPLES AND THE
20 TOTAL POPULATION SHALL BE AT LEAST FIVE
21 THOUSAND (5,000)."

22 **SEC. 2. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
23 rules and regulations or parts thereof inconsistent with the provisions of this Act are
24 hereby amended, repealed or modified accordingly.

25 **SEC. 3. *Effectivity.*** -This Act shall take effect seven (7) days after its publication
26 in a newspaper of general circulation.

27 ***Approved,***

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

570
H. B. No. _____

Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The inherent rights of indigenous cultural communities/indigenous peoples to self-governance and self-determination are expressly recognized in Republic Act No. 8371 also known as "The Indigenous Peoples Rights Act of 1997." The State guarantees their right to freely and effectively pursue their economic, social and cultural development.

Despite the law's recognition of these rights, the unfortunate reality is that indigenous cultural communities do not fully benefit from their State-guaranteed rights. They are not extended their preferential rights to public services and their cultural integrity remains unprotected.

The municipality serves as the basic unit for the coordination and delivery of basic, regular and direct services and effective governance of people within its territorial jurisdiction. As such, the task of ensuring the economic, social and cultural well-being of indigenous peoples lies primarily in the municipality.

In order for indigenous cultural communities/indigenous people to be guaranteed of their right to self-governance and self-determination and in order to develop and preserve their cultures, traditions and institutions, the bill seeks to lift the strict requirements for a regular municipality, where the proposed municipality is inhabited by a large and significant number of indigenous cultural communities.

For the full realization and protection of indigenous peoples' rights, I earnestly seek the approval of this bill.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

H. B. No. 570

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
AMENDING SECTION 442 OF REPUBLIC ACT NO. 7160, AS AMENDED,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. Section 442 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby further amended to read as follows:

SEC. 442. *Requisites for Creation. – (a) A municipality may be created if it has an average annual income, as certified by the provincial treasurer, of at least Two million five hundred thousand pesos (P2,500 000.00) for the last two (2) consecutive years based on the 1991 constant prices; a population of at least twenty-five thousand (25,000) inhabitants as certified by the National Statistics Office; and a contiguous territory of at least fifty (50) square kilometers as certified by the Lands Management Bureau: *Provided, That the creation thereof shall not reduce the land area, population or income of the original municipality or municipalities at the time of said creation to less than the minimum requirements prescribed herein.*

“(b) The territorial jurisdiction of a newly-created municipality shall be properly identified by metes and bounds. The requirement on land area shall not apply where the municipality proposed to be created is composed of one (1) or more islands. The territory need not be contiguous if it comprises two (2) or more islands.

“(c) The average annual income shall include the income accruing to the general fund of the municipality concerned, exclusive of special funds, transfers and non-recurring income.

“(d) Municipalities existing as of the date of the effectivity of this Code shall continue to exist and operate as such. Existing municipal districts organized

pursuant to presidential issuances or executive orders and which have their respective set of elective municipal officials holding office at the time of the effectivity of this Code shall henceforth be considered as regular municipalities.

"(E) THE POPULATION REQUIREMENT PRESCRIBED HEREIN SHALL NOT APPLY IF THE MAJORITY OF THE INHABITANTS OF THE PROPOSED MUNICIPALITY ARE INDIGENOUS PEOPLES: PROVIDED, HOWEVER, THAT THE TOTAL POPULATION SHALL BE AT LEAST FIVE THOUSAND (5,000)."

SEC. 2. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 3. *Effectivity.* This Act shall take effect seven (7) days after its publication in a newspaper of general circulation.

Approved,

FACT SHEET

House Bill No. 570

(As approved by the Committee on May 17, 2011)

AMENDING SECTION 442 OF REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by: Rep. Edgardo "Sonny" Angara

Committee Referral: Local Government

Committee Chairperson: Rep. George P. Arnaiz

OBJECTIVES:

- To protect the cultural integrity of the indigenous cultural communities by granting to them their state guaranteed rights to freely and effectively pursue their economic, social and cultural development;
- To develop and preserve indigenous cultures, traditions and institutions by exempting from the population requirement the creation of a regular municipality inhabited by indigenous cultural peoples.

KEY PROVISION:

- Exempts from the population requirement the creation of a municipality where the proposed municipality with at least 5,000 population is inhabited by a majority of indigenous cultural communities.

RELATED LAWS:

- Section 442 of R.A. 7160, otherwise known as the Local Government Code of 1991 as amended.
- Republic Act No. 8371 otherwise known as The Indigenous Peoples Rights Act of 1997