

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
Second Regular Session

COMMITTEE REPORT NO. 1363

Submitted by the Committee on People's Participation on 31 AUG 2011

RE : House Bill No. 5228

Recommending its approval in substitution of House Bill No. 3912

Sponsors : Representatives Benjamin D. Asilo, Loreto Leo S. Ocampos, Edwin L. Olivarez, and Winston T. Castelo

Mr. Speaker:

The Committee on People's Participation to which was referred **House Bill No. 3912** introduced by Representative Loreto Leo S. Ocampos, entitled:

"AN ACT PROVIDING FOR THE MAGNA CARTA OF CIVILIAN VOLUNTEER ORGANIZATION"

has considered the same and recommends that the attached House Bill No. 5228 entitled:

"AN ACT PROVIDING BENEFITS TO BARANGAY VOLUNTEER WORKERS"

be approved in substitution of House Bill No. 3912 with Representative Loreto Leo S. Ocampos as author and Representatives Benjamin D. Asilo, Edwin L. Olivarez, Ma. Catalina Leonen-Pizarro, Reena Concepcion G. Obillo, Winston T. Castelo, Christopher S. Co, and Salvador P. Cabaluna III as co-authors thereof.

Respectfully submitted,



BENJAMIN D. ASILO
Chairman, Committee on
People's Participation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5228
(In Substitution of House Bill No. 3912)

Introduced by: Reps. Loreto Leo S. Ocampos, Benjamin D. Asilo, Edwin L. Olivarez, Ma.
Catalina Leonen-Pizarro, Reena Concepcion G. Obillo, Winston T. Castelo, Christopher S. Co,
and Salvador P. Cabaluna III

AN ACT PROVIDING BENEFITS TO BARANGAY VOLUNTEER WORKERS

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

1 **SECTION 1. Title.** - This Act shall be known as the "*Barangay Volunteer Workers' Benefits*
2 *Act.*"

3 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to enhance
4 and promote the social and economic status of Barangay volunteers. The State shall protect the
5 rights of Barangay volunteers and promote their welfare.

6 **SEC. 3. Coverage.** - This Act shall cover all members of accredited Civilian Volunteer
7 Organizations (CVOs) and all other volunteers who perform regular governance or service
8 functions in the Barangay.

9 **SEC. 4. Definition of Terms.** - For purposes of this Act, the following shall mean:

10 1. Civilian Volunteer Organization shall refer to a body or brigade composed of
11 Barangay volunteers such as but not limited to Barangay Health Workers, Barangay Nutrition
12 Scholars, Barangay Tanod, members of the Lupon Tagapamayapa, and members of community
13 brigade and community service units duly created at the Barangay level to assist the Barangay
14 officials in the effective exercise of law enforcement for the maintenance of peace and order

1 and the promotion of public safety, security, health, social welfare, and the spirit of
2 volunteerism in the Barangay.

3 2. Barangay Volunteer Workers shall refer to individuals who belong to an
4 accredited CVO committed to rendering their services and resources, whether full-time or part-
5 time, to promote the public good.

6 3. Volunteerism shall refer to an act involving traditional forms of mutual aid and
7 developmental interventions that provides an enabling and empowering environment both on
8 the part of the beneficiary receiving, and the volunteer rendering the act, undertaken for
9 reasons arising from socio-developmental commitment or conviction for the attainment of
10 public good and where monetary and other incentives are not the primary motivating factors.

11 **SEC. 5. Qualifications.** – A Barangay volunteer must be of legal age, must be a resident
12 of the Barangay where one intends to volunteer, and must be of good moral character. A
13 Barangay volunteer may continue to serve the community for as long as one wishes to, and
14 able to maintain these qualifications and if such performance as a volunteer is considered
15 commendable by Barangay officials.

16 **SEC. 6. Duties and Obligations of a Barangay Volunteer.** - The Barangay volunteer
17 worker shall:

18 1. Make available time, knowledge, and skills to the Barangay, and report for work as
19 agreed with Barangay officials;

20 2. Maintain and promote peace, public safety, security, health, social welfare, and the
21 spirit of volunteerism in the Barangay;

22 3. Discharge duty humanely with conscience and dignity, and with utmost respect for
23 life, gender, and religion; and

24 4. Submit a written resignation when one wishes to resign at least fifteen (15) days prior
25 to effectivity thereof.

26 **SEC. 7. Statutory Fund Allocation for the Allowance of Barangay Volunteers.** - The
27 Barangay shall provide allowances to Barangay volunteers, which may not exceed the minimum
28 salary rate for SG-1; Provided, That no volunteer shall receive an allowance lower than
29 P1,500.00 per month.

Said allowances shall be charged to the administrative budget of the Barangay, which comprise eighty percent (80%) of its annual Internal Revenue Allotment, and income from other sources; *Provided*, That these shall not be covered by the fifty-five percent (55%) cap on Personal Services; *Provided, finally*, That the payment of said allowances shall be subject to the availability of funds and pertinent budgeting, accounting, and auditing rules and regulations.

SEC. 8. Security of Term. - A volunteer shall be asked to sign a Memorandum of Agreement (MOA) defining the period of service, reckoned from the date of the volunteers' assignment. This MOA may be renewed upon the agreement of the volunteer, the CVO, and the Barangay chairperson.

SEC. 9. Additional Benefits. - In recognition of their services, volunteers shall be provided the following benefits and incentives:

1. Philhealth coverage, which shall include medical examination and treatment in government hospitals, and fully subsidized by the Local Government Units or through cost-sharing mechanisms between LGUs and other sponsors; *Provided*, That indigent barangay volunteers shall be covered through full national government subsidy scheme.

2. Free legal services from government lawyers or private lawyers pursuant to RA. No. 9999 and Bar Matter no. 2012, for cases arising from acts committed in the performance of duty; *Provided*, That such legal services shall continue, even after the expiration of the term of the Barangay volunteer, until its final disposition; and

3. Trainings and seminars on human rights, disaster response and risk reduction, and others, deemed necessary by the city or municipality where the volunteers render service.

SEC. 10. Review by the Sanggunian Barangay. - Every incentive or benefit for Barangay volunteers requiring expenditure of local funds shall be reviewed and approved by the Sanggunian Barangay.

SEC. 11. Implementing Rules and Regulations. - The Department of the Interior and Local Government - National Barangay Operations Office (NBOO), in consultation with the National Liga ng mga Barangay and CVOs, shall issue the rules and regulations to implement this Act within ninety (90) days after its approval.

1 **SEC. 12. Separability Clause.** — If any provision of this Act is declared unconstitutional,
2 the same shall not affect the validity and effectivity of the other provisions hereof.

3 **SEC. 13. Repealing Clause.** - All laws, decrees, orders, and issuances or portion thereof,
4 as well as rules and regulations inconsistent with the provisions of this act are hereby repealed
5 or modified accordingly.

6 **SEC. 14. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
7 the Official Gazette or in any newspaper of general circulation.

8 Approved,

HOUSE OF REPRESENTATIVES COMMITTEE AFFAIRS DEPARTMENT

FACT SHEET

001 5228
House Bill No. _____

(In substitution of House Bill No. 3912)

BENEFITS FOR BARANGAY VOLUNTEER WORKERS

Introduced by: **REP. LORETO LEO S. OCAMPOS**

Committee Referral : **COMMITTEE ON PEOPLE'S PARTICIPATION**
Committee Chairperson: **REP. BENJAMIN D. ASILO**

OBJECTIVE:

- To strengthen and enhance the skills of barangay volunteer workers to become effective guardians of peace, security and safety.

KEY PROVISIONS:

- Defines the qualifications of a Barangay volunteer and allows the volunteer to continue with community work for as long as these are maintained, and if his performance is considered commendable by Barangay officials;
- Lists the duties and obligations of a Barangay volunteer;
- Provides allowances to Barangay volunteers, which shall be charged to the administrative budget of the Barangay, from 80% of its annual Internal Revenue Allotment, and income from other sources, subject to the availability of funds;
- Exempts the payment for allowances from the 45 to 55% cap on Personal Services;
- Provides for security of term of office of volunteers following a Memorandum of Agreement signed by the volunteer, the civilian volunteer organization of which he is a member, and the Barangay Chairperson;
- Grants various benefits and incentives to volunteers, which shall include Philhealth coverage, legal services, and relevant trainings and seminars; and
- Mandates the Sangguniang Barangay to review the incentives and benefits given to volunteers.

RELATED LAWS:

- Local Government Code of 1991
- Local Budget Circular No. 63 series of 1996
- RA 9999 or the "Free Legal Assistance Act of 2010"

As of Aug. 10, 2011

Republic of the Philippines
House of Representatives
Quezon City

**MINUTES OF THE MEETING OF THE COMMITTEE ON PEOPLE'S PARTICIPATION
HELD ON AUGUST 3, 2011, 1:30 P.M. AT CONFERENCE ROOM 11, MITRA BLDG.,
HOUSE OF REPRESENTATIVES**

I. CALL TO ORDER/ROLL CALL

The Chairperson of the Committee on People's Participation, Rep. Benjamin D. Asilo, presided over the meeting, which he called to order at 1:57 PM. The Chair also determined the presence of a quorum and dispensed with the calling of the roll.

II. ACKNOWLEDGEMENT OF MEMBERS AND GUESTS

The Chair introduced the members of the committee who were present during the meeting, namely Vice-Chair Cresente V. Paez (PL-Coop NATCCO), Reps. Winston T. Castelo (2nd District, Quezon City), Rafael V. Mariano (PL-ANAKPAWIS), Godofredo V. Arquiza (PL-Senior Citizens), Christopher S. Co (PL-Ako Bicol) and Salvador P. Cabaluna III (PL-1Care). The Chair also acknowledged the presence of Reps. Loreto Leo Ocampos (2nd Dist., Misamis Occidental), the author of House Bill 3912, and Raymond V. Palatino (PL-Kabataan).

Upon the authority of the Chair, the Committee Secretary acknowledged the presence of the following resource persons: Executive Director Joselito De Vera and Angie Gabino of Philippine National Volunteer Service Coordination Agency (PNVSCA); and Malou Tiquia and Suzette Lopez of Publicus Asia.

Later, the following guests were also acknowledged: Director Carmencita N. Delantar of the Department of Budget and Management (DBM); Atty. Jay R. Villegas of Philippine Health Insurance (PhilHealth); Director Nelia Tabliago of the Office of Civil Defense of the Department of National Defense, representing the National Disaster Risk Reduction Management Council (NDRRMC); and Ms. Amie Pombuena of the National Barangay Operations Office of the Department of the Interior and Local Government (DILG).

III. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Upon the motion of Rep. Cabaluna, duly seconded by Rep. Paez, the Committee approved the minutes of the meeting dated May 25, 2011.

IV. PRELIMINARY REMARKS OF THE CHAIRPERSON

The Chair explained that the meeting will initially consider Substitute Bill to House Bill 1199, or the Lobbying Disclosure Act, a re-filed measure which reached 2nd reading in the past Congress, to be followed by the consideration of Substitute Bill to House Bill 3912, or the Barangay Volunteers Act, which is a product of several committee and technical working group meetings.

V. CONSIDERATION AND APPROVAL OF SUBSTITUTE BILL TO HOUSE BILL 1199

Ms. Ma. Lourdes N. Tiquia, the Founder and General Manager of Publicus Asia Inc., introduced the lobby firm to the body and reacted on the measure at hand. She stated that Publicus Asia welcomes the measure because it addresses certain problems encountered under RA 1827, the existing but largely unimplemented lobbying law. She recommended several refinements of the measure, the most important of which is the inclusion of shepherding measures in the scope of lobbying activities.

Ms. Tiquia brought to light certain issues which pertain to lobbying such as the difference between direct and indirect lobbying; the need to level the playing field in lobbying; and other ethical issues related to lobbying. She also enumerated the benefits derived from lobbying, namely: (a) creating forums for diverse opinions; (b) providing checks and balances; (c) granting access to reliable data and impact evaluation of measures; and (d) preventing regulatory capture.

At this juncture, Rep. Cabaluna pointed out the need to refine Section 7 of the measure, to clarify that lobbyists need to separately register in Congress and/or in the Executive Departments, depending on the objective of their lobby.

After getting the concurrence of Ms. Tiquia, Rep. Paez moved to approve the bill with amendments and subject to style. Duly seconded by Rep. Cabaluna, the committee approved the measure as moved.

VI. CONSIDERATION AND APPROVAL OF SUBSTITUTE BILL TO HOUSE BILL 3912

Rep. Ocampos, the author of the measure, conceded that he is amenable to any amendment deemed appropriate by the committee such as the deletion of the section earmarking thirty percent (30%) of the income of the local government units (LGUs) to the allowances of Barangay volunteers and the deletion of the term "volunteers."

Ms. Amie Pombuena of the DILG agreed with the deletion of the section earmarking funds, reasoning out that LGUs have to deal with a lot of other mandatory expenditures.

On the deletion of the term "volunteer," Rep. Paez opined that doing so may render the bill futile. Executive Director De Vera of PNVSCA likewise forwarded that deleting the term may be tantamount to creating an employer-employee relationship between the LGU and the volunteer.

Nonetheless, the guests from the DILG and the PNVSCA are in agreement that volunteers may be provided benefits. Ms. Pombuena of DILG suggested that volunteers can be given transportation and food allowance, as well as insurance benefits. However, she recommended that instead of itemizing the benefits, the measure must state that volunteers be given equal benefits as those given to regular Barangay officials. Likewise, Executive Director De Vera of PNVSCA stressed that granting benefits to volunteers is accepted internationally, particularly in the form of monthly subsistence allowances to cover their meals and transportation costs. He added that volunteers can also be provided life and accident insurance, especially if the volunteer is working on hazardous assignments.

The Chair verified with the DILG and the DBM whether it is legal to provide volunteers with compensation. Ms. Pombuena of DILG replied that this is provided under the Local Government Code (LGC), subject to the availability of funds. Director Delantar of the DBM explained that positions for Barangay volunteers may be created as non-mandatory positions under Section 387 of the LGC.

Dir. Delantar further informed the committee of other relevant LGC provisions, such as (a) Section 325, which limits the use of funds for Personal Services (PS) or salaries and other benefits of personnel to 45 to 55% of the budget; (b) Section 393, which provides that positions in Barangays may be funded on an honorarium basis, until there is a compensation plan to warrant payment on salary basis; and (c) Section 286, which precludes the National Government from earmarking from the Internal Revenue Allotment (IRA) of LGUs. She detailed that only the percentage budgetary allocation for senior citizens and specially-abled persons, as well as programs on gender, AIDS, and protection of children are mainstreamed within local budgets through the local budget memorandum given at the start of the budget preparation.

Rep. Ocampos complained about the recent Joint Memorandum Circular of the DBM and the DILG prohibiting the charging of honorarium to 20% of the Local Development Fund (LDF). Director Delantar justified that at least 20% of the IRA share shall be for development projects, to ensure that there is capital expenditure or local investment, and went on to detail the menu of projects listed under the circular. Finally, she suggested that instead of using the 20% of the LDF for honorarium, these must be paid out of the remaining 80% of the IRA, which is specifically provided for administrative costs.

The Chair inquired on other possible sources of income of the Barangay. Ms. Pombuena of the DILG replied that the Barangay's revenue raising power is limited to fees and charges. In addition, she related that Barangays cannot collect community taxes unless mandated by the higher LGU. Nonetheless, she pointed out that the share of the Barangay in real property taxes (RPT) can be a source of funds.

Dir. Delantar stressed that under Sec. 325 of the LGC, the discretionary amount of the LGU shall not exceed 2% of the proceeds from the RPT. She reiterated that the Barangay should use the 80% for administrative cost for compensation.

Rep. Castelo conferred with Dir. Delantar to confirm that once the IRA is received by the LGUs, these may give allowances, subject to the availability of funds. Dir. Delantar concurred but emphasized that the use of funds must also be subject to accounting and budgeting rules.

Rep. Cabaluna propounded that since the allowances of Barangay volunteers can only be taken from the 80% administrative budget, then these must be exempted from the 55% PS cap. Dir. Delantar agreed that if these were paid on volunteerism basis, then these are not covered by the PS cap.

The Chair also asked Atty. Villegas of Philhealth to react on the provision on Philhealth benefits. Atty. Villegas asked that the word "free" under Section 9 be deleted since this may connote that all medical expenses will be paid by PhilHealth. On financing PhilHealth, he recommended that it be fully subsidized by the local government concerned or through cost-sharing between local governments and other sponsors, including the legislators. In addition, he proposed that if the volunteers are indigents, then the national government shall take care of their coverage. Finally, he recommended that the definition of civilian volunteer organization be revised to include Barangay health workers and Barangay nutrition scholars.

At this juncture, Reps. Castelo and Arquiza verified the status of implementation of the provision reserving one percent (1%) of the LGU budget for senior citizens, asserting that there are Local Chief Executives (LCEs) who do not follow the provision. Dir. Delantar explained that all LCEs should include this in the budget. Rep. Arquiza added that RA 7876, or the Senior Citizens Law, even provides for a senior citizen center in every city and municipality, which unfortunately, remains unimplemented.

Rep. Castelo also asked the DBM and the DILG to identify the reviewing authorities of LGUs. Ms. Pombuena of the DILG expressed that the department does not review nor regulate LGUs but only reminds them to follow the pertinent rules. For the budget, Dir. Delantar explained that the reviewing authorities are the higher LGUs, and the DBM only reviews the budgets of provinces and highly urbanized cities. Dir. Delantar further related

that these should have been considered at the level of the concerned Local Development Council, which is mandated to map out the plan and identify the programs for senior citizens, persons with disabilities, and other identified sectors.

The Chair inquired with the DBM and the DILG of their course of action when the LDC is not convened. Ms. Pombuena of the DILG and Dir. Delantar of the DBM explained that there are committees who do the work when the LDC is not convened. The Chair decried the practice of coming up with budgets even when LDCs are not convened.

The Chair also asked Dir. Tabliago of the NDRRMC to share her views on the provision on disaster management training. Dir. Tabliago related that this is specifically provided under Section 13 of RA 10021, or the Philippine Disaster Risk Reduction and Management Act of 2010. She informed the body that disaster trainings should be part of the calamity plan, and should be funded out of the calamity fund, which should comprise of at least 5% of the total LGU budget.

Rep. Ocampos requested that the technical working group (TWG) be tasked to polish the bill. After ascertaining that the body is unanimous in recognizing the import of the measure, Rep. Castelo moved for its approval subject to the amendments discussed by the body and the refinements of the TWG. The Chair expressed that all inputs were noted and approved the motion. The Committee approved the measure subject to amendments and style.

VII. ADJOURNMENT

There being no other matters to discuss, the Chair thanked the guests and the resource persons for their valuable insights, and adjourned the meeting at 4:05 P.M.

Prepared by:



LORENA A. FERNANDEZ
SLSO II

Reviewed by:



ROLANDO G. CRONICO, PhD.
Committee Secretary

Noted by:

HON. BENJAMIN D. ASILO
Chairperson
Committee on People's Participation

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3912

Introduced by: HON. LORETO LEO S. OCAMPOS

EXPLANATORY NOTE

The barangay serves as the smallest administrative division in our country. It is the primary planning and implementing unit of 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. The Civilian Volunteer Organization has played a vital role in the maintenance and protection of peace, and security and the promotion of public safety within the barangay.

The members of the Civilian Volunteer Organization risk their lives to protect the people in their communities despite the meager allowances they receive. In recognition of their heroic deeds, they should be afforded proper compensation, privileges and benefits.

This bill seeks to provide the members of the Civilian Volunteer Organization the compensation they deserve. This bill also aims to strengthen and enhance their skills to become effective guardians of peace, security and safety.



LORETO LEO S. OCAMPOS

Representative

2nd District, Misamis Occidental

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3912

Introduced by: **HON. LORETO LEO S. OCAMPOS**

AN ACT PROVIDING FOR THE MAGNA CARTA OF CIVILIAN VOLUNTEER ORGANIZATION

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

SECTION 1. Title. - This Act shall be known and cited as the "Magna Carta for Civilian Volunteer Organization".

SECTION 2. Declaration of Policy. - It is hereby declared to be the policy of the State to enhance and promote the social and economic status of civilian volunteers. The State shall protect the rights of civilian volunteers and promote their welfare.

SECTION 3. Coverage. - This Act shall cover all members of the Civilian Volunteer Organization whose primary function is the maintenance and protection of peace, and security and the promotion of public safety within the barangay.

SECTION 4. Civilian Volunteer Organization. - It refers to a body or brigade composed of civilian volunteers duly created at the barangay level, to assist the barangay officials in the effective exercise of law enforcement for the maintenance of peace and order and the promotion of public safety.

SECTION 5. Qualifications. - A civilian volunteer must be of legal age, must be a resident of the city or municipality of the place where he intends to volunteer, must be of good moral character and must not have been convicted of any crime.

SECTION 6. Salary. - A civilian volunteer shall receive a salary equivalent to

Level 1 — High School level to below second year college and a length of service of at least five (5) years shall receive salary equivalent to salary grade 6;

Level 2 — Second year college level shall receive salary equivalent to salary grade 8; and

Level 3 — College graduate level shall receive salary equivalent to salary grade 10.

SECTION 7. Working Hours. - A civilian volunteer is required to render eight (8) working hours a day or a total of forty (40) working hours a week; Provided, That the civilian volunteer may be required to render services beyond his/her required working hours during emergency situations.

SECTION 8. Additional Compensation and Allowances. - Civilian volunteers shall be provided additional compensation for services rendered beyond the required working hours. They shall also be entitled to hazard pay.

SECTION 9. Free Medical Examination and Treatment. — Pre-employment and annual medical examinations shall be provided by government hospitals, free of charge, to all civilian volunteers. Civilian volunteers snaring from work-related ailments shall be treated free of charge in government hospitals.

SECTION 10. Trainings and Seminars. The Local Government shall endeavor to provide members of the Civilian volunteer organization free capability training and seminar as well as Red Cross Basic Life Support Training.

SECTION 11. Legal Service. The members of the Civilian Volunteer Organization shall be entitled to free legal services from government lawyers for criminal and civil cases filed against him, arising from acts committed in the performance of his duties; provided, that such legal services shall continue, even after the expiration of the term of the civilian volunteer, until its final disposition;

SECTION 12. Appropriations. — Salaries and other benefits of day care workers shall be charged to the local government units concerned.

SECTION 13. Separability Clause. — If any provision of this Act is found to be unconstitutional, the remainder of this Act shall remain valid and subsisting.

SECTION 16. Repealing Clause. - All laws, decrees, executive orders, and rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 17. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,