

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

FIFTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 2355

Submitted by the Committee on Local Government on 28 AUG 2012
Re House Bill No. 6505

Recommending its approval in substitution of House Bill No. 4642

Sponsors: Representatives George P. Arnaiz and Florencio C. Garay

Mr. Speaker:

The Committee on Local Government to which was referred House Bill No. 4642 introduced by Representative Florencio C. Garay, entitled:

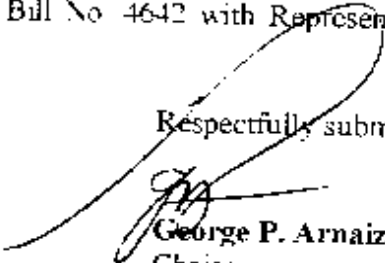
**"AN ACT
CREATING BARANGAY CUMAWAS IN THE CITY OF BISLIG, PROVINCE
OF SURIGAO DEL SUR"**

has considered the same and recommends that the attached House Bill No. 6505 entitled.

**"AN ACT
CREATING A BARANGAY IN THE CITY OF BISLIG, PROVINCE OF
SURIGAO DEL SUR TO BE KNOWN AS BARANGAY CUMAWAS"**

be approved in substitution of House Bill No. 4642 with Representative Florencio C. Garay 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

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6505

Introduced by Representative Florencio C. Garay

AN ACT
CREATING A BARANGAY IN THE CITY OF BISLIG, PROVINCE OF
SURIGAO DEL SUR TO BE KNOWN AS BARANGAY CUMAWAS

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

SECTION 1. *Creation of Barangay Cumawas.* – There is hereby created a
barangay in the City of Bislig, Province of Surigao del Sur to be known as Barangay
Cumawas

The technical description of Barangay Cumawas shall be as follows:

LINE	BEARING	DISTANCE
1-2	S41° 55' W	800 mts.
2-3	S61° 35' W	1,142 mts.
3-4	S89° 09' W	800 mts.
4-5	N12° 01' W	1,000 mts.
5-6	W64° 46' W	462 mts.
6-7	E78° 03' E	1,000 mts.
7-8	N30° 12' E	167 mts.
8-9	N04° 38' E	183 mts.
9-10	S70° 15' E	840 mts.
10-11	S76° 12' E	300 mts.

1 **SEC. 2. *Conduct and Supervision of Plebiscite.*** – The plebiscite conducted and
2 supervised by the Commission on Elections (COMELEC) pursuant to Provincial
3 Ordinance No. 103-94 of the Sangguniang Panlalawigan of the Province of Surigao del
4 Sur, which ratified the creation of Barangay Cumawas as proclaimed by the Plebiscite
5 Board of Canvassers on November 13, 1996 shall serve as a substantial compliance with
6 the plebiscite requirement under Section 10 of Republic Act 7160 as amended, otherwise
7 known as the Local Government Code of 1991.

8 **SEC. 3. *Barangay Officials.*** The first set of barangay officials shall be
9 appointed by the Provincial Governor of the Province of Surigao del Sur and shall hold
10 office until such time that their successors have been duly elected and qualified

11 **SEC. 4. *Public Infrastructures and Facilities*** – All existing public infrastructures
12 and facilities for public use existing therein at the time of the approval of this Act are
13 hereby transferred without cost or compensation to and shall be administered by the new
14 barangay

15 **SEC. 5. *Internal Revenue Allotment Shares*** - Barangay Cumawas shall be entitled
16 to Internal Revenue Allotment shares pursuant to Section 285 of Republic Act No. 7160
17 otherwise known as the Local Government Code of 1991.

18 **SEC. 6. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
19 publication in any newspaper of general circulation.

20 *Approved,*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4642

Introduced by HON. FLORENCIO C. GARAY

EXPLANATORY NOTE

This bill seeks to declare Barangay Cumawas in the City of Bislig, Province of Surigao del Sur as a government entity created pursuant to Section 385 of the Local Government Code of 1991.

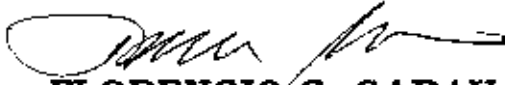
Under Section 385 of the Local Government Code, a barangay may be created, divided, merged or abolished, or its boundary substantially altered **by law or by an ordinance** of the sangguniang panlalawigan or sangguniang panlungsod, subject to approval by majority of the votes cast in a plebiscite to be conducted by the COMELEC in the local government unit or units directly affected within such period of time as may be determined by law or ordinance creating said barangay. In the case of creation of barangays by the sangguniang panlalawigan, the recommendation of the sangguniang bayan concerned shall be necessary.

Barangay Cumawas was created by virtue of Provincial Ordinance No. 103-94 of the Sangguniang Panlalawigan, entitled "Creating Comawas District of Barangay Mangagoy, Bislig, Surigao del Sur as a New, Separate and Independent Barangay of the Municipality of Bislig, This Province to be named Barangay Comawas." It was approved by a majority of the votes cast in the plebiscite conducted on September 8, 1996, and was officially proclaimed as a separate, distinct and independent barangay on November 13, 1996. However, since Barangay Cumawas was created through a local ordinance, the financial requirements of the barangay were governed by Section 285 of the Local Government Code which provided that the financial requirements of the

barangay created by local government units after the effectivity of the Local Government Code shall be the responsibility of the local government units concerned. Thus, Barangay Cumawas had no share in the internal revenue allotment; its expenses was shouldered by the municipal (now city) government of Bislig since its creation.

This bill seeks to rectify the omission with the creation of Barangay Cumawas in the City of Bislig, Province of Surigao del Sur as an independent government entity created pursuant to Section 385 of the Local Government Code of 1991, thereby entitling Barangay Cumawas to IRA shares generally allocated to barangays under the law. .

In view of its vital importance, the approval of this bill is earnestly sought.


FLORENCIO C. GARAY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4042

Introduced by HON. FLORENCIO C. GARAY

AN ACT
CREATING BARANGAY CUMAWAS IN THE CITY OF BISLIG,
PROVINCE OF SURIGAO DEL SUR

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

SECTION 1. *Creation of Barangay Cumawas.* - Barangay Cumawas was created by virtue of Provincial Ordinance No. 103-94 of the Sangguniang Panlalawigan of Tandag, Surigao del Sur, segregating it from its mother barangay, Barangay Mangagoy, with the following technical description delineating its territorial area:

<u>Line</u>	<u>Bearing</u>	<u>Distance</u>
1-2	S 41° 55' W	800 mts.
2-3	S 61° 35' W	1,142 mts.
3-4	S 89° 09' W	800 mts.
4-5	N 12° 01' W	1,000 mts.
5-6	W 64° 46' W	462 mts.
6-7	E 78° 03' E	1,000 mts.
7-8	N 30° 12' E	167 mts.
8-9	N 04° 38' E	183 mts.
9-10	S 70° 15' E	840 mts.
10-11	S 76° 12' E	300 mts.

SECTION 2. *Conduct and Supervision of Plebiscite.* - Pursuant to Section 10 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the new barangay shall exist upon a majority of the votes cast by the qualified voters of Barangay Mangagoy, City of Bislig, Province of Surigao del Sur, in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) in the area affected, within ninety (90) days from the effectivity of this Act.

SECTION 3. *Barangay Officials.* - The first set of officials of the said barangays shall be appointed by the Provincial Governor and shall hold office until such time that their successors have been duly elected and qualified in the next regular barangay election after the approval of this Act.

SECTION 4. *Public Infrastructure and Facilities.* - All existing public infrastructure and facilities for public use existing therein at the time of the approval of this Act are hereby transferred without cost or compensation and shall be administered by the new barangay.

SECTION 5. *Internal Revenue Allotment Shares.* - Barangay Cumawas shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act 7160, otherwise known as the Local Government Code of 1991.

SECTION 6. *Appropriations.* - The amount necessary to conduct the plebiscite as provided for under this Act shall be borne by the City of Bislig, Province of Surigao del Sur.

SECTION 7. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,

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

Fifteenth Congress
Second Regular Session

Minutes of the meeting of the Committee on Local Government held on May 8, 2012, 1:30 p.m. at Conference Rooms 14 and 15
Ramon V. Muna Bldg., House of Representatives, Quezon City

Guests:

1. Hon. Erwin Caratien, Mayor, Gumaca, Quezon
2. Hon. Isaias Umana L. Mayor, Lopez, Quezon
3. Hon. Leonchito Gabasangra, Vice-Mayor, Mauban, Quezon
4. Hon. Federico Bolen, Councilor, Lucban, Quezon
5. Mr. Raul Ludovico Staustician IV, Census Planning Division, National Statistics Office (NSO)
6. Ms. Consolacion Q. Agcaoili, Division Chief, Local Treasury Operations Division, Bureau of Local Finance,
Department of Finance
7. Mr. Jesse Alcaraz, representative, League of Provinces of the Philippines

I. CALL TO ORDER / ROLL CALL

The Chairperson, Rep. George P. Arnaiz, called the meeting to order at 2:32 p.m. On motion of Deputy Speaker Lorenzo R. Tanada, duly seconded, the Body dispensed with the calling of the Roll.

II. APPROVAL OF THE MINUTES OF THE MEETING OF THE MARCH 14, 2012 MEETING

On motion of Deputy Speaker Tanada, duly seconded, the Body dispensed with the reading of the minutes of the meeting held on March 14, 2012 and approved the same.

III. DELIBERATION AND APPROVAL ON HOUSE BILL NO. 1935 - "AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY POBLACION 2 IN THE MUNICIPALITY OF VILLANUEVA, PROVINCE OF MISAMIS ORIENTAL"- introduced by REP. YEVGENY VICENTE B. EMANO

Rep. Florencio C. Garay informed the Body that Rep. Yevgeny Vicente B. Emanó requested him to sponsor the bill in his behalf. Thereafter, the Chair recognized Rep. Garay to sponsor House Bill No. 1935.

Rep. Garay stated that the bill seeks to create a new barangay to be known as Barangay Poblacion in the Municipality of Villanueva, Misamis Oriental to be composed of Purok Mutya and Soligao, Poblacion forming parts of Barangay Poblacion.

He further stated that Purok Mutya and Soligao, Poblacion have a total land area of 657,692 square meters and constitute a significant percentage of the total population of Barangay Poblacion. Because of the looming population in Barangay Poblacion proper, he said, the constituents in the proposed barangay are often deprived of the equitable opportunity to avail of basic services from the Sangguniang Barangay. He further said the proposed barangay has viable socio and economic amenities that could enable socio-economic growth as well as development within.

Rep. Garay replied in the affirmative to the query of the Chair whether a plebiscite had already been conducted. The Chair explained that there was a need to amend Section 3 and Section 7 of the bill. The Chair stated that the plebiscite earlier conducted will be considered as a substantial compliance to the plebiscite requirement. The Chair informed the Body that the Secretariat already prepared an amendatory provision and requested that a Member of the Committee sponsor the proposed amendatory provision. The Chair then read the proposed amendment to wit: **SECTION 2. THE PLEBISCITE CONDUCTED AND SUPERVISED BY THE COMMISSION ON ELECTIONS PURSUANT TO PROVINCIAL ORDINANCE NO. 914-2008 OF THE SANGGUNIANG PANLAAWIGAN OF THE PROVINCE OF MISAMIS ORIENTAL IN BARANGAY POBLACION WHICH RATIFIED THE CREATION OF BARANGAY POBLACION 2 AS PROCLAIMED BY THE BOARD OF CANVASSERS SHALL SERVE AS A SUBSTANTIAL COMPLIANCE WITH THE PLEBISCITE REQUIREMENT UNDER SECTION 10 OF REPUBLIC ACT NO. 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991 AS AMENDED".** Upon motion of Rep. Sarmiento, duly seconded, the Chair approved the amendatory provision to be inserted in Section 3 of House Bill No. 1935.

Rep. Sarmiento also moved for the deletion of Section 7 of the bill. The Chair hearing no objection approved the motion of Rep. Sarmiento.

Thereafter, on motion of Rep. Mel Senen S. Sarmiento, duly seconded, the Body approved House Bill No. 1935.

IV. DELIBERATION AND APPROVAL ON HOUSE BILL NO. 4642 – "AN ACT CREATING BARANGAY GUMAWAS IN THE CITY OF BISLIG, PROVINCE OF SURIGAO DEL SUR", introduced by REP. FLORENCIO C. GARAY

Rep. Florencio C. Garay moved that the Explanatory Note of the bill be considered as his sponsorship speech. He said that the bill seeks to rectify the omission with the creation of Barangay Gumawas in the City of Bislig, Province of Surigao del Sur as an independent government entity created pursuant to Section 385 of the Local Government Code of 1991, thereby entitling Barangay Gumawas to internal Revenue Allotment (IRA) shares generally allocated to barangays under the law.

Rep. Garay moved that the proper amendatory provision be effected under Sections 2 and 6 of House Bill No. 4642 as similar to the amendments introduced to House Bill No. 1835 as earlier approved by the Body. The Chair, hearing no objection, approved the motion.

Thereafter, on motion, duly seconded, the Body approved House Bill No. 4642.

V. DELIBERATION ON HOUSE BILL NO. 3839 – "AN ACT CREATING THE PROVINCE OF QUEZON DEL SUR", introduced by DEPUTY SPEAKER LORENZO R. TAÑADA, REPRESENTATIVES IRVIN M. ALCALA AND DANILO E. SUAREZ

Deputy Speaker Lorenzo R. Tanada expressed his gratitude to the Chair for deliberating the bill. He likewise expressed his gratitude to Reps. Danilo E. Suarez, Wilfredo Mark M. Enverga, mayors and councillors who were present in the meeting to give thoughts on the bill.

He recalled that in the 13th Congress, he filed a similar bill together with Rep. Suarez and the late Rep. Raffy F. Nartas. The bill, he said, was enacted into law and unfortunately lost in the precinct. He enumerated the breakdown of the votes to wit: 1st District 24,092 voted for yes; 63,000 voted for no. In the 2nd District, 30,000 voted for yes; 62,000 voted for no more or less. In the 3rd District 52,310 voted for yes; 48,530 voted for no. And in the 4th District 51,152 voted for yes and 38,539 voted for no. He said that Districts 1 and 2 which will comprise Quezon Del Norte were not in favour of the division of Quezon, while Districts 3 and 4 were in favour. He further said that in the totality of the votes, the total number of votes in favour was 157,620 which comprise 43 percent of the total number of votes while those not in favor totalled 205,611 which comprised 57 percent of the total number of votes. He stated that the votes were close and breaking it down on north and south, it is really the sentiment of the people from South Quezon to have a province created.

He enumerated the reasons why he filed the bill, to wit:

1. Bigger hope for better governance. Quezon is one of the biggest province in the Philippines. Unfortunately despite its rich resources, the Province of Quezon remains in the list of the poorest provinces in the country. Instead of being an advantage, the vast land area and the steady increase in population became a huge deterrence in the delivery of government services;
2. The combined IRA of Quezon del Norte and Quezon del Sur will be higher than the IRA of the present Quezon Province. Quezon del Sur's IRA for 2010 would be 755.43 million pesos while Quezon del Norte's IRA would amount to 890.5 million pesos or a total of 1.64 billion pesos;
3. Quezon del Sur will have it's own IRA, the people will have more access to government services;
4. The Province of Quezon del Sur may plan for it's own development and may independently ask for funding support from the government and from private sectors.
5. The development of the entire Province of Quezon maybe attained faster.

Rep. Danilo E. Suarez recalled that the late President Manuel Quezon made it practically sure that he has a big bastion of land mass that Quezon includes all the way up to the boundaries of Cagayan in Isabela Province which includes Aurora and farther south even Marinduque used to be part of the Province of Quezon. He said that he thought that the thinking of President Quezon was to make sure that he has a big land mass which would influence other provinces as well.

He said that people asked him why he is for the division of the province now that his son is the incumbent governor. He replied that it will be a disservice to the province if they are not going to come up with an effort of dividing the province. He stated that the division of the province will be for better governance that would be advantageous for both provinces. He further stated that he co-authored the bill again hoping that the province can better understand the situation and better explain to their constituents the pros and cons of the measure.

The Chair directed the Committee Secretary to read the guests list that the Committee invited for purposes of discussing House Bill No. 3839. The Committee Secretary, Mr. Lito Myr F. Teoxon, read the names of the guests present, to :

1. Hon. Erwin Catalian, Mayor, Gumaca, Quezon
2. Hon. Isias Ubana II, Mayor, Lopez, Quezon
3. Hon. Leonchito Gapasangra, Vice-Mayor, Mauban, Quezon
4. Mr. Raul Ludovice, Statistician IV, Census Planning Division, National Statistics Office (NSO)

5. Mr. Consolacion O. Agcaoili, Division Chief, Local Treasury Operations Division, Bureau of Local Finance, Department of Finance
6. Mr. Jesse Alabat, representative, League of Provinces in the Philippines

Mr. Tacxon stated that the Secretariat invited to the meeting the Governor, Vice-Governor and all Mayors and vice-Mayors of the Province of Quezon.

The Chair inquired on the sentiment of the Governor. Rep. Suarez stated that they share the same sentiments. He said that they feel the division of the province must be done.

The Chair informed the Body that the new Province of Quezon del Sur has a population of 850,291 based on the 2010 Census, an income of P 245,314,696.54 pesos and a land area 4,177.35 square kilometers. The old province or the mother province will have a population of 1,136,739, income of P 559,958,795.00 pesos and a land area of 4,683.55 square kilometers. The Chair then asked the representatives of the Bureau of Local Government Finance and the National Statistics Office if the figures are correct. Ms. Consolacion O. Agcaoili, Division Chief, Local Treasury Operations Division, Bureau of Local Government Finance, Department of Finance and Mr. Raul Lucovide, Statistician IV, Census Planning Division, National Statistics Office (NSO) attested to the figures of the Chair.

Mr. Dominador Villena, former Mayor, Padre Burgos, Quezon, supported the bill. He said that it is better to micro manage the Province of Quezon. He further said that it would be good if the province will have two governors.

Rep. Wilfredo Mark M. Enverga opposed the bill and raised the following points to wit;

1. He and his father, a former governor, rejected the proposal because they believe that the resources of the province would not be enough in case the province would be divided.
2. Dividing the province would not be a right decision because financially speaking it does not make sense.
3. The research of Local Government Development Foundation of the Department of Interior and Local Government in partnership with the Konrad Adenauer Stiftung Foundation found out that dividing provinces will lead to the creation of weaker provincial governments.
4. This is not purely an issue of dividing the province but also an issue of management.

The Chair inquired how much is the IRA of the Province of Quezon. Rep. Suarez replied that the province has an IRA of 1.5 billion pesos. Deputy Speaker Tanada pointed out that based on 2010 figures the Province of Quezon del Sur will receive an IRA of 755,435,887.16 pesos while the Province of Quezon del Norte will receive an IRA of 890,506,522.40 pesos.

Hon. Isaias Ubana, Mayor, Lopez, Quezon, expressed his gratitude to the Body and to Deputy Speaker Tanada for inviting him to the meeting. He stated that in the last plebiscite, he took the negative position. However, he said that after seeing the light, he now subscribed to the position of the Deputy Speaker. He registered his reservation to the selection of the Municipality of Gumaca as the capital of the new Province of Quezon del Sur.

Rep. Suarez recalled that in 1735 the Municipality of Unisan was the capital of the province. He suggested to just revere history and make the Municipality of Unisan as the capital of the new province.

Hon. Erwin P. Canalian, Mayor, Gumaca, Quezon, suggested that the Municipality of Gumaca should be made the province capital, because his town is the crossroad between the Bangko Peninsula and the Bicol Region.

Deputy Speaker Tanada explained that a decision has to be made to make the Kapitolyo of Quezon del Sur closer to the 1st and 2nd Legislative Districts. On the argument of spending to build a new capitol, he said that it is a necessary fact that will not remain forever. He said that it is only a one-time expense and that it can even be programmed so that the expense in such a way would not be a shock to anyone. He stressed that the challenge now is how to move beyond being an agricultural province.

Rep. Suarez moved that in the next meeting the Committee invite the mayors from the 1st and 2nd Legislative Districts and the Members of the Sangguniang Panlalawigan of Quezon. The Chair then directed the Secretariat to invite the mayors of the 1st and 2nd Legislative Districts of Quezon, Governor, Vice-Governor and the Members of the Sangguniang Panlalawigan of Quezon.

Hon. Federico Baer, Councilor, Lucena, Quezon, speaking in Filipino, supported the bill. He said that the Sangguniang Bayan of Lucena passed Resolution No. 22-2012 supporting the passage of the bill. He recalled that some of his colleagues experienced so much difficulty in traveling to Lucena City when they attend the Councilors' League meeting.

Hon. Leonorito A. Gapesangra, Vice-Mayor, Mauban, Quezon, speaking in Filipino, stated that the Sangguniang Bayan of Mauban has not yet come up with the decision to either support or oppose the bill.

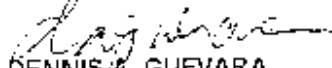
The Chair informed the Body that he is in receipt of Resolution No. 2012-35 of the Sangguniang Bayan of Sempaoan objecting to the creation of Quezon del Sur and a letter from Mayor Artemio Mascarena of the Municipality of Alabat also objecting to the creation of Quezon del Sur.

The Chair decided to suspend consideration of the bill and schedule the next meeting on May 23, 2012. Deputy Speaker Tanaka said that he will just inform the Committee Secretary when will be the next meeting.

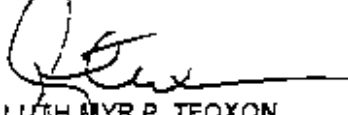
VI. ADJOURNMENT

There being no other matters to discuss, the meeting adjourned at 3:25 p.m.

Prepared by


DENNIS A. GUEVARA
SLSO II

Certified correct:


LUTH MYR P. TEOXON
Committee Secretary

Noted by:

HON. GEORGE P. ARNAIZ
Chairman

FACT SHEET

House Bill No. 4642

(As approved by the Committee on May 9, 2012)

CREATING A BARANGAY IN THE CITY OF BISLIG, PROVINCE OF SURIGAO DEL SUR TO BE KNOWN AS BARANGAY CUMAWAS"

Introduced by: Rep. Florencio C. Garay

Committee Referral: Local Government

Committee Chairperson: Rep. George P. Arnaiz

OBJECTIVES:

- To declare Barangay in the City of Bislig, Province of Surigao del Sur as government entity created pursuant to Section 365 of the Local Government Code of 1991;
- To ensure that Barangay Cumawas receives its share in the internal revenue allotment.

KEY PROVISION:

- Creates a Barangay in the City of Bislig, Province of Surigao del Sur to be known as Barangay Cumawas.
- Declares that plebiscite conducted and supervised by the COMELEC on 13 November 1996 serves as substantial compliance with the plebiscite requirement under Section 10 of the Local Government Code of 1991.
- Entitles Barangay Cumawas to IRA share pursuant to Section 285 of the Local Government Code.

RELATED LAW:

- Section 285 of Republic Act 7160, otherwise known as "The Local Government Code of 1991".