

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 715

Introduced by HON. FLORENCIO C. GARAY

EXPLANATORY NOTE

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

On March 1, 1979, the Sangguniang Panlalawigan of the Province of Surigao del Sur adopted Resolution No. 79-16 approving the creation of Barangay Guinhalinan as a regular and independent barangay comprising Sitios Guinhalinan, Umbon, Candi-isán and Binu-uyan. Consequently, then provincial Governor Gregorio P. Murillo issued Executive Order No. 10 declaring Guinhalinan as a duly created independent barangay. However, its effectivity was suspended by Department of Local Government and Community Development Memorandum Circular No. 79-13 which provided that "all creation of local government units by the local Sangguniang Bayans, except by the Prime Minister, meantime that the Local Government Code has not been implemented yet, shall be without force and effect." Upon the enactment of the Local Government Code of 1991, the Sangguniang Bayan of Barobo issued Resolution No. 113, Series of 2002 formally recognizing Guinhalinan as a regular barangay of the Municipality of Barobo, with a funding of Eighty Five Thousand Pesos (P85,000.00) for its operations.

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.

However, since Barangay Guinhalinan was created through a local ordinance, the financial requirements of the barangay is 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 Guinhalinan had no share in the internal revenue allotment; its expenses were shouldered by the municipal government of Barobo.

This bill seeks to rectify the omission through the re-creation of Barangay Guinhalinan in the Municipality of Barobo, Province of Surigao del Sur as an independent government entity pursuant to Section 385 of the Local Government Code of 1991, thereby entitling Barangay Guinhalinan 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

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AN ACT
CREATING BARANGAY GUINHALINAN IN THE MUNICIPALITY
OF BAROBO, 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 Guinhalinan.* - Barangay Guinhalinan was created by virtue of Resolution No. 79-16 of the Sangguniang Panlalawigan of Surigao del Sur and Executive order No. 10 of the Office of the Governor, comprising of Sitios Guinhalinan, Umbon, Candi-isán and Binu-uyan in the Municipality of Barobo.

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 Guinhalinan, Municipality of Barobo, 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 barangay shall be appointed by the Governor of the Province of Surigao del Sur and shall hold office until such time that their successors have been duly elected and qualified.

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 Guinhalinan 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 Municipality of Barobo, 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 a newspaper of general circulation.

Approved,