

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2085



Introduced by REP. ANTHONY G. DEL ROSARIO

EXPLANATORY NOTE

This bill seeks to remedy the inequity brought about by the last paragraph of Sec. 285 of Republic Act 7160, otherwise known as the Local Government Code of 1991. The said paragraph provides that the financial requirements of barangays created by local government units (LGUs) after the effectivity of the Local Government Code shall be the responsibility of the LGUs concerned.

Such provision effectively precluded Barangay Magugpo South in Tagum City, Province of Davao del Norte to receive Internal Revenue Allotment (IRA) that other barangays are entitled to have under normal circumstances. Brgy. Magugpo South was created pursuant to Provincial Ordinance No. 2, series – 1993, which was enacted and passed by the Sangguniang Panlalawigan on August 23, 1993.

The barangays are regarded as the basic political unit. It serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community.

Article II, Section 24 of the Philippine Constitution provides that the State shall ensure the autonomy of local governments. Relative thereto the Local Government Code also declares under Section 2, that it is the policy of the State that its territorial and political subdivisions shall enjoy genuine and meaningful local autonomy to enable them to attain development as self reliant communities thus making them effective partners in the attainment of national goals. However, barangay affairs and operations entail expenses and are sometimes costly.

The provision found in Sec. 285 of R.A 7160 deprives some barangays of their just share in the national taxes, in this case Brgy. Magugpo South.

Hence, this Representation is compelled to file this bill with the hope that pending the amendment of the iniquitous provision of the existing law, a more expedient remedy will be availed of for the said non-IRA barangay to level the field of opportunity amongst equals through an act of Congress.

In view of the foregoing, support and approval of the bill is earnestly sought.


ANTHONY G. DEL ROSARIO

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AN ACT

CREATING A BARANGAY TO BE KNOWN AS BARANGAY MAGUGPO SOUTH IN THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE

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

SECTION 1. *Creation of Barangay Magugpo South.* – There is hereby created a barangay to be known as Barangay Magugpo South in Tagum City, Province of Davao del Norte.

SEC. 2. *Conduct and Supervision of Plebiscite.*– The plebiscite conducted and supervised by the Commission on Elections (COMELEC) pursuant to Provincial Ordinance No. 2, S-1993, which was enacted and passed by the Sangguniang Panlalawigan on August 23, 1993, which ratified the creation of Barangay Magugpo South as proclaimed by the Plebiscite Board of Canvassers on September 4, 1994 shall serve as a substantial compliance with the plebiscite requirement under Section 10 of Republic Act 7160 as amended, otherwise known as the Local Government Code of 1991.

SEC. 3. *Barangay Officials* – The incumbent elected barangay officials of Barangay Magugpo South, Tagum City shall continue to hold office until such time that their successors have been duly elected and qualified

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

SEC.5. *Internal Revenue Allotment Share* – Barangay Magugpo South shall be entitled to Internal Revenue Allotment shares pursuant to Section 285 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991

SEC. 6. *Effectivity Clause* – This Act shall take effect fifteen (15) days after it's publication in the Official Gazette or in any newspaper of general circulation.

Approved,