

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH (16TH) CONGRESS
First Regular Session

House Bill No. **4145**



Introduced by Representative MYLENE J. GARCIA-ALBANO

EXPLANATORY NOTE

Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", as amended, was enacted precisely to breathe life into the constitutional mandate of local autonomy by establishing a more responsive and accountable local government structure instituted through an efficient system of decentralization. Essentially, this system is geared towards empowering local government units to achieve their full development as self-reliant communities, making them more effective and meaningful partners in the attainment of the nation's goals.

Being the basic political unit, the barangay serves as "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" (Section 384 of the Local Government Code). As such, it is the country's ultimate front-liner in the provision of a broad range of basic services to the community, as well as in the delivery to the citizenry of their first taste of local public service.

Section 6, Article X of the Constitution states: "Local government units shall have a just share, as determined by law, in the national taxes which shall be automatically released to them." The Internal Revenue Allotment (IRA) as incorporated in the general appropriations law enacted annually by the legislature is the "just share" contemplated by the constitutional mandate. Therefore, it is clearly an indispensable component in the grant of meaningful and true fiscal autonomy to local government units. However, the local government units created through their respective local legislature bodies are prohibited from receiving the above-mentioned constitutionally mandated equitable share in the nation's internal revenue taxes. The Code provides: "**x x x the financial requirements of barangays created by local government units after the effectivity of this Code shall be the responsibility of the local government unit concerned**" (emphasis and underscoring supplied).

Withholding these resources from the local government units covered by the last paragraph of Section 285 of the Local Government Code is thus not in accord with the express entitlement mandated by the Constitution.

Barangay V. Hizon, located within the City of Davao, is one such barangay excluded from a share in the IRA. It has a land area of Two Hundred Twelve hectares (212), and a population of Twelve Thousand One Hundred Fifty Four (12,154). It is bounded on the North by the Davao International Airport runway, Barangay Alfonso Angliongto, Sr. and Barangay Lapu-Lapu in the

West, coastline of the Davao Gulf in the South, J.P. Laurel Avenue (Davao-Agusan National Highway) and Insular Creek in the Southeast, Doña Asuncion in the East, Doña Asuncion Subdivision, Insular Village I, West Insular Village, Fortune Executive Homes, Nova Tierra Village Phase 1-3, Pampanga Executive Homes Subdivision, Belen Homes, Sto. Domingo I, Donnasville, Model Homes, Lizada Village Purok 2-3 in the Northeast. Having complied with the requisites prescribed under Section 386 of the Local Government Code and the plebiscite requirement contained in Section 10, Article X of the Constitution, it was separated from the original Barangay Pampanga and created as a separate barangay by the City Government of Davao, acting through the Sangguniang Panlungsod, under City Council Resolution No. 02565-03 and City Council Ordinance No. 0161-03 approved on November 18, 2003. Its corporate existence began on July 25, 2004 when its first set of regular officials was elected, pursuant to Section 14 of the Local Government Code.

An entitlement to the IRA is an indispensable element and a constitutionally and lawfully ingrained component of the resources of any local government unit. In the case of a barangay, said entitlement becomes even more crucial as this most basic local political subdivisions delivers the nation's frontline response to the needs of the Filipino citizenry. Further, it is at the barangay level that government, both national and local, aspires to implement basic policies, plans, programs, projects and activities, as well as settle all discussions, disputes and grievances. In the performance of this all-important frontline response and accountability functions, diminished and uncertain resources deliver a significant blow to the efficiency and effectiveness of barangay local governance. At the end of the day, it is the Filipino people who will bear the prejudicial consequences of this fiscal disparity.

In view of these considerations, and in the face of resonating and unified public clamor for a clear and immediate legislative remedy to the matter at hand, the immediate approval of this bill is highly and earnestly sought.



MYLENE J. GARCIA-ALBANO

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House Bill No. **4145**

Introduced by Representative MYLENE J. GARCIA-ALBANO

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY V. HIZON
IN THE 2ND DISTRICT OF DAVAO CITY**

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

Section 1. Creation. – Barangay V. Hizon in Davao City is hereby separated from Barangay Pampanga and constituted into a new Barangay to be known as Barangay V. Hizon in the City of Davao.

Section 2. Conduct and Supervision of Plebiscite. - The plebiscite conducted and supervised by the Commission of Elections (COMELEC) in Barangay Pampanga pursuant to City Council Ordinance 0161-03 of the Sangguniang Panlungsod of the City of Davao, which ratified the creation of Barangay V. Hizon shall serve as valid compliance with the plebiscite requirement under Section 10 of Republic Act No. 7160, otherwise known as “The Local Government Code of 1991,” as amended.

Section 3. Barangay Officials. - The incumbent officials of Barangay V. Hizon shall continue to hold office until such time as their successors shall 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 to and shall be administered by the new Barangay.

Section 5. Internal Revenue Allotment (IRA) Shares. - Barangay V. Hizon shall be entitled to its share in the Internal Revenue Allotment (IRA) pursuant to Section 285 of the Local Government Code of 1991.

Section 6. This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,