

SIXTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES))
Third Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. **5987**

Introduced by Susan A. Yap

EXPLANATORY NOTE

The barangay is at the frontline in the delivery of basic services to our people. As the most basic political unit, it 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" (Sec. 384, Local Government Code).

The Local Government Code of 1991 (RA 7160), as amended, was enacted to give flesh to 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 (LGUs) to achieve their full development as self-reliant communities, making them more effective and meaningful partners in the attainment of the nation's goals.

The creation of barangays,¹ upon proper compliance with the requirements set by the Constitution and the Local Government Code, is intended to bolster the capability of local governments to efficiently and effectively perform their respective functions, duties and responsibilities in the name of autonomy, decentralization and national growth and prosperity.

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) incorporated in the general appropriations law enacted annually by the legislature is the "just share" contemplated by the constitutional mandate.

Under Section 285 of RA 7160, barangay units are entitled to twenty percent (20%) of the IRA share of local government units from collected national taxes. However, the last paragraph of the same provision excludes barangays created by local government units through their respective local legislative bodies from receiving the 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 applied). In other words, the financial requirements of barangays created after the effectivity of the Code shall be borne by the LGUs creating them. Thus, newly created barangays

¹Under Section 385 of RA 7160, 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 maybe determined by law or ordinance creating said barangay.

are at the mercy of their parent LGUs, which if not so concerned will leave said barangays fending for themselves.

The IRA is clearly an indispensable component in the grant of meaningful and true fiscal autonomy to LGUs. However, the non-accordance of these resources to the LGUs covered by the last paragraph of Section 285 of the Local Government Code is not in accord with the operative principles of decentralization and, fundamentally, with the express entitlement mandated by the Constitution.

Having been created after the effectivity of the Local Government Code through a local ordinance, Barangay Care in the City of Tarlac, Province of Tarlac, is one such barangay excluded from a share in the IRA. It only depends on provincial assistance and city aid from the local government of Tarlac.

Barangay Care was a former sitio of Brgy. Tibag in the City of Tarlac. It was separated from its Mother Unit, Brgy. Tibag, and became an independent barangay through Provincial Ordinance No. 2 Series of 1991 of the Sangguniang Panlalawigan of the Province of Tarlac entitled "An Ordinance Approving the Creation of Barangay Care out of its Mother Unit, Barangay Tibag, in the Municipality of Tarlac". In March 14, 1993, COMELEC conducted a plebiscite ratifying the creation of Brgy. Care to its residents. The first set of barangay officials were re-appointed by then Provincial Governor, Hon. Margarita Cojuangco. Since then, elections for barangay officials were held regularly.

Barangay Care is composed of seven (7) zones, and one (1) sitio namely, Sitio Paquillo which is a part of Zone 7. There are few business establishments and small enterprises in the area such as poultries and sari-sari stores, while most families rely on farming.

This bill intends to rectify the omission by declaring Barangay Care in the City of Tarlac, Province of Tarlac as a government entity created pursuant to Section 385 of the Local Government Code of 1991, thereby entitling Barangay Care to IRA shares generally allocated to barangays under the law. It seeks to re-create Barangay Care and grant IRA for the betterment of its operations, as well as its residents. With ample funding, thriving of Barangay Care would be achieved, access to government services would be unchallenging, and the standard of living in the area would be uplifted.

In order to help Barangay Care attain sustainable development, and a more accessible government services for its residents, the passage of this bill is earnestly sought.


REP. SUSAN A. YAP
Second District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. **5987**

Introduced by Susan A. Yap

AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY CARE IN
THE CITY OF TARLAC, PROVINCE OF TARLAC

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

SECTION 1. *Creation of Barangay Care.*— Sitio Care in Barangay Tibag, City of Tarlac, Province of Tarlac which was separated from Barangay Tibag and constituted as Barangay Care under Provincial Ordinance No. 2 Series of 1991 is hereby created and shall hereafter be known as Barangay Care.

The technical description of Barangay Care shall be as follows:

“The boundary between Tibag, the mother barangay and the new barangay of Care shall be running along halfway from point marked “A” which is Sapang Maragul bridge to point marked “B” (via concrete barangay road) which is Tibag bridge; then running irregularly along the Sapang Maragul creek extension halfway from point marked “B” to point marked “C” the tip of the boundary between Barangay Tibagan and Tibag; then from point marked “C” to point marked “D” with a distance of 2,330 meters as referred from the original map of Barangay Tibagan similarly presented in this map); then from point marked “D” to point marked “E” with a distance equivalent to 2,010 meters being the boundary with Barangay Pao as referred from specified distance of 3,460 meters from point marked “O” or BBM 102 to point marked “E” or BBM 97 minus point intercept “D” which is 1,450 meters from BBM 102 together with the creation of Barangay Tibagan; then finally from point marked “E” or BBM 97 to point of origin of point marked “A” or BBM 98 with a distance of 4,550 meters (being the boundary line with Barangay Sapang Maragul (as referred from PPDO map reflecting survey of 1932-1937.”

SECTION 2. *Conduct and Supervision of Plebiscite.*— The plebiscite conducted and supervised by the Commission on Elections (COMELEC) in Barangay Care, pursuant to Provincial Ordinance No. 2 Series of 1991 of the Sangguniang Panlalawigan of the Province of Tarlac, which finally ratified the creation of Barangay Care as proclaimed by the City Board of Canvassers on March 14, 1993 shall serve as substantial compliance with the plebiscite requirement under Section 10 of Republic Act No. 7160, as amended, otherwise known as the “Local Government Code of 1991”.

SECTION 3. *Incumbent Barangay Officials.*— The incumbent barangay officials of Barangay Care shall continue to hold office until such time that their successors shall have been duly elected and qualified.

SECTION 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.

SECTION 5. *Internal Revenue Allotment Shares.*— Barangay Care shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act No. 7160, as amended, otherwise known as the “Local Government Code of 1991”.

SECTION 6. *Separability Clause.* — If, for any reason, any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 7. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,