

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 8047



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

Section 384 of Republic Act 7160, otherwise known as the Local Government Code of 1991 provides that:

“SECTION 384. Role of the Barangay. - As 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, and where disputes may be amicably settled.”

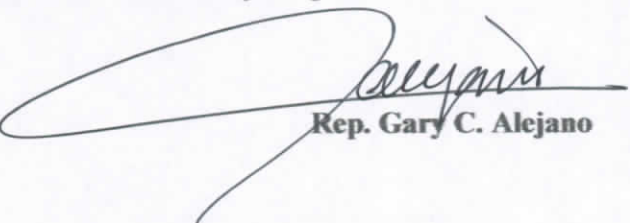
As has been provided, the barangay is the frontline of the local government unit: the most accessible to the people and most accountable to it. The barangay however, remains underutilized, its impact in the administration of their respective jurisdictions minimal, and its power blunted by far more complex issues and problems, which are not within the capacities of its office.

Empowering the barangay then should be one of Congress' imperatives. The barangay shall have additional powers in order for it to better perform its mandate and cope with the evolving demands of it being the government's basic political unit. Among such powers, as this Act aims to provide, is the issuance of business licenses and permits for small-scale enterprises; the issuance of building permits, within the barangay for one floor/storey buildings and/residence with a floor area not exceeding 120 square meters through the Barangay Building Official; and grant permits to extract sand, gravel and other quarry resources for small-scale extraction activities.

The new powers to be granted by this Act shall ease the workload of the city/municipality government involved by the devolution of such powers to the barangay-level. Moreover, the barangay who is most closely acquainted to their localities will have the power to determine businesses or structures beneficial or inimical to its people's interests. Furthermore, as the barangay is the most susceptible to the adverse effects of mining, empowering it to regulate small-scale quarry activities and having it earn its fair share of the proceeds from taxing such activities is just and reasonable.

If we are to reinvent government to perform at its maximally efficient capacity, empowering the barangay is vital and necessary. It is time to enhance the barangay's capacities.

In view of the foregoing, approval of this measure is earnestly sought.


Rep. Gary C. Alejano

1 The barangay building official shall be under the supervision of the Secretary of the
2 Department of Public Works and Highways per Presidential Decree No. 1096 and its implementing
3 rules and regulations and shall enforce the provisions of the same within the barangay; Provided
4 That, the barangay building official shall be responsible for the issuance of building permits within
5 the barangay for one floor/storey buildings and/or residence with a floor area not exceeding 120
6 square meters.

7
8 **SEC. 5. *Additional Powers.***—The Punong Barangay shall:
9

10 a. Issue business licenses and permits and suspend or revoke the same for any violation of
11 the conditions upon which the said licenses or permits had been issued, pursuant to the law or
12 ordinance: Provided That, the exercise of this power shall be limited to convenience stores and
13 other small business establishments with an annual gross income of one million pesos
14 (P1,000,000.00) or less;
15

16 b. Upon approval by a majority of all the members of the Sangguniang Barangay, appoint or
17 replace a barangay building official and provide for compensation and reasonable allowances
18 pursuant to Section 381 (10) of Republic Act No. 7160;
19

20 c. Issue permits, without the need of approval therefor from any national or local agency, for
21 the holding of activities for any charitable or welfare purpose, excluding prohibited games of
22 chance or shows contrary to law, public policy and morals;
23

24 d. Require owners of illegally constructed single floor houses, buildings or other structures
25 to obtain the necessary permit, subject to such fines and penalties as may be imposed by law or
26 ordinance, or to make necessary changes in the construction of the same when said construction
27 violates any law or ordinance, or to order the demolition or removal of said house, building or
28 structure within the period prescribed by law or ordinance;
29

30 e. Act as a collecting agent, after being deputized by the local treasurer, for the
31 municipality/city of license fees for signs, signboards, or billboards at the place or places where the
32 profession or business advertised thereby is, in whole or in part, conducted: Provided That, the
33 barangay shall retain thirty percent (30%) of the collection which shall be entered into its book and
34 appropriated for development projects: Provided finally that, the seventy percent (70%) shall
35 accrue to the municipality/city concerned;
36

37 **SEC. 6.** Section 138 of Republic Act No. 7160 otherwise known as the Local Government
38 Code of 1991, is hereby amended to read as follows:
39

40 “Sec. 138. *Resources Tax on Sand, Gravel and Other Quarry.* – The province may levy and
41 collect more than ten percent (10%) of the fair market value in the locality per cubic meter
42 of ordinary stones, sand, gravel, earth, and other quarry resources, as defined by the
43 National Internal Revenue Code, as amended, extracted from public lands or from the beds
44 of the seas, lakes, rivers, streams, creeks, and other public water within its territorial
45 jurisdiction.
46

1 The permit to extract sand, gravel and other quarry resources shall be issued exclusively by
2 the provincial governor FOR MEDIUM AND LARGE-SCALE EXTRACTION
3 ACTIVITIES, pursuant to the ordinance of the sangguniang panlalawaigan: *Provided That,*
4 PERMIT TO EXTRACT SAND, GRAVEL AND OTHER QUARRY RESOURCES FOR
5 SMALL-SCALE EXTRACTION ACTIVITIES IN ACCORDANCE WITH REPUBLIC
6 ACT NO. 7942, OTHERWISE KNOWN AS THE PHILIPPINE MINING ACT, SHALL
7 BE ISSUED EXCLUSIVELY BY THE PUNONG BARANGAY, PURSUANT TO THE
8 ORDINANCE OF THE SANGGUNIANG BARANGAY.

9
10 The proceeds of the tax on sand, gravel and other quarry resources shall be distributed as
11 follows:

12 (1) Province – [Thirty] TWENTY percent (20%)

13
14 (2) Component City or Municipality where the sand, gravel, and other quarry
15 resources are extracted – Thirty percent (30%); and

16
17 (3) Barangay where the sand, gravel, and other quarry resources are extracted –
18 [Forty] FIFTY percent (50%).
19

20 **SEC. 7. *Procedure of Appeal.***—In the exercise of the additional powers granted herein, the
21 aggrieved party may file an appeal to the municipality or city concerned. The municipality/city shall
22 have fifteen (15) days to dispose of the matter, or the same shall be construed as final.
23

24 **SEC. 8. *Review Powers Among Local Governments.***—The procedure of review of
25 executive orders in the exercise of the powers granted herein shall be in accordance with Section 30
26 of Republic Act No. 7160 or the Local Government Code.
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28 **SEC. 9. *Implementing Rules and Regulations.***—The Department of Health shall
29 promulgate the necessary rules and regulations for the effective implementation of the purposes of
30 hits Act.
31

32 **SEC. 10. *Separability Clause.***—If any provision, section or part of this Act shall be
33 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other
34 provisions, sections, or parts thereof.
35

36 **SEC. 11. *Repealing Clause.***—All laws, presidential decrees, executive orders, rules and
37 regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or
38 modified accordingly.
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40 **SEC. 12. *Effectivity.***—This Act shall take effect fifteen (15) days following its publication
41 in the Official Gazette and in two (2) newspapers of general circulation.

Approved,