

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. - **8342**



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

Republic Act No. 7160 or the Local Government Code devolved to all local government units the administration of the following basic services: agriculture, health, social welfare, maintenance of public works and highways, and environmental protection. The aim of devolution of these services is to improve public service delivery, to consolidate democracy, to promote local economic development and to reduce the potential for societal conflicts.

However, 26 years after the enactment of RA No. 7160, there has been minimal improvement with regard the delivery of local services by most local government units. RA No. 7160 demarcates the functions of local authorities at various levels. However, some functions devolved to local units like the Barangay have effects and/ or benefits that extend outside their own boundaries. For example, health objectives and programs are more national than local although they can be implemented locally.

Hence, this proposed measure amends certain sections of RA No. 7160 and qualifies what functions should be left to the national government, what functions are to be shared, and what functions should be fully devolved based on a clear understanding of who are included in the LGU's scope of beneficiaries so that they will have built in incentive mechanism that will encourage LGUs to invest or finance these functions.

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



GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT
TO RATIONALIZE THE FUNCTIONAL ASSIGNMENTS OF LOCAL
GOVERNMENT UNITS BY AMENDING CERTAIN PROVISIONS IN
REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991

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

1 **SECTION 1.** Section 3 (a) of the Code is hereby amended to read as follows:
2

3 **“SEC. 3. Operative Principles of Decentralization.** - The formulation
4 and implementation of policies and measures on local autonomy shall be
5 guided by the following operative principles:
6

7 (a) There shall be an effective allocation **BETWEEN THE NATIONAL**
8 **GOVERNMENT AND** among the different local government units of
9 their respective powers, functions, responsibilities, and resources **INTO**
10 **NATIONAL GOVERNMENT, FULLY-DEVOLVED, AND**
11 **SHARED FUNCTIONS BASED ON THE SCOPE OF BENEFITS,**
12 **EFFECTS OR IMPACTS EXTERNAL TO THE LOCAL**
13 **GOVERNMENT UNIT AND RESPONSIBILITY FOR THE**
14 **SETTING OF POLICIES AND STANDARD, PLANNING AND**
15 **PROGRAMMING, IMPLEMENTATION AND EXECUTION, AND**
16 **ORIGIN AND OWNERSHIP OF THE FUNDING SOURCE;**
17

18 (b) X X X”
19

20 **SEC. 2.** Section 17 of the Code is hereby amendment to read as follows:
21

22 **“SEC. 17. Basic Services and Facilities.** - (a) Local government
23 units shall endeavor to be self-reliant and shall continue exercising the
24 powers and discharging the duties and functions currently vested upon
25 them. They shall also discharge the functions and responsibilities of
26 national agencies and offices devolved to them pursuant to this Code.
27 Local government units shall likewise exercise such other powers and
28 discharge such other functions and responsibilities as are necessary,

appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

(1) For Barangay:

[(i) Agricultural support services which include planting materials distribution system and operation of farm produce collection and buying stations;

(ii) Health and social welfare services which include maintenance of barangay health center and day-care center;]

(iii) Services and facilities related to general hygiene and sanitation, beautification, and solid waste collection;

(iv) Maintenance of katarungang pambarangay;

[(v) Maintenance of barangay roads and bridges and water supply systems;]

(vi) Infrastructure facilities such as multi-purpose hall, multipurpose pavement, plaza, sports center, and other similar facilities;

(vii) Information and reading center; and

(viii) Satellite or public market, where viable;

(2) For a Municipality:

(i) X X X

(ii) Pursuant to national policies and subject to supervision, control and review of the DENR, implementation of community-based forestry projects which include integrated social forestry programs and similar projects; management and control of communal forests with an area not exceeding fifty (50) square kilometers; establishment of tree parks, greenbelts, and similar forest development projects **WHOSE IMPLEMENTATION MAY BE SHARED WITH THE PROVINCE AND/OR A NATIONAL GOVERNMENT AGENCY;**

(iii) Subject to the provisions of Title Five, Book I of this Code, health services which include the implementation of programs and projects on primary health care, maternal and child care, and communicable and non-communicable disease control services, access to secondary and tertiary health services; purchase of medicines, medical supplies, and equipment needed to carry out the services herein enumerated **WHOSE IMPLEMENTATION MAY BE SHARED WITH THE PROVINCE AND/OR A NATIONAL GOVERNMENT AGENCY;**

(iv) X X X;

(v) X X X;

(vi) Solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation **WHOSE IMPLEMENTATION MAY BE SHARED WITH THE PROVINCE OR THROUGH INTER-LGU COOPERATION;**

(vii) X X X;

(viii) X X X;

(ix) X X X;
(x) X X X;
(xi) Tourism facilities and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities; [and]
(xii) Sites for police and fire stations and substations and municipal jail;
(XIII) MAINTENANCE OF BARANGAY ROADS AND BRIDGES AND WATER SUPPLY SYSTEMS;
(XIV) HEALTH AND SOCIAL WELFARE SERVICES WHICH INCLUDE MAINTENANCE OF BARANGAY HEALTH CENTER AND DAY-CARE CENTER; AND
(XV) AGRICULTURAL SUPPORT SERVICES WHICH INCLUDE PLANTING MATERIALS DISTRIBUTION SYSTEM AND OPERATION OF FARM PRODUCE COLLECTION AND BUYING STATIONS WHOSE IMPLEMENTATION MAY BE SHARED WITH THE BARANGAY.

(3) For a Province:

(i) X X X;
(ii) X X X;
(iii) X X X;
(iv) X X X;
(v) X X X;
(vi) X X X;
(vii) X X X;
(viii) X X X;
(ix) X X X;
(x) X X X;
(xi) X X X; and
(xii) X X X;

(4) For a City:

All the services and facilities of the municipality and province, and in addition thereto, the following:

(i) Adequate communication and transportation facilities;
(ii) support for education, police and fire services and facilities;

(c) X X X

(d) X X X

(e) X X X

As used in this Code, the term "devolution" refers to the act by which the national government confers power and authority upon the various local government units to perform specific functions and responsibilities.

1 (f) The national government or the next higher level of local government
2 unit may provide or augment the basic services and facilities assigned to a
3 lower level of local government unit when such services or facilities are
4 not made available or, if made available, are inadequate to meet the
5 requirements of its inhabitants **BASED ON GUIDELINES ISSUED BY**
6 **THE DEPARTMENT OF THE INTERIOR AND LOCAL**
7 **GOVERNMENT.**

8
9 (g) X X X

10
11 (h) X X X

12
13 (i) X X X

14
15 (j) X X X”

16
17 **SEC. 3. Repealing Clause.-** All general and special laws, acts, city charters,
18 decrees, executive orders, proclamations and administrative regulations, or part or
19 parts thereof which are inconsistent with any of the provisions of this Act are hereby
20 repealed or modified accordingly.

21
22 **SEC. 4. Separability Clause. -** If, for any reason or reasons, any part of
23 provision of this Act shall be held unconstitutional or invalid, other parts or provisions
24 hereof which not affected thereby shall continue to be in full force and effect.

25
26 **SEC. 5. Effectivity Clause. -** This Act shall take effect on _____, unless
27 otherwise provided herein, after its complete publication in at least two (2) national
28 newspapers of general circulation.

Approved.