

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8498



Introduced by **HON. TRICIA NICOLE Q. VELASCO - CATERA**

EXPLANATORY NOTE

The barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community. It is the local government unit which serves as the forefront in terms of providing basic services to the citizenry.

In this regard, our public servants at the barangay level must be justly compensated and likewise be given such benefits that will not only motivate them to perform their assigned functions, but also secure them as well, considering the hazards they may come across in the performance of their functions.

Moreover, this proposed measure guarantees that every barangay will be entitled to, and provided with, the basic necessities that will enable its residents to live comfortable and productive lives. It also ensures that the barangays will receive their just share in all taxes, fees, other charges, and in the proceeds of the utilization and development of national resources within their respective territories. This will greatly enhance the capabilities of the barangays in relation to the delivery of services and the maintenance of infrastructure within their respective jurisdictions.

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


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AN ACT ESTABLISHING THE MAGNA CARTA FOR BARANGAYS

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

I. – GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as “The Magna Carta for Barangays.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote, develop and improve the general welfare of barangay residents, raise the economic and social status of barangay officials, grant every barangay the basic facilities for decent, healthy and comfortable living therein, provide new measures that will ensure its enjoyment of local autonomy to ensure the effective performance of its role as the primary planning and implementing unit of government programs, projects and activities, and as a forum in which the collective views of the people in the community may be crystallized and considered.

SEC. 3. *General Principles.* – The following are the general principles of this Act:

- (a) The national government shall provide more attention to the development of the barangay, as it is the base of this country’s economy.
- (b) Every barangay shall be granted the authority and capability to solve its problems at its level.
- (c) Self-help or people power shall be the guiding principle in all barangay development projects.

II. – COMPENSATION AND BENEFITS OF BARANGAY OFFICIALS

SEC. 4. *Compensation and Benefits of Barangay Officials.* – The Punong Barangay, Sangguniang Barangay members, the Sangguniang Kabataan Chairman, the Barangay Secretary, the Barangay Treasurer, the members of the Barangay Lupon, and the Barangay Tanods in all barangays shall receive fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and other fringe benefits.

SEC. 5. *Salaries of Barangay Officials.* – The salaries of the barangay officials in Section 4 hereof shall be determined by the Department of Budget and Management in accordance with Republic Act No. 6758, as amended. As soon as the appropriate steps and measures are undertaken by each city or municipality in coordination with the individual barangay involved on matters relating to the sources of funds and the corresponding

appropriation ordinance, which in no case shall be later than six (6) months from the approval hereof, the mentioned barangay officials shall be entitled to such fixed salaries and benefits.

III. - BASIC PRIORITIES IN THE BARANGAY

SEC. 6. *Drinking Water for Every Barangay.* – It is the right of every barangay to have a regular supply of clean and potable drinking water. To attain this goal, every city or municipality, as the case may be, is hereby required to construct and/or maintain at least one (1) deep well with a pumping device for drawing drinking water for every one thousand (1,000) residents of each barangay within its jurisdiction.

SEC. 7. *Transportation for Every Barangay.* – It is also the right of every barangay to have public transportation available at least once a day. For this purpose, every municipality or city, as the case may be, should make such necessary representations before the appropriate government agencies to require public utility companies operating within their jurisdictions to provide the minimum means of public transportation in every barangay.

SEC. 8. *Schools, Health Centers and Barangay Halls for the Barangays.* – Every barangay is entitled to have at least one (1) elementary school, provided that there shall be at least one (1) high school every five (5) kilometers from the barangay center. It shall also be the right of every barangay to have one (1) health center and one (1) barangay hall.

IV. – MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

SEC. 9. *Automatic Release of Share from National Taxes.* – It shall be the duty of the National Treasury to automatically remit to the barangays their just share from the national taxes every end of the calendar year.

SEC. 10. *Transfer of Funds to Barangays for the Maintenance of Roads and Bridges.* – All public funds appropriated from the national treasury for the maintenance of barangay roads and bridges and other similar constructions shall be transferred or remitted directly to the general fund of every barangay for proper disposition by their respective barangay officials.

SEC. 11. *Mandatory Share of Barangay in All Taxes, Fees or Other Charges.* – Twenty-five percent (25%) of all taxes collected on real properties located within the barangay shall be considered barangay funds and shall be allocated in accordance with existing laws. In addition thereto, each barangay shall be entitled to ten percent (10%) of all other forms of taxes, fees, penalties, compromises or other charges collected from persons residing in the barangay or entities whose offices and/or manufacturing plants are located within the barangay.

SEC. 12. *Equitable Share of the Barangay from the Proceeds of the Utilization and Development of National Wealth.* – Every barangay shall be entitled to an equitable share of the proceeds derived from the exploitation, utilization and development of natural resources within its territory. The amount of the barangay share shall be determined by the municipality or city concerned after consultations with the concessionaires, the municipal or city officials and barangay officials, taking into account the extent of the exposure of the barangay residents to pollution, floods and other ecological imbalances: *Provided, however,* That the equitable sharing rate for each barangay shall be resolved by all concerned parties not later than six (6) months from the approval of this Act. Revenues derived from this source shall form part of the general fund of the barangay concerned.

V. – MISCELLANEOUS MATTERS

SEC. 13. *Scholarship Grant.* – Every barangay shall sponsor at least one (1) scholarship grant every year leading to any bachelor degree, to be awarded by a committee of five (5) persons appointed by the Sangguniang Barangay, with the approval of the Punong Barangay, after competitive examinations are given to applicants who should be *bona fide* residents of the barangay. The grant shall include tuition fees and all other school fees, reasonable allowances for schoolbooks, supplies and transportation and other expenses as the barangay may deem necessary and appropriate.

SEC. 14. *Priority in Employment.* – Residents of every barangay shall receive priority in the hiring of workers and laborers for any government construction or development project within their respective barangays.

SEC. 15. *Cooperative Enterprise.* – Cooperative enterprises in the barangay shall be encouraged and every barangay is directed to give full assistance for the establishment and organization of such enterprises and to take every possible effort to make cooperative undertakings a way of life in the barangay.

VI. – ADMINISTRATION AND ENFORCEMENT

SEC. 16. *Rules and Regulations.* – The Secretary of the Department of Interior and Local Government and the Secretary of the Department of Budget and Management shall promulgate such rules and regulations as may be necessary to implement the provisions of this Act. Rules and regulations issued pursuant to this Section shall take effect thirty (30) days after publication in a national newspaper of general circulation and by such other means as the Secretary of Local Government shall deem reasonably sufficient to provide interested parties general notice of such issuance.

SEC. 17. *Budgetary Estimates.* – The Secretary of the Department of Interior and Local Government and the Secretary of the Department of Budget and Management shall submit to Congress the necessary budgetary estimates to implement the provisions of this Act concerning the salaries, allowances, insurance, medical, dental and retirement benefits and other fringe benefits of barangay officials, the basic priorities in the barangays, and the barangay scholarship grant.

SEC. 18. *Penal Provision.* – Any person who shall willfully interfere with, restrain or coerce any barangay official or barangay resident in relation to the exercise of his or their rights guaranteed by this Act, or who shall in any other manner commit any act to defeat any of the provisions thereof, upon conviction, be punished by a fine of not less than Five Hundred Pesos (Php 500.00) nor more than Two Thousand Pesos (Php 2,000.00), or by imprisonment of up to six (6) months, or both, subject to the discretion of the court. If the offender is a public official, the court shall order his dismissal from the government service.

SEC. 19. *Separability Clause.* – If any portion or provision of this Act is declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SEC. 20. *Repealing Clause.* – All acts and decrees, executive orders, implementing rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,