

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
EIGHTEENTH CONGRESS
First Regular Session
House Bill No. 2601



Introduced by **HONORABLE RESURRECCION MARRERO-ACOP, MD**

EXPLANATORY NOTE

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.¹

At present, there are 42,045 barangays in the Philippines.² Needless to state, behind each barangay are the barangay officials who render invaluable public service at the grassroots level.

Under Section 393 of the Local Government Code, these barangay officials are granted benefits which include honoraria, allowances and other emoluments in the amounts of One Thousand Pesos (P1,000) and Six Hundred Pesos (P600), respectively, depending on the position held. In addition, they are entitled to Christmas bonus, insurance coverage, medical care, exemption from tuition and matriculation fees, and preference in appointment.

Indeed, the benefits and privileges mandated by the said law are all in the best interests of our barangay officials. This humble representation, nevertheless, seeks to add one important benefit to this list. That is, the retirement benefit. The absence thereof from the existing mandate is rather concerning considering that this is a valuable benefit that impacts the present and future lives of our barangay officials.

Accordingly, this bill aims to amend the above provision, by granting an additional benefit to barangay officials in the form of a lump sum

¹Section 384, Chapter I, Title I, Book III of Republic Act (R.A.) No. 7160, as amended, otherwise known as the "Local Government Code of 1991".

²Psa.gov.ph. (2019). *No PSGC Update for the 2nd Quarter of 2019* | Philippine Statistics Authority. [online] Available at: <https://psa.gov.ph/content/no-psgc-update-2nd-quarter-2019> [Accessed 17 Jul. 2019].

retirement pay equivalent to one-year honorarium. For this purpose, a Barangay Retirement Fund (BRF) shall be created to finance the retirement of the aforesaid barangay officials.

Expected to benefit from this proposed legislation are all retiring barangay officials, including barangay tanods, members of the lupong tagapamayapa, and barangay day care workers. The retirement benefit shall be granted to a retiree who is at least sixty (60) years of age, with a minimum of nine years of service at the time of retirement.

Through this measure, this representation endeavors to recognize and reward our barangay officials in their dedication and hardwork as the frontliners in public service, by contributing to their financial security after they retire and ultimately to ensure that their general welfare is made of paramount consideration.

Hence, the approval of this proposed legislation is earnestly requested.

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RESURRECCION MARRERO-ACOP, MD
Representative
2nd District, Antipolo City

Republic of the Philippines

HOUSE OF REPRESENTATIVES
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Introduced by HONORABLE RESURRECCION MARRERO-ACOP, MD

AN ACT

PROVIDING ALL BARANGAY OFFICIALS, INCLUDING BARANGAY TANODS, MEMBERS OF THE LUPON NG TAGAPAMAYAPA AND BARANGAY DAY CARE WORKERS, A LUMPSUM RETIREMENT PAY EQUIVALENT TO ONE (1) YEAR HONORARIUM, AMENDING FOR THE PURPOSE SECTION 393 OF REPUBLIC ACT NUMBER 7160, AS AMENDED, 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:

SECTION 1. Short Title. - This Act shall be known as the "Barangay Officials' Retirement Benefit Act of 2019."

SECTION 2. Grant of Retirement Benefit to Barangay Officials. - Section 393, Chapter IV, Title I, Book III of Republic Act (R.A.) No. 7160, as amended, otherwise known as the "Local Government Code of 1991", is hereby amended to read as follows:

"SECTION 393. *Benefits of Barangay Officials.* —

(a) Barangay officials, including barangay tanods and members of the lupong tagapamayapa, shall receive honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal or city ordinance in accordance with the provisions of this Code, but in no case shall it be less than One thousand pesos (P1,000.00) per month for the punong barangay and Six hundred pesos (P600.00) per month for the sangguniang barangay members, barangay treasurer, and barangay secretary: *Provided, however,* That the annual appropriations for personal services

shall be subject to the budgetary limitations prescribed under Title Five, Book II of this Code;

(b) x xx

(1) xxx

(2) x xx

(3) BE ENTITLED TO A LUMP SUM RETIREMENT PAY EQUIVALENT TO ONE (1) YEAR HONORARIUM, BUT IN NO CASE SHALL EXCEED ONE HUNDRED THOUSAND PESOS (P100,000.00) TO BE TAKEN FROM THE BARANGAY RETIREMENT FUND: PROVIDED, HOWEVER, THAT A RETIREE IS AT LEAST SIXTY (60) YEARS OF AGE WITH A MINIMUM OF NINE YEARS IN SERVICE AT THE TIME OF THE RETIREMENT.

AS USED IN THIS SUBSECTION, THE TERM RETIREE SHALL INCLUDE ALL BARANGAY OFFICIALS, INCLUDING BARANGAY TANODS, MEMBERS OF THE LUPONG TAGAPAMAYAPA AND BARANGAY DAY CARE WORKERS.

(4) [(3)] x xx

(5) [(4)] xx x

(6) [(5)] x xx

(c) x xx

(d) x xx."

SECTION 3. *Creation of the Barangay Retirement Fund.* - There is hereby created a Barangay Retirement Fund (BRF) which shall be used to finance the retirement of barangay officials mentioned in this Act. The amount equivalent to one percent (1%) of the share of the national government under Section 284 of the Local Government Code of 1991, as amended, shall be used for this purpose.

The Department of Interior and Local Government (DILG) shall administer and ensure the appropriate disbursement of the BRF.

SECTION 4. *Rules and Regulations.* - The Department of Budget and Management, in coordination with the DILG, shall issue the necessary rules and regulations to implement this Act.

SECTION 5. *Repealing Clause.* - All laws, executive orders, administrative orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

SECTION 6. *Effectivity.* - This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

Republic of the Philippines

HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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Introduced by HONORABLE RESURRECCION MARRERO-ACOP, MD

AN ACT

**ACT PRESCRIBING STIFFER PENALTIES FOR THE CRIMES OF
DELIVERING PRISONERS FROM JAIL AND INFIDELITY IN THE
CUSTODY OF PRISONERS, AMENDING FOR THE PURPOSE ARTICLES
156, 223 AND 224 OF ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE "REVISED PENAL CODE OF THE PHILIPPINES"**

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

SECTION 1. Article 156, Chapter 5, Title Three, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines", is hereby amended to read as follows:

"ARTICLE 156. *Delivering prisoners from jail.* - The penalty of [arresto mayor] **PRISION MAYOR** in its **MEDIUM AND** maximum periods [to prisoneorrectional in its minimum period] **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER IN ITS MEDIUM AND MAXIMUM PERIODS** shall be imposed upon any person who shall remove from any jail or penal establishment any person confined therein or shall help the escape of such person, by means of violence, intimidation or bribery [], **WHICHEVER IS HIGHER.** If other means are used, the penalty of [arresto] **PRISION** mayor **IN ITS MINIMUM AND MEDIUM PERIODS OR TWO DEGREES LOWER THAN THAT IMPOSED TO THE PRISONER IN ITS MEDIUM PERIOD** shall be imposed [], **WHICHEVER IS HIGHER.**

If the escape of the prisoner shall take place outside of said establishments by taking the guards by surprise, the same

penalties **PRESCRIBED IN THE IMMEDIATELY PRECEDING PARAGRAPH** shall be imposed in their minimum period."

SECTION 2. Article 223, Section One, Chapter Five, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines", is hereby amended to read as follows:

"ARTICLE 223. *Conniving with or consenting to evasion* - Any public officer who shall consent to the escape of a **CONVICT OR DETENTION** prisoner in his custody or charge, **OR WHO SHALL RELEASE SUCH CONVICT OR DETENTION PRISONER AND ALLOW HIM TO RETURN TO PRISON OR DETENTION WITHOUT ANY PROPER COURT OR AUTHORIZATION** shall be punished:

1. By *prision [correccional]* **MAYOR** in its medium and maximum periods **OR THE PENALTY NEXT LOWER IN DEGREE THAN THAT IMPOSED ON THE PRISONER, IN ITS MEDIUM AND MAXIMUM PERIODS, WHICHEVER IS HIGHER** and *[temporary special disqualification in its maximum period to perpetual special]* **PERPETUAL ABSOLUTE** disqualification, if the fugitive shall have been sentenced by final judgment to any penalty.

2. By *prision [correccional]* **MAYOR** in its minimum period **OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE PRISONER, IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and *[temporary special]* **PERPETUAL ABSOLUTE** disqualification, in case the fugitive shall not have been finally convicted but only held as a detention prisoner for any crime or violation of law or municipal ordinance. .

3. BY **RECLUSION PERPETUA AND PERMANENT ABSOLUTE DISQUALIFICATION, IF THE FUGITIVE WHO IS HELD AS A DETENTION PRISONER OR CONVICT HAS BEEN CHARGED FOR OR CONVICTED OF ANY CRIME PENALIZED BY RECLUSION PERPETUA TO DEATH.**"

SECTION 3. Article 224, Section One, Chapter Five, Title Seven, Book Two of Act No. 3815, as amended, otherwise known as the "Revised Penal Code of the Philippines", is hereby amended to read as follows:

"ARTICLE 224. *Evasion through negligence.* - If the evasion of the **CONVICT OR DETENTION** prisoner shall have taken place through the negligence of the officer charged with the conveyance or custody of the escaping prisoner, said officer

shall suffer the penalties of [~~arresto mayor~~ in its maximum period to ~~prisión o correccional~~ in its minimum period] **PRISION CORRECCIONAL IN ITS MEDIUM AND MAXIMUM PERIODS OR THE PENALTY EQUIVALENT TO THAT PRESCRIBED TO AN ACCESSORY BASED ON THE CRIME IMPUTED UPON THE CONVICT OR DETENTION PRISONER IN ITS MAXIMUM PERIOD, WHICHEVER IS HIGHER** and [~~temporary~~ — special] **ABSOLUTE** disqualification."

SECTION 4. Repealing Clause — All laws, executive orders, administrative orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby amended, repealed or modified accordingly.

SECTION 5. Effectivity — This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,