

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session

HOUSE BILL NO. 9831



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Introduced by: **REP. PROSPERO A. PICHAY, JR.**

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#### EXPLANATORY NOTE

This bill seeks to separate the sitios of Gacub, Tabinas and Bayabas from their mother barangay, Barangay Hinapoyan of the Municipality of Carmen, Province of Surigao del Sur to be known as Barangay Gacub.

Barangay Hinapoyan is home to Indigenous People who intends to have their separate barangay. The creation of this independent barangay would entitle this tribal community with their own Internal Revenue Allotment. This would allow them to chart their own course in a way that they are given a privilege and an opportunity to develop their community.

Although they may fall short of the required 2,000 population for the creation of an independent barangay, they are exempted from this requirement because Section 18 of Republic Act 8371 or the Indigenous Peoples' Rights Act of 1997 and Section 386 (a) of RA 7160 or the Local Government Code provided the ICCs/IPs living in contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority of the population may form or constitute a separate barangay.

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

**PROSPERO A. PICHAY, JR.**

A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned over the printed name of the representative.

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**AN ACT SEPARATING THE SITIOS OF GACUB, TABINAS, AND BAYABAS  
FROM THEIR MOTHER BARANGAY, BARANGAY HINAPOYAN IN THE  
MUNICIPALITY OF CARMEN, PROVINCE OF SURIGAO DEL SUR AND  
CONSTITUTING THEM INTO A SEPARATE AND INDEPENDENT BARANGAY  
TO BE KNOWN AS BARANGAY GACUB**

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

**SECTION 1.** *Creation of Barangay Gacub*– The sitios of Gacub, Tabinas and Bayabas are hereby separated from their mother barangay, Barangay Hinapoyan of the Municipality of Carmen, Province of Surigao del Sur, to constitute a separate and independent barangay to be known as Barangay Gacub.

**SECTION 2.** *Plebiscite Requirement* – Pursuant to Section 10 of Republic Act 7160, otherwise known as the “Local Government Code of 1991”, the new Barangay Gacub shall exist upon approval by a majority of the votes cast by the qualified voters of Barangay Hinapoyan in a plebiscite to be conducted and supervised by the Commission of Election within one hundred twenty (120) days from the effectivity of this Act.

The amount necessary for the conduct of such plebiscite shall be borne by the Municipality of Carmen, Province of Surigao del Sur,

**SECTION 3.** *Barangay Officials* – The first set of officials of Barangay Gacub shall be appointed by the President of the Philippines and shall hold office until such time that their successors 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 Gacub shall be entitled to Internal Revenue Allotment shares pursuant to Section 285 of Republic Act No. 7160, as amended, otherwise known as the “Local Government Act of 1991”.

**SECTION 6.** *Effectivity* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in any newspaper of general circulation.

Approved,