



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **228**



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

The importance of the Barangay as a political unit should not be ignored. To be able to deliver basic services to the people efficiently, the Barangay should be empowered and enabled to stand on its own. To promote the general welfare of the Barangay residents, necessary facilities like safe and drinkable water, health centers, educational centers and schools, barangay halls, and means for public commuting should be in place.

In the same vein, the Barangay officials should not be taken for granted. Being closest to the people, they serve as the primary source for planning government policies, programs, projects, and activities for the community. As primary implementors of such policies, projects, programs and activities, Barangay officials are the ones mainly responsible for the successful enforcement of laws, executive orders, and local and barangay ordinances, and delivery of basic services within the Barangay, in many areas of concern such as peace and order, health, environment, traffic management, waste management, and many more.

By the nature of their work, the safety and security of the Barangay officials are always at risk. One glaring example for this is in the fight against drugs. It is the Barangay officials who have the list of actual or possible drug peddlers and users in the community. Complaints against those involved in drugs are more often than not lodged with them before the complainants go to the police. It is these Barangay officials who are the first in line when it comes to receiving reports of crimes that are being committed or have just been committed. When an offender is later charged with a crime with police authorities and brought to courts of justice, Barangay officials are called to testify against these offenders. And being residents of the same village, their addresses are known by, and their spouses and their families are exposed to, these criminal elements, making them vulnerable to any attack or acts of vengeance. Thus, they constantly fear for their lives and those of their loved ones. On top of that, those who are unhappy with the way they handle neighborhood, family and marital squabbles include them as respondents in cases for which reason many Barangay officials are forced to pay from their own pockets the services of lawyers and other litigation expenses to defend themselves.

Shelling out their personal money is nothing new to Barangay officials. Due to their close proximity to their constituents, they are barraged daily with countless solicitations to cover sports tournaments, beauty pageants, contests and other events like weddings and fiestas, and requests for financial assistance for illnesses, accidents, injuries, hospitalizations, burials, transportation, food, and the like. During calamities, they are the first to address the needs of their constituents. Accepting invitations and attending all kinds of occasions is a must.

Sadly, despite the services that they render with the accompanying danger to themselves and their family members, Barangay officials are a sorely neglected lot. The benefits that they currently receive from the government are not commensurate to what is due them.

This bill, a counterpart bill of Sen. Sonny Angara's bill entitled "AN ACT TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS," seeks to correct the above-described injustice to Barangay officials to empower and enable them to serve their constituents more effectively. It also seeks to define certain basic services and privileges that Barangays and their residents are entitled to. Immediate approval of this bill is earnestly sought.



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AN ACT
TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

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

I. TITLE, DECLARATION OF POLICY, AND GENERAL PRINCIPLES

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

Sec. 2. *Declaration of Policy.* It is 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 and provide new measures that will inspire 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 give more attention to the development of the barangay, as it is the base of this country's economy.
- b. Every barangay shall be given the authority and capability to solve its problems on its level.
- c. Self-help or people power shall be the guiding principle in all barangay development projects.

II. BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES

Sec. 4. The Barangay Officials as Regular Government Employees. – The Punong Barangay, Sangguniang Barangay Members, the Kabataang Barangay Chairman, the Barangay Secretary and Barangay Treasure in all barangays are hereby declared regular employees, and as such are entitled to fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such other fringe benefits to which a regular government employee may be entitled to.

Sec. 5. Salaries of Barangay Officials. 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 fund and the corresponding appropriation ordinance, which in no case shall be later than six (6) months from the approval hereof, all barangay officials mentioned in paragraph 4 hereof shall be entitled to the following fixed salaries:

- a) Punong Barangay – An amount equivalent to the salary of a Sangguniang Bayan member of his municipality;
- b) Six Sangguniang Barangay Members – An amount equivalent to eighty percent (80%) of the salary of a Sangguniang Bayan member of his municipality;
- c) Kabataang Barangay Chairman, Barangay Secretary, Barangay Treasurer – For each, an amount equivalent to seventy-five percent (75%) of the salary of a Sangguniang Bayan member of his municipality.

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 and municipality, as the case may be, is hereby required to construct and/or maintain at least one deep well with pumping device for drawing drinking water to supply the needs of every one thousand residents for 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 its jurisdiction to provide the minimum means of transportation in every barangay.

Sec. 8. *Schools, Health Centers and Barangay Halls for the Barangays.* — Every barangay is entitled to have at least one elementary school: *Provided*, that there shall be at least one high school for every five (5) kilometers from the barangay center. It shall also be the right of every barangay to have one health center and one 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 remit automatically to the barangays every end of the calendar year their just share from the national taxes.

Sec. 10. *Transfer of Fund to Barangay 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 their proper disposition by the barangay officials.

Sec. 11. *Mandatory Share of Barangays in All Taxes, Fees or Other Charges.* — Twenty-five percent (25%) of all taxes collected on real property located within the barangay shall be considered barangay funds and shall be allocated in accordance with existing laws. In addition, each barangay shall be entitled to ten percent (10%) from 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 plant is 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, development and utilization of natural wealth within its territory. The amount of barangay share shall be determined by the city or municipality 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, food and ecological imbalance: *Provided, however*, that this equitable sharing rate for each barangay shall be resolved by all parties concerned not later than six (6) months from the approval of this Act. Revenues derived from this source shall also from part of the general fund of the barangay.

V. SUNDRY MATTERS

Sec. 13. *Scholarship Grant.* – Every barangay shall sponsor at least one scholarship grant every year leading to any bachelor degree to be awarded by a committee of five 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 appropriate.

Sec. 14. *Priority in Employment.* – Residents in every barangay shall have the priority in the hiring of workers and laborers to be needed in any government construction or development projects within the barangay.

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 said 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 Department of Interior and Local Government 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 deems reasonably sufficient to give interested parties general notice of such issuance.

Sec. 17. *Budgetary Estimates.* – The Secretary of Department of Interior and Local Government shall submit to the Congress the necessary budgetary estimates to implement the provisions of this Act concerning the 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 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 of this Act shall, upon conviction, be punished by a fine of not less than five hundred

pesos nor more than two thousand pesos, or by imprisonment of six months and one day, 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. *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. 20. *Separability Clause.* -- If any provisions of this Act are declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

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

Approved,