

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
First Regular Session
HOUSE BILL NO. **1833**



Introduced by REP. RUWEL PETER S. GONZAGA

EXPLANATORY NOTE

The barangay is regarded as a basic political unit. It serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community. It administers its affairs to preserve the comfort and wellbeing of barangay inhabitants, promote health and safety, and maintain peace and order. Barangays therefore contribute in the political and economic activities in the country. However, not all barangays are created equal.

The last paragraph of Sec. 285 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that the financial requirements of barangays created by local government units (LGUs) after the effectivity of the Local Government Code shall be the responsibility of the LGUs concerned.

Such provision effectively precluded Barangay Bukal in the Municipality of Nabunturan, Province of Davao de Oro from receiving Internal Revenue Allotment (IRA) that other barangays enjoy under normal circumstances. Brgy. Bukal was created pursuant to Provincial Ordinance No. 03, series of 1993 which was enacted and approved by the Sangguniang Panlalawigan of Davao on December 15, 1993.

Article II, Section 24 of the Philippine Constitution provides that the State shall ensure the autonomy of local governments. Relative thereto the Local Government Code also declares under Section 2, that it is the policy of the State that its territorial and political subdivisions shall enjoy genuine and meaningful local autonomy to enable them to attain development as self-reliant communities thus making them effective partners in the attainment of national goals.

The provision found in Sec. 285 of R.A 7160 deprived some barangays of their just share in the national taxes, in this case Barangay Bukal in Nabunturan, Davao de Oro. A condition which to some extent affects the genuine autonomy of the smallest administrative unit in our system of government which the local government code seeks to establish and perpetuate.

Hence, this Representation is compelled to file this bill with the fervent hope that pending the amendment of such iniquitous provision of the existing law, a more expedient remedy will be availed of for the said non-IRA barangay to enable it to augment its scarce resources through legislative fiat.

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


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AN ACT
CREATING A BARANGAY TO BE KNOWN AS BARANGAY BUKAL IN THE
MUNICIPALITY OF NABUNTURAN, PROVINCE OF DAVAO DE ORO

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

SECTION 1. Creation of Barangay Bukal. – There is hereby created a barangay to be known as Barangay Bukal in the Municipality of Nabunturan, Province of Davao de Oro.

The territorial boundaries of Barangay Bukal are described as follows:

A parcel of land, situated in the Municipality of Nabunturan, Province of Davao; Bounded on the North, points 2-3-4-5-6, by Mainit National Park and points 1-2 and 6-7, by barangay Mainit; on the east, points 7-8, by the Municipality of New Bataan; on the South, points 8-9, by the Municipality of Maco; and on the West, points 9-1, by the Municipality of Mawab, beginning at a point marked “1” being located at a point 125 deg. 59, 45” East 7 deg. 29” North; thence

N	90	deg.	E,	1,900	m. to point 2;
S	33	deg.	W,	870	m. to point 3;
S	27	deg.	E,	2,160	m. to point 4;
N	77	deg.	E,	2,950	m. to point 5;
N	9	deg.	W,	1,940	m. to point 6;
N	90	deg.	E,	3,250	m. to point 7;
E	16	deg.	E,	5,800	m. to point 8;
N	77	deg.	W,	9,920	m. to point 9;
N	4	deg.	W,	3,300	m. to point beginning;

Containing an area of approximately THREE THOUSAND AND FIFTY-FIVE (3,055) HECTARES. All points referred to are indicated on the map attached.

SECTION 2. Conduct and Supervision of Plebiscite.- The plebiscite conducted and supervised by the Commission on Elections (COMELEC) pursuant to Provincial Ordinance No. 03 series of 1993, which was enacted and approved by the Sangguniang Panlalawigan of Davao on December 15,1993, which ratified the creation of Barangay Bukal as proclaimed by the Plebiscite Board of Canvassers, shall serve as a substantial compliance with the plebiscite requirement under Section 10 of Republic Act 7160 as amended, otherwise known as the Local Government Code of 1991.

SECTION 3. Barangay Officials – The incumbent elected barangay officials of Barangay Bukal in the Municipality of Nabunturan, Province of Davao de Oro shall continue to 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 Share – Barangay Bukal shall be entitled to Internal Revenue Allotment shares pursuant to Section 285 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991

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

Approved,