



House Bill No. 2784

Introduced by Representative ROMMEL RICO T. ANGARA

**AN ACT
TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS**

EXPLANATORY NOTE

Section 384 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," provides:

"SEC. 384. Role of the Barangay. – 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."

Given the important role of the barangay as the basic political unit, this proposed measure, to be known as the Magna Carta for Barangays, intends to help barangays effectively perform their mandate of delivering basic services and facilities to their respective communities in the most efficient, responsive and sustainable manner.

One of the ways to aid the barangays in the performance and effective delivery of their mandate, the Magna Carta for Barangays also seeks to recognize barangay officials as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such other fringe benefits for which a regular employee may be entitled to, as opposed to the present arrangement of compensating them through the mere award of honoraria.

Furthermore, this measure proposes to promote the welfare of the barangays by providing the barangays the appropriate basic services and facilities such as regular supply of clean and potable water, public transportation, schools, health centers and barangay halls in order to meet the requirements of their local populace. It also outlines the measures that will help ensure that the barangays enjoy genuine and meaningful local autonomy and attain full development, namely: automated release of their share from national taxes; transfer of funds to barangays for the maintenance of roads and bridges; mandatory share of barangays in taxes, fees and other charges; and priority in employment.

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

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

TITLE 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 insure 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.

TITLE II

BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES

Sec. 4. *The Barangay Officials as Regular Government Employees.* – The punong barangay, sangguniang barangay members, the sangguniang kabataan (SK)

1 chairperson, the barangay secretary and barangay treasure in all barangays are hereby
2 declared regular employees, and as such are entitled to fixed salaries, allowances,
3 insurance, medical and dental coverage, retirement benefits and such other fringe
4 benefits to which a regular government employee may be entitled to.

5 **Sec. 5. Salaries of Barangay Officials.** – As soon as the appropriate steps
6 and measures are undertaken by each city or municipality in coordination with the
7 individual barangay involved on matters relating to the sources of fund and the
8 corresponding appropriation ordinance, which in no case shall be later than six (6)
9 months from the approval hereof, all barangay officials mentioned in paragraph 4 hereof
10 shall be entitled to the following fixed salaries:

- 11 a) Punong Barangay – An amount equivalent to the salary of a sangguniang
12 bayan member of his municipality;
- 13 b) Six Sangguniang Barangay Members – An amount equivalent to eighty
14 percent (80%) of the salary of a sangguniang bayan member of his
15 municipality;
- 16 c) SK Chairperson, Barangay Secretary, Barangay Treasurer – For each, an
17 amount equivalent to seventy-five percent (75%) of the salary of a
18 sangguniang bayan member of his municipality.

19 **TITLE III**

20 **BASIC PRIORITIES IN THE BARANGAY**

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

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

33 **Sec. 8. Schools, Health Centers and Barangay Halls for the Barangays.** –
34 Every barangay is entitled to have at least one elementary school: *Provided,* That there
35 shall be at least one high school for every five (5) kilometers from the barangay center.

1 It shall also be the right of every barangay to have one health center and one barangay
2 hall.

3 TITLE IV

4 MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

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

8 **Sec. 10. Transfer of Fund to Barangay for the Maintenance of Roads**
9 **and Bridges.** – All public funds appropriated from the national treasury for the
10 maintenance of barangay roads and bridges and other similar constructions shall be
11 transferred or remitted directly to the general fund of every barangay for their proper
12 disposition by the barangay officials.

13 **Sec. 11. Mandatory Share of Barangays in All Taxes, Fees or Other**
14 **Charges.** – Twenty-five percent (25%) of all taxes collected on real property located
15 within the barangay shall be considered barangay funds and shall be allocated in
16 accordance with existing laws. In addition thereto, each barangay shall be entitled to
17 ten percent (10%) from all other forms of taxes, fees, penalties, compromises or other
18 charges collected from persons residing in the barangay or entities whose offices and/or
19 manufacturing plant is located within the barangay.

20 **Sec. 12. Equitable Share of the Barangay from the Proceeds of the**
21 **Utilization and Development of National Wealth.** – Every barangay shall be
22 entitled to an equitable share of the proceeds derived from the exploitation,
23 development and utilization of natural wealth within its territory. The amount of
24 barangay share shall be determined by the city or municipality concerned after
25 consultations with the concessionaires, the municipal or city officials and barangay
26 officials, taking into account the extent of the exposure of the barangay residents to
27 pollution, food and ecological imbalance: *Provided, however,* That this equitable sharing
28 rate for each barangay shall be resolved by all parties concerned not later than six (6)
29 months from the approval of this Act. Revenues derived from this source shall also from
30 part of the general fund of the barangay.

31 TITLE V

32 CAPACITY BUILDING OF BARANGAY OFFICIALS

33 **Sec. 13. Mandatory Training Programs for Barangay Officials and**
34 **Personnel.** – Prior to assuming office, newly elected barangay officials and appointed
35 barangay personnel shall undertake mandatory training programs to develop their skills
36 relative to governance, public policy, administration and leadership.

1 For these purposes, the Department of Interior and Local Government with the
2 assistance of the Development Academy of the Philippines (DAP), the Local Government
3 Academy (LGA), and the University of the Philippines-National College of Public
4 Administration and Governance (UP-NCPAG), shall jointly design and implement the
5 mandatory and continuing training programs for barangay officials.

6 TITLE VI

7 SUNDRY MATTERS

8 **Sec. 14. *Scholarship Grant.*** – Every barangay shall sponsor at least one
9 scholarship grant every year leading to any bachelor degree to be awarded by a
10 committee of five persons appointed by the Sangguniang Barangay with the approval of
11 the Punong Barangay after competitive examinations are given to applicants who
12 should be bona fide residents of the barangay. The grant shall include tuition fees and
13 all other school fees, reasonable allowances for school books, supplies and
14 transportation and other expenses as the barangay may deem appropriate.

15 **Sec. 15. *Priority in Employment.*** – Residents in every barangay shall have
16 the priority in the hiring of workers and laborers to be needed in any government
17 construction or development projects within the barangay.

18 **Sec. 16. *Cooperative Enterprise.*** – Cooperative enterprises in the barangay
19 shall be encouraged and every barangay is directed to give full assistance for the
20 establishment and organization of said enterprises and to take every possible effort to
21 make cooperative undertakings a way of life in the barangay.

22 TITLE VII

23 ADMINISTRATION AND ENFORCEMENT

24 **Sec. 17. *Implementing Rules and Regulations.*** – The Secretary of the
25 Department of Interior and Local Government shall promulgate such rules and
26 regulations as may be necessary to implement the provisions of this Act. Rules and
27 regulations issued pursuant to this Section shall take effect thirty (30) days after
28 publication in a national newspaper of general circulation and by such other means as
29 the Secretary of Local Government deems reasonably sufficient to give interested
30 parties general notice of such issuance.

31 **Sec. 18. *Budgetary Estimates.*** – The Secretary of Department of Interior and
32 Local Government shall submit to the Congress the necessary budgetary estimates to
33 implement the provisions of this Act concerning the allowances, insurance, medical,
34 dental and retirement benefits and other fringe benefits of barangay officials, the basic
35 priorities in the barangays, capacity building for barangay officials and, the barangay
36 scholarship grant.

1 **Sec. 19. Penal Provision.** – Any person who shall willfully interfere with,
2 restrain or coerce any barangay official or barangay resident in the exercise of his or
3 their rights guaranteed by this Act or who shall in any other manner commit any act to
4 defeat any of the provisions of this Act shall, upon conviction, be punished by a fine of
5 not less than five hundred pesos nor more than two thousand pesos, or by
6 imprisonment of six months and one day, or both, subject to the discretion of the court.

7 If the offender is a public official, the court shall order his dismissal from the
8 government service.

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

12 **Sec. 21. Separability Clause.** – If any provisions of this Act are declared
13 invalid, the remainder or any provisions thereof not affected thereby shall remain in
14 force and effect.

15 **Sec. 22. Effectivity.** – This Act shall take effect fifteen (15) days after
16 publication in the *Official Gazette* or in two (2) national newspapers of general
17 circulation.

18 *Approved,*