

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4036**



Introduced by REP. RUWEL PETER S. GONZAGA

EXPLANATORY NOTE

This bill seeks to remedy the inequity brought about by the last paragraph of Sec. 285 of Republic Act 7160, otherwise known as the Local Government Code of 1991. The said paragraph 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 LGU's concerned.

Such provision effectively precluded Barangay Tandawan, in the Municipality of New Bataan, Province of Davao de Oro to receive National Tax Allotment formerly known as the Internal Revenue Allotment or IRA that other barangays are entitled to. Brgy. Tandawan was created pursuant to Provincial Ordinance No. 02, Series of 2003 which was enacted and approved by the Sangguniang Panlalawigan of Davao de Oro on September 29, 2003.

A 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.

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. However, barangay affairs and operations entail expenses for its effective and efficient implementation.

Hence, this representation upon the initiative of the local leaders of New Bataan is compelled to file this bill with the hope that pending the amendment of the iniquitous provision of the existing law, a more expedient remedy will be availed of for the said non-NTA barangay to level the field of opportunity amongst equals through a legislative fiat.

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


RUWEL PETER S. GONZAGA

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AN ACT
CREATING A BARANGAY TO BE KNOWN AS BARANGAY TANDAWAN IN THE
MUNICIPALITY OF NEW BATAAN, 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 Tandawan. – There is hereby created a barangay to be known as Barangay Tandawan in the Municipality of New Bataan, Province of Davao de Oro.

SECTION 2. Territorial Boundaries - The territorial boundaries of Barangay Tandawan are described as follows:

A parcel of land, situated in the Municipality of New Bataan, Province of Davao de Oro

“Bounded on the North (N) by Barangay Camanlangan, Municipality of New Bataan, Davao de Oro”

“On the Northeast (NE) by Barangy Andap, Municipality of New Bataan, Davao de Oro Province”;

“On the Southeast (SE) by Cagan, Barangay Andap, Municipality of New Bataan, Davao de Oro Province”;

“On the Southwest (SE) by Barangay New Leyte, Municipality of Maco, Davao de Oro Province”;

“On the Northwest (NW) by the Municipality of Nabunturan, Davao de Oro Province”;

“On the West by (W) by the Municipality of Nabunturan, Province of Davao de Oro”;

Containing an area of approximately 2,820.7302 HECTARES, more or less”.

SECTION 3. Conduct and Supervision of Plebiscite. - The plebiscite conducted and supervised by the Commission on Elections (COMELEC) pursuant to Provincial Ordinance No. 03 Series of 2003, which was enacted and approved by the Sangguniang Panlalawigan of Davao de Oro, which ratified the creation of Barangay Tandawan 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 4. Barangay Officials – The incumbent elected barangay officials of Barangay Tandawan in the Municipality of New Bataan, Province of Davao de Oro shall continue to hold office until such time that their successors have been duly elected and qualified.

SECTION 5. 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 6. Internal Revenue Allotment Share – Barangay Tandawan 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 7. 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,