

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5309

Introduced by HON. GUS S. TAMBUNTING



AN ACT STRENGTHENING THE BARANGAY AS THE BASIC LOCAL GOVERNMENT UNIT BY INCREASING ITS CAPACITY TO DELIVER SERVICES, PROVIDING SALARY GRADES, RETIREMENT BENEFITS, AND OTHER ENTITLEMENTS OF CERTAIN BARANGAY OFFICIALS, INCREASING THEIR TERM OF OFFICE, AND OTHER PURPOSES, AMENDING REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AND OTHER RELATED LAWS

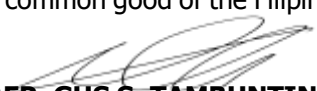
EXPLANATORY NOTE

Sec. 384 of Republic Act 7610 also known as the Local Government Code of 1991 states that "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."

This bill has long been overdue since the Local Government Code has been enacted in 1991. The current law states that Under the Local Government Code of 1991, barangay officials are compensated in the form of honoraria, with the minimum set at P1,000 per month for the chair and P600 per month for Sanggunian barangay members. In 1996, Executive Order No. 332 included the barangay in the unified position classification and compensation system of the government. This allowed the adjustment of the honorarium to a maximum rate equivalent to the first step of Salary Grade 14 (P32,321) for the chair and Salary Grade 10 (P22,190) for Sanggunian members.

The time has come for these barangay officials for all their efforts in serving our countrymen, especially during the Covid- 19 pandemic. This compensation scheme will cover elected and appointed barangay officials. This bill aims to make the barangay officials as government officials so that they will not only have salaries but also have access to health insurance and other benefits.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, AND OTHER
RELATED LAWS**

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

SECTION 1. Short Title. - This Act shall be known as the Magna Carta for Barangay Officials Act".

SEC. 2. Declaration of Policy. - It is the policy of the State to strengthen, develop and improve the general welfare of the barangay, its officials, and residents. In line with this policy and cognizance of the crucial role of the barangays through its barangay officials in nation-building, the State shall empower the barangay elective officials and appointive personnel by extending the term of office to better implement programs at the barangay level; provision salary grades, remuneration, benefits, allowances, retirement benefits and other entitlements commensurate to the

status as civil servants of the basic local government units in our country; and ensure the promotion of the capacity and welfare of barangay officials and personnel to safeguard the faithful execution of their duties and functions.

SEC. 3. Section 43 of Republic Act 7160 (RA 7160), otherwise known as the "Local Government Code of 1991," is hereby amended to read as follows:

"Section 43. Term of Office

(a) xxx

(b) No local elective official shall serve for more than three (3)

consecutive terms in the same position, EXCEPT FOR

BARANGAY OFFICIALS WHO SHALL NOT SERVE

FOR MORE THAN TWO (2) CONSECUTIVE TERMS IN THE SAME POSITION. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official concerned was elected.

(c) The term of office of barangay officials and members of the Sangguninang Kabataan shall be for Five (5) years,

4-994.]"

Sec. 4 Section 11 of Republic Act No. 10742, otherwise known as the "Sangguniang Kabataan Reform Act of 2015" is hereby amended to read as follows:

"Sec. 11. Term of Office. — (a) The chairperson and members of the Sangguniang Kabataan shall hold office for a fixed term of FIVE (5) years unless sooner removed for cause, permanently incapacitated, have died or resigned from office."

SEC. 5. A new Sec. 389-A of RA 7160 is hereby inserted to read as follows:

Section 389-A. COMPENSATION AND BENEFITS OF PUNONG BARANGAY - THE PUNONG BARANGAY SHALL BE CONSIDERED A REGULAR GOVERNMENT EMPLOYEE, ENTITLED TO THE FIXED RATE OF AT LEAST SALARY GRADE TWELVE (SG-12) UNDER THE SALARY STANDARDIZATION LAW, AS AMENDED, AND SHALL HENCEFORTH BE ENTITLED TO ALL THE BENEFITS PROVIDED BY THE GOVERNMENT WHICH SHALL INCLUDE BUT ARE NOT LIMITED TO SALARIES, ALLOWANCES, BENEFITS, AND INCENTIVES APPLICABLE TO ALL GOVERNMENT PERSONNEL.

SEC. 6. A new Sec. 391-A shall be inserted in RA 7160 to read as follows:

Section 391-A. COMPENSATION AND BENEFITS OF MEMBERS OF SANGGUNIANG BARANGAY- THE MEMBERS OF THE SANGGUNIANG BARANGAY SHALL BE CONSIDERED A REGULAR GOVERNMENT EMPLOYEES, ENTITLED TO THE FIXED RATE OF AT LEAST SALARY GRADE TEN (SG-IO) UNDER THE SALARY STANDARDIZATION LAW, AS AMENDED, AND

SHALL HENCEFORTH BE ENTITLED TO ALL THE BENEFITS PROVIDED BY THE GOVERNMENT SHALL INCLUDE BUT ARE NOT LIMITED TO SALARIES, ALLOWANCES, BENEFITS, AND INCENTIVES APPLICABLE TO ALL GOVERNMENT PERSONNEL.

SEC. 7. Sec. 393 of RA 7160 is hereby amended to read as follows: Section 393. Benefits of MEMBERS OF THE LUPON 20 TAGAPAMAYAPA AND BARANGAY TANODS. —

(a) tanods and members of the lupong tagapamayapa, shall receive honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal or city ordinance in accordance with the provisions of this Code, but in no case shall it be less than [One] thousand pesos [(P1,000.00)]

provided, however, That the annual appropriations for personal services shall be subject to the budgetary limitations prescribed under Title Five, Book II of this Code;

THE BARANGAY

THE LUPON TAGAPAMAYAPA shall also:

(1) Be entitled to a Christmas bonus of TWO THOUSAND PESOS (P2, 000), the funds for which shall be taken from the general fund of the barangay or such other funds appropriated by the national government for the purpose;

(2) xxx

(c) xxx

(E) BE ENTITLED TO A LUMP SUM RETIREMENT GRATUITY PAY EQUIVALENT TO ONE (1) YEAR HONORARIUM TO BE TAKEN FROM THE BARANGAY RETIREMENT GRATUITY FUND, AS MENTIONED IN SECTION 9 OF THIS ACT: PROVIDED, HOWEVER, THAT A RETIREE IS AT LEAST SIXTY (60) YEARS OF AGE WITH A MINIMUM OF NINE (9) YEARS IN SERVICE AT THE TIME OF THE RETIREMENT;

SEC. 8. Sec. 394-A of RA 7160 is hereby inserted to read as follows:

Section 394-A. COMPENSATION AND TERM OF OFFICE OF Y SECRETARY. - THE BARANGAY SECRETARY SHALL BE CONSIDERED AS A REGULAR GOVERNMENT EMPLOYEE AND ENTITLED TO THE FIXED-RATE OF AT LEAST SALARY GRADE EIGHT (SG 8) UNDER THE SALARY STANDARDIZATION LAW, AS AMENDED. THE BARANGAY SECRETARY SHALL BE CO-TERMINUS WITH THE APPOINTING AUTHORITY UNLESS SOONER REMOVED FOR CAUSE, FOUND TO HAVE FAILED FROM THE DISCHARGE OF HIS OR HER 8 DUTIES, OR HAS COMMITTED ABUSE OF AUTHORITY AS STIPULATED IN EXISTING LAWS ABOUT THE

CONDUCT OF PUBLIC OFFICIALS, THROUGH A MAJORITY VOTE OF ALL THE MEMBERS OF THE SANGGUNIANG BARANGAY IN A REGULAR OR SPECIAL ASSEMBLY CALLED FOR THE PURPOSE.

SEC. 10. Sec. 395 of RA 7160 is hereby amended to read as follows: 16 Sec. 395. Barangay Treasurer: Appointment, Qualifications, 17 Powers and Duties•. - (a) The barangay treasurer shall be 18 appointed by the punong barangay with the concurrence of

(b) xxx

SEC. 11. Sec. 395-A of RA 7160 is hereby inserted to read as follows:

Section 395-A. COMPENSATION AND TERM OF OFFICE OF BARANGAY TREASURER. - THE BARANGAY TREASURER SHALL BE CONSIDERED A REGULAR GOVERNMENT EMPLOYEE AND ENTITLED TO THE FIXED RATE OF AT LEAST SALARY GRADE 8 UNDER THE SALARY STANDARDIZATION LAW.

THE BARANGAY TREASURER SHALL BE COTERMINOUS WITH THE APPOINTING AUTHORITY UNLESS SOONER REMOVED FOR CAUSE, FOUND TO HAVE FAILED FROM THE DISCHARGE OF HIS OR HER DUTIES, OR HAS COMMITTED ABUSE OF AUTHORITY AS STIPULATED IN EXISTING LAWS ABOUT THE CONDUCT OF PUBLIC OFFICIALS, THROUGH A MAJORITY VOTE OF ALL THE MEMBERS OF THE SANGGUNIANG BARANGAY IN A REGULAR OR SPECIAL ASSEMBLY CALLED FOR THE PURPOSE.

SEC. 12. Sec. 399 of RA 7160 is hereby amended to read as follows:

Section 399. Lupon Tagapamayapa. -

(a) There is hereby created in each barangay a lupon tagapamayapa, hereinafter referred to as the lupon, composed of the punong barangay, as chairman ,and ten shall be constituted every FIVE (5) years in the manner provided herein.

SEC. 13. Creation of Barangay Retirement Gratuity Fund (BRGF). — The Barangay Retirement Gratuity Fund is hereby created which shall be used to fund the government's share in the retirement gratuity of barangay tanods and members of the Lupon ng Tagapamayapa, as mentioned in this Act. The amount equivalent to one percent (1%) of the share of the national government under Section 284 of the Local Government Code of 1991, as amended, shall be earmarked, set aside, and used for this purpose.

The Department of the Interior and Local Government (DILG) shall administer and ensure the appropriate disbursement of the Fund.

SEC. 14. Capacity Development and Enhancement Program for Barangay Officials. — The Department of Interior and Local Government, through the Local Government Academy (LGA), shall develop capacity development and enhancement programs for the Punong Barangays, Members of the Sangguniang Barangay, Barangay Secretaries, Barangay Treasurers, Barangay Tanods, and Members of the Lupon Tagapamayapa.

The Department of Finance (DOF), through the Bureau of Local Government Finance (BLGF), shall assist in the development of programs for Barangay Treasurers, and the Department of Justice (DOJ) shall assist in the development of programs for Barangay Tanods and Members of the Lupon Tagapamayapa.

The Programs shall develop comprehensive training manuals, and based thereon, conduct the training necessary and appropriate to ensure the 16 professionalization of the aforementioned barangay officials, for the efficient delivery of services at the barangay level.

SEC. 15. Income Classification of Barangays — The DOF, through the BLGF, shall formulate an income classification of barangays based on locally generated average annual income for the last two (2) consecutive years based on 2000 constant prices. The average annual income shall include the income accruing to the general fund, exclusive of special funds, transfers, and non-recurring income.

Based on this income classification, the DILG and the Department of Budget and Management (DBM) shall issue the necessary rules and regulations on the annual appropriations for the newly created salary grades, honoraria, and allowances of the identified barangay officials under this Act.

SEC. 16. Implementing Rules and Regulation. —The DBM, in coordination with the Government Service Insurance System (GSIS), the DILG, the DOJ, and the DOF shall issue the necessary rules and regulations to implement this Act.

SEC. 17. Funding Source. — The amount necessary for the implementation of this Act shall be charged against the respective funds of both the Barangay and the City or Municipality of which it is part. Local government units which do not have adequate funds shall be assisted by the National Government.

SEC. 18. Applicability Clause. —The provisions of this Act shall apply to the barangay elected and appointed officials identified under this Act, after the next barangay elections following the approval of the enactment of this Act.

SEC. 19. Separability Clause. — If for any reason any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SEC. 20. Repealing Clause, — All laws, decrees, orders, rules, regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 21. Effectivity. — This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Philippines.

Approved,