

Republic of the Philippines
House of Representatives
Quezon City

19th Congress
Second Regular Session

House Bill No. 10151



Introduced by **HONORABLE PETER B. MIGUEL**

AN ACT SEPARATING THE SITIOS OF BÉ SEGEL, BÉ AFUS, ÉL DIOS, LEMLUED, UPPER KAWIG, LOWER KAWIG, LOWER LEMBISOL, LEM-ÉLDONG, TEMEWÓB, TEKEGANG, TEMEGUILÓN, LEMBLUAN, AND BÉ BADAK, ALL OF BARANGAY POBLACION IN THE MUNICIPALITY OF LAKE SEBU, SOUTH COTABATO AND TO CONSTITUTE IT AS A DISTINCT AND INDEPENDENT BARANGAY TO BE KNOWN AS BARANGAY LEMLUNAY

EXPLANATORY NOTE

This bill seeks to separate the Sitios of Bé Segel, Bé Afus, El Dios, Lemlued, Upper Kawig, Lower Kawig, Lower Lembisol, Lem-Éldong, Temewób, Tekegang, Temeguilón, Lembluan, and Bé Badak from their mother barangay, Barangay Poblacion of the Municipality of Lake Sebu, Province of South Cotabato, to be known as Barangay Lemlunay.

The aforesaid sitios are among of the largest sitios of Barangay Poblacion with an estimated distance of around three (3) kilometers away from mother barangay and therefor qualified to be created as a regular Tribal Barangay in terms of population, income and land area. The aforesaid sitios are predominantly inhabited by T'boli ethnic group within the contiguous areas of T'boli CADT No. R12-LAK-0110-155.

Pursuant to Section 18, of **Republic Act 8371** or otherwise known as ***“The Indigenous Peoples Rights Act of 1997”*** which provides:

Sec. 18. Tribal Barangays. The ICCs/IPs living in the contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority of the population, may from or constitute a separate barangay in accordance with the Local Government Code on the creation of tribal barangays

In relation to Section 386 of **Republic Act 7160** or otherwise known as ***“The Local Government Code of 1991”*** which also provides:

Sec. 386. Requisites for Creation. – (a) A Barangay maybe created out of a contiguous territory which has a population of at least two thousand (2,000) inhabitants as certified by the National Statistics Office except in cities and

municipalities within Metro Manila and other metropolitan political subdivisions or in highly urbanized cities where such territory shall have a certified population of at least five thousand (5,000) inhabitants: Provided, that the creation thereof shall not reduce the population of the original Barangay or barangays to less than the minimum requirement prescribed therein.

To enhance the delivery of basic services in the indigenous cultural communities, Barangays may be created in such communities by an Act of Congress, notwithstanding the above requirement.

Currently, the combined population of these thirteen (13) sitios is Two Thousand Four Hundred Forty Three (2,443) or way above the minimum requirement as set forth in RA 7160 and in fact exempt from the minimum requirement since the area is inhabited by indigenous cultural groups. The separation of these thirteen (13) sitios would not reduce the population of the mother barangay to less than the required number since the combined population of the remaining sitios is still more than two thousand.

A barangay essentially functions as citizens' assembly that concerns with the well-being of their immediate local population and infrastructure within local context; in its operation, a barangay's socio-political involvement can generally be more effective than a large-scale government. This political unit is the first level of government that citizens have access to.

In order to effectively deliver basic services to the Indigenous Peoples (IPs) in the area where they are predominant in population, separating from the mother barangay and subsequent creation of IPs communities into a distinct and independent barangay is advantageous to them.

The aspiration of IPs in the area embodies their ideals and aspirations in bringing in improvements, socio-economic development, access to services and to address the legal and technical needs of the marginalized, disempowered and vulnerable persons or group of persons, thus it is imperative that this measure must be given favorable action.

The passage of the bill creating the Tribal Barangay of Lemlunay will ensure that the Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs) right to self-governance and empowerment as well as the preservation of their respective cultural traditions and customary laws are preserved, promoted and protected.

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



PETER B. MIGUEL, M.D., FPSO-HNS
Representative, 2nd District South Cotabato

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

Section 1. *Creation of Tribal Barangay of Lemlunay.* – The sitios of Bé Segel, Bé Afus, Él Dios, Lemlued, Upper Kawig, Lower Kawig, Lower Lembisol, Lem-Éldong, Temewób, Tekegang, Temeguilón, Lembluan, and Bé Badak are hereby separated from Barangay Poblacion in the Municipality of Lake Sebu, Province of Lake Sebu, to constitute a distinct and independent barangay to be known as Barangay Lemlunay.

Section 2. *Territorial Boundaries.* – The territorial boundaries of Barangay Lemlunay shall be identified as follows:

On the North-East is bounded by Kioyo Kasi and Fanang Kalan, on the North-West is bounded by Kioyo Kasi and Uga Dagang, on the South-East is bounded by Santa Cruz Mission Schools, Inc. and Fanang Kalan and on the South-West is bounded by Santa Cruz Mission Schools and Uga Dagang, containing an indicative area of ONE MILLION TWO HUNDRED TWENTY EIGHT THOUSAND NINE HUNDRED SQUARE METERS (1,228,900 sqm.) or ONE HUNDRED TWENTY TWO AND POINT EIGHTY NINE HECTARES(122.89 has).

Section 3. *Conduct and Supervision of Plebiscite.* – Pursuant to Section 10 of Republic Act No. 7160, otherwise known as the “The Local Government Code of 1991,” the new Barangay Lemlunay shall exist upon the approval by a majority of the votes cast by the qualified voters of Barangay Poblacion in a plebiscite to be conducted and supervised by the Commission on Elections (COMELEC) in the area affected, not later than One Hundred Twenty (120) days from the effective date of this Act.

The amount necessary for the conduct of such plebiscite shall be borne by the Municipality of Lake Sebu, South Cotabato.

Section 4. *Barangay Officials.* – The first set of officials of Barangay Lemlunay shall be appointed by the President of the Philippines and shall hold office until such time that their successors have been duly elected and qualified.

Section 5. *Public Infrastructure and Facilities.* – All public infrastructure 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 Shares.* – Barangay Lemlunay shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act 7160, as amended, otherwise known as the “Local Government Code of 1991.”

Section 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,