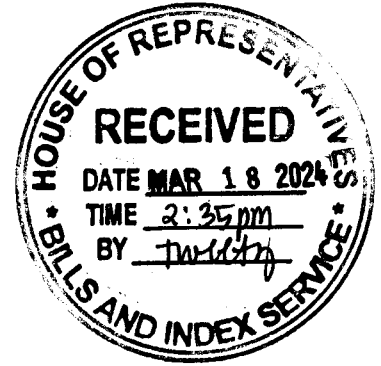


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **10160**



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO,
JOCELYN P. TULFO, AND ERWIN T. TULFO**

AN ACT ESTABLISHING THE MAGNA CARTA FOR BARANGAYS

EXPLANATORY NOTE

Pursuant to Section 384 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", the barangay as a basic political unit serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community. It also serves as a forum where collective views of the people may be expressed and considered, and where disputes may be amicably settled.

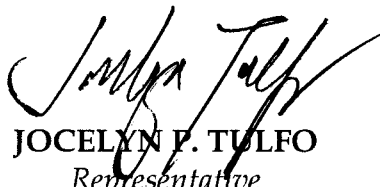
Recognizing the paramount importance of strengthening our barangays, this proposed legislative measure aims to provide a comprehensive framework to empower barangays, enabling them to fulfill their mandate more effectively and efficiently and addressing the various challenges they face by instituting key reforms, such as: (1) the regularization of barangay officials as government employees entitled to fixed salaries, allowances, insurance, and other benefits; (2) the appointment of barangay tanods in every barangay to a permanent status during the appointing administration; (3) the strengthening of the delivery of basic services, especially in health, education, and public safety, to ensure that every barangay can provide for the essential needs of its residents; and (4) the enhancement of administrative and fiscal autonomy of barangays to foster more responsive and accountable local governance.

This bill acknowledges the need for a supportive legislative framework that can unleash the potential of barangays to serve as effective conduits of social transformation and development. By establishing the Magna Carta for Barangays, we lay down the foundation for a strengthened barangay governance system that is capable, empowered, and responsive to the needs of the community.

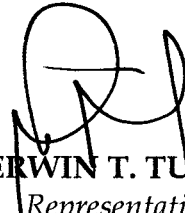
In view of the foregoing, the urgent passing of this bill is earnestly sought.



RALPH WENDEL P. TULFO
Representative
2nd District of Quezon City



JOCELYN P. TULFO
Representative
ACT-CIS Partylist



ERWIN T. TULFO
Representative
ACT-CIS Partylist

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AN ACT ESTABLISHING THE MAGNA CARTA FOR BARANGAYS

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

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 life, and provide new measures that will inspire 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 governance and economy.

- (b) Every barangay shall be given the authority and capability to address its challenges on its level.
- (c) Self-help or people power shall be the guiding principle in all barangay development projects.

II - BARANGAY OFFICIALS

SEC. 4. *Barangay Officials as Regular Government Employees.* - The Punong Barangay, Sangguniang Barangay members, the Sangguniang Kabataan Chairperson, the Barangay Secretary, and the Barangay Treasurer in all barangays are hereby declared regular employees, and, as such, are entitled to fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits, and such other fringe benefits to which a regular government employee may be entitled to.

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

- (a) Punong Barangay - An amount equivalent to the salary of a Sangguniang Bayan or Panlungsod member of his/her municipality or city;
- (b) Sangguniang Barangay Members - An amount equivalent to eighty percent (80%) of the salary of a Sangguniang Bayan or Panlungsod member of his/her municipality or city; and
- (c) Sangguniang Kabataan Chairperson, Barangay Secretary, Barangay Treasurer - For each, an amount equivalent to seventy-five percent (75%) of the salary of a Sangguniang Bayan or Panlungsod member of his/her municipality or city.

SEC. 6. *Appointment, Selection, and Benefits of Barangay Tanods.* - There shall be barangay tanods in every barangay who shall maintain peace and order and enforce all

1 laws and ordinances relative to the protection of lives and properties in their respective
2 barangays. The Sangguniang Barangay shall, through a resolution, determine the
3 appropriate number of barangay tanods needed in their respective barangay.

4
5 The appointment and selection of barangay tanods shall be done by the Punong
6 Barangays with the concurrence of the majority of the members of the Sangguniang
7 Barangay concerned in accordance with merit and fitness: *Provided*, That no person shall
8 be appointed barangay tanod unless he or she is a citizen of the Philippines, a resident
9 of the barangay concerned, of good moral character, and of sound mind: *Provided*,
10 *further*, That patronage or partisan considerations shall not be a basis for such selection
11 and appointment.

12
13 Barangay tanods shall be appointed to a permanent status during the administration
14 of the sangguniang barangay which appointed them.

15
16 Barangay tanods shall receive the following benefits and privileges:

17
18 (a) Honoraria, allowances, and such other emoluments as may be authorized by law
19 or barangay, municipal, or city ordinance in accordance with the provisions of
20 Republic Act No. 7160, but in no case shall it be less than Six Hundred Pesos
21 (PhP600.00) per month;

22 (b) Christmas bonus of at least One Thousand Pesos (PhP1,000.00) each, the funds
23 for which shall be taken from the general fund of the barangay or from such other
24 funds appropriated by the national government for the purpose;

25 (c) Insurance coverage which shall include, but not limited to, temporary and
26 permanent disability, double indemnity, accident insurance, death, and burial
27 benefits;

28 (d) Free medical care including subsistence, medicines, and medical attendance in
29 any government hospital or institution: *Provided*, That such hospital care shall
30 include surgery or surgical expenses, medicines, x-rays, laboratory fees, and other
31 hospital expenses; and

1 (e) Exemption during their incumbency from paying tuition and matriculation fees
2 for their legitimate dependent children attending state colleges or universities.
3 He may likewise avail of such educational benefits in a state college or university
4 located within the province or city to which the barangay belongs.
5

6 **III - BASIC PRIORITIES IN THE BARANGAY**

7

8 **SEC. 7. *Drinking Water for Every Barangay.*** – It is the right of every barangay to
9 have a regular supply of clean and potable water. To attain this goal, every city or
10 municipality, as the case may be, is hereby required to construct or maintain at least one
11 (1) facility for drawing drinking water to supply the needs of every one thousand (1,000)
12 residents for each barangay within its jurisdiction.
13

14 **SEC. 8. *Transportation for Every Barangay.*** – It is also the right of every barangay to
15 have public transportation available at least once a day. For this purpose, every
16 municipality or city, as the case may be, should make such necessary representations
17 before the appropriate government agencies to require public utility companies
18 operating primarily within its jurisdiction to provide the minimum means of
19 transportation in every barangay.
20

21 **SEC. 9. *Schools, Health Centers, and Barangay Halls for the Barangays.*** – Every
22 barangay is entitled to have at least one (1) kindergarten and at least one (1) elementary
23 school: *Provided*, That there shall be at least one high school for every five (5) kilometers
24 from the barangay center. It shall also be the right of every barangay to have one (1)
25 health center and one (1) barangay hall.
26

27 **IV - MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY**

28

29 **SEC. 10. *Automatic Release of Share from National Taxes.*** – The share of each
30 barangay from all national taxes shall be release, without need of further action, directly

1 to the Barangay Treasurer. The national taxes to be included in the base for computing
2 the just share of barangays shall include, but not limited to, the following:

- 3
- 4 (a) The national internal revenue taxes enumerated in Section 21 of the National
5 Internal Revenue Code (NIRC), as amended, collected by the Bureau of the
6 Internal Revenue and the Bureau of Customs (BOC);
- 7 (b) Tariff and customs duties collected by the BOC;
- 8 (c) 60% of the national taxes collected from the exploitation and development of the
9 national wealth;
- 10 (d) The remaining 40% of the national taxes collected from the exploitation and
11 development of the national wealth shall exclusively accrue to the host Local
12 Government Units (LGUs) pursuant to Section 290 of Republic Act No. 7160,
13 otherwise known as the "Local Government Code";
- 14 (e) 85% of the excise taxes collected from locally manufactured Virginia and other
15 tobacco products;
- 16 (f) The remaining 15% shall accrue to the special purpose funds created by Republic
17 Act No. 7171, or "An Act to Promote the Development of the Farmer in the
18 Virginia Tobacco Producing Provinces", and Republic Act No. 7227, otherwise
19 known as the "Bases Conversion and Development Act of 1992";
- 20 (g) The entire 50% of the national taxes collected under Sections 106, 108, and 116 of
21 the NIRC, as amended, as provided under Section 283 of the same Code;
- 22 (h) 5% of the 25% franchise taxes given to the National Government under Section 6
23 of Republic Act No. 6631, or "An Act Granting Manila Jockey Club, Inc., a
24 Franchise to Construct, Operate and Maintain a Race Track for Horse Racing in
25 the City of Manila or in the Province of Bulacan", and Section 8 of Republic Act
26 No. 6632, or "An Act Granting the Philippine Racing Club, Inc., a Franchise to
27 Operate and Maintain a Race Track for Horse Racing in the Province of Rizal";
28 and
- 29 (i) The appropriate sharing for the Bangsamoro Autonomous Region in Muslim
30 Mindanao under Republic Act No. 11054.
- 31

1 SEC. 11. *Transfer of Funds to Barangay for the Maintenance of Roads and Bridges.*

2 - All public funds appropriated from the National Treasury for the maintenance of
3 barangay roads and bridges and other similar constructions shall be transferred or
4 remitted directly to the general fund of every barangay for the proper disposition by
5 their barangay officials, subject to auditing laws, rules, and regulations.

7 **SEC. 12. *Mandatory Share of Barangays in All Taxes, Fees, or Other Charges.*** -

8 Twenty-five percent (25%) of all taxes collected on real property located within the
9 barangay shall be considered barangay funds and shall be allocated in accordance with
10 existing laws. In addition thereto, each barangay shall be entitled to ten percent (10%)
11 from all other forms of taxes, fees, penalties, compromises, or other charges collected
12 from persons residing in the barangay or entities whose offices and/or manufacturing
13 plant is located within the barangay.

SEC. 13. *Equitable Share of the Barangay from the Proceeds of the Utilization and Development of National Wealth.* - Every barangay shall be entitled to an equitable

17 share of the proceeds derived from the exploitation, development, and utilization of
18 natural wealth within its territory. The amount of barangay share shall be determined
19 by the city or municipality concerned after consultations with the concessionaires, the
20 municipal or city officials and barangay officials, taking into account the extent of the
21 exposure of the barangay residents to pollution, flood, and ecological imbalance:
22 *Provided, That this equitable sharing rate for each barangay shall be resolved by all*
23 *parties concerned not later than six (6) months from the approval of this Act. Revenues*
24 *derived from this source shall also form part of the general fund of the barangay.*

V - MISCELLANEOUS BENEFITS

28 **SEC. 14. *Scholarship Grant.*** - Every barangay shall sponsor at least one scholarship

grant every year leading to any bachelor degree to be awarded by a committee of five
(5) persons appointed by the Sangguniang Barangay with the approval of the Punong
Barangay after competitive examinations are given to applicants who should be bona

fide residents of the barangay. The grant shall include tuition fees and all other school fees, reasonable allowances for schoolbooks, supplies, transportation, and other expenses as the barangay may deem appropriate.

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

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

VI - ADMINISTRATION AND ENFORCEMENT

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

SEC. 18. *Budgetary Estimates.* - The Secretary of the DILG shall submit to the Congress the necessary budgetary estimates to implement the provisions of this Act concerning the allowances, insurance, medical, dental, retirement, and other fringe benefits of barangay officials, the basic priorities in the barangays, and the barangay scholarship grant.

SEC. 19. Penal Provision. – Any person who shall willfully interfere with, restrain, or coerce any barangay official or barangay resident in the exercise of his or their rights guaranteed by this Act or who shall in any other manner commit any act to defeat any

1 of the provisions of this Act shall, upon conviction, be punished by a fine of not less
2 than Five Hundred Pesos (PhP500.00) nor more than Two Thousand Pesos
3 (PhP2,000.00), or by imprisonment of six (6) months and one (1) day, or both, subject to
4 the discretion of the court.

5
6 If the offender is a public official, the court shall order his dismissal from the
7 government service.

8
9 **SEC. 20. *Repealing Clause.*** – All Acts and decrees, executive orders, implementing
10 rules and regulations, or parts thereof, inconsistent with the provisions of this Act are
11 hereby repealed, amended, or modified accordingly.

12
13 **SEC. 21. *Separability Clause.*** – If any provision or part of this Act is held
14 unconstitutional or invalid, the other provisions or parts thereof not affected thereby
15 shall remain in force and effect.

16
17 **SEC. 22. *Effectivity.*** – This Act shall take effect fifteen (15) days after completion of
18 its publication in the Official Gazette or in any newspaper of general circulation.

19
20 *Approved,*