

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL No. **3151**



Introduced by HON. LINABELLE RUTH R. VILLARICA
4th DISTRICT, BULACAN

AN ACT
TO REFORMAT CERTAIN FUNCTIONAL ASSIGNMENT OF LOCAL GOVERNMENT
UNITS BY AMENDING PERTINENT PROVISIONS IN REPUBLIC ACT No. 7160,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

EXPLANATORY NOTE

In implementing the principle of devolution of powers as enunciated in the Local Government Code, the functions of local public goods and services and the level of the local government units must be compatible. The delineation functions should be between the LGUs and the National Government as well as among LGUs at different levels.

Presently, however, there are functions devolved to the barangays and municipalities which are outside the ambit of their jurisdictions since these are more national than local. Although the goals and programs of health, for instance, may be implementable locally, it does not contain the inherent incentives for its local application. There is a need to qualify what functions should be left to the national government, what should be shared, and what should be entirely devolved, based on the identified beneficiaries in the LGUs.

Support for the enactment of this proposed bill is earnestly requested.

REP. LINABELLE RUTH R. VILLARICA

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

SECTION 1. *Declaration of Policy.* – It is the policy of the State to give meaning and significance to the principle of devolution of powers under Republic Act No. 7160, otherwise known as the “Local Government Code of 1991” by clarifying the specific functions that should remain with the national government, those that should be shared, and those that should be devolved to the local government units in its entirety.

SEC. 2. Section 3 (a) of R.A. No. 7160, otherwise known as the Local Government Code of 1991, hereinafter referred to as the “Code”, is hereby amended to read as follows:

“Sec. 3. *Operative Principles of Decentralization.* – The formation and Implementation of policies and measures in local autonomy shall be guided by the following operative principles:

- (a) There shall be an effective allocation BETWEEN THE NATIONAL GOVERNMENT AND among the different local government units of their respective powers, functions, responsibilities, and resources INTO NATIONAL GOVERNMENT, FULLY-DEVOLVED, AND SHARED FUNCTIONS BASED ON THE SCOPE OF BENEFITS, EFFECTS OR IMPACTS EXTERNAL TO THE LOCAL GOVERNMENT UNIT AND RESPONSIBILITY FOR THE SETTING OF POLICIES AND STANDARD, PLANNING AND PROGRAMMING, IMPLEMENTATION AND EXECUTION, AND ORIGIN AND OWNERSHIP OF THE FUNDING SOURCE;

SEC. Section 17 of the same Code is hereby amended to read as follows:

“Sec. 17. *Basic Services and Facilities.* – (a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic service and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

(1) *For a Barangay:*

[(i) Agricultural support and services which include planting materials distribution system and operation of farm produce collection and buying stations;

(ii) Health and social welfare services which include maintenance of barangay health center and day care center;]

[(iii)] (I) Services and facilities related to general hygiene and sanitation, beautification, and solid waste collection;

[(iv)] (II) Maintenance of katarungang pambarangay;

[(v) Maintenance of barangay roads and bridges and water supply system;]

[(vi)] (III) Infrastructure facilities such as multi-purpose hall, multi-purpose pavement, plaza, sports center, and other similar facilities;

[(vii)] (IV) Information and reading center; and

[(viii)] (V) Satellite or public market where viable;

(2) *For a Municipality:*

(i) Extension and on-site research services and facilities related to agriculture and fishery activities which include dispersal of livestock and poultry, fingerlings, and other seedling materials for agriculture; palay, corn, and vegetables seed farms; medicinal plant gardens; fruit tree, coconut and other kinds seedling nurseries, demonstration farms, quality control of copra and improvement and development of local distribution channels, preferably through cooperatives; inter-barangay irrigation system; water and soil resource utilization

and conservation projects; and enforcement of fishery laws in municipal waters including the conservation of mangroves;

- (ii) Pursuant to national policies and subject to supervision, control and review of the DENR, implementation of community-based forestry projects; management and control of communal forest with an area not exceeding fifty (50) square kilometers; establishment of tree parks, greenbelts, and similar forest development projects WHOSE IMPLEMENTATION MAY BE SHARED WITH THE PROVINCE AND/OR A NATIONAL GOVERNMENT AGENCY;
- (iii) Subject to the provisions of Title Five, Book I of this Code, health services which include the implementation of programs and projects on primary health care, maternal and child care, and communicable and non-communicable disease control services, access to secondary and tertiary health services; purchase of medicines, medical supplies, and equipment needed to carry out the services herein enumerated WHOSE IMPLEMENTATION MAY BE SHARED WITH THE PROVINCE AND/OR A NATIONAL GOVERNMENT AGENCY;
- (iv) Social welfare services which include programs and projects on child and youth welfare, family and community welfare, women's welfare, of the elderly and disabled persons; community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents, and victims of drug abuse; livelihood and others pro-poor projects; nutrition services and family planning services;
- (v) Information services which include investments and job placement information systems, tax and marketing information systems, and maintenance of public library;
- (vi) Solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation WHOSE IMPLEMENTATION MAY BE SHARED WITH THE PROVINCE OR THROUGH INTER-LGU COOPERATION;

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(XIII) MAINTENANCE OF BARANGAY ROADS AND BRIDGES AND WATER SUPPLY SYSTEM;

(XIV) HEALTH AND SOCIAL WELFARE SERVICES WHICH INCLUDE MAINTENANCE OF

BARANGAY HEALTH CENTERS AND DAY-CARE CENTERS; AND

(XV) AGRICULTURAL SUPPORT SERVICES WHICH INCLUDE PLANTING MATERIALS DISTRIBUTION SYSTEM AND OPERATION OF FARM PRODUCE COLLECTION AND BUYING STATIONS WHOSE IMPLEMENTATION MAY BE SHARED WITH BARANGAY.

(3) *For a Province:*

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(4) *For a City:*

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(c) XXX

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(f) The national government or the next higher level of local government unit may provide or augment the basic services and facilities assigned to a lower level of local government unit when such services or facilities are not made available or, if made available, are inadequate to meet the requirements of its inhabitants BASED ON GUIDELINES ISSUED BY THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT.

(g) XXX

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SEC. 3. *Separability Clause.* – If any part or provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof not affected thereby shall remain in full force and effect.

SEC. 4. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or other issuances or part thereof, inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,