

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3533



Introduced by REP. FAUSTINO 'BOJIE' G. DY III

EXPLANATORY NOTE

The barangay, as the basic political unit, serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community. Barangays are at the forefront of government service. How well barangays perform impact the quality of basic services that people receive.

This proposed measure aims to (a) improve the compensation and benefits received by barangay officials; (b) ensure the availability of basic services and facilities in the barangays for the benefit of the residents; and (c) strengthen the capability of barangays to perform and deliver the services expected from them.

Similar measures have been filed in the House of Representatives and the Senate in previous Congresses in recognition of the important role of barangays and barangay officials.

In view of the foregoing, the passage of this bill in the 20th Congress is earnestly sought.


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AN ACT
ESTABLISHING THE MAGNA CARTA FOR BARANGAYS

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

I. GENERAL PROVISIONS

SECTION 1. Short Title. — This Act shall be known as “The Magna Carta for Barangays.”

SECTION 2. Declaration of Policy. It is hereby declared 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 living therein, provide measures that will ensure the local autonomy of barangays for the effective performance of their 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.

SECTION 3. General Principles. — The following are the general principles of this Act:

- (a) The national government shall provide more attention to the development of the barangay, as it is the base of this country's economy.
- (b) Every barangay shall be granted the authority and capability to solve its problems at its level.

- (c) Self-help or people power shall be the guiding principle in all barangay development projects.

II. COMPENSATION AND BENEFITS OF BARANGAY OFFICIALS

SECTION 4. The Barangay Officials as Regular Government Employees. – The Punong Barangay, Sangguniang Barangay Members, the Barangay Secretary and the Barangay Treasurer are hereby declared regular government 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.

SECTION 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 funds 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 shall be entitled to the following fixed salaries:

1. Punong Barangay – An amount equivalent to the salary of a sangguniang bayan member of his municipality or city.
2. Members of the Sangguniang Barangay – An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of his municipality or city.
3. Barangay Secretary, Barangay Treasurer - An amount equivalent to seventy-five percent (75%) of the salary of a sangguniang bayan member of his municipality or city.

III. BASIC PRIORITIES IN THE BARANGAY

SECTION 6. Drinking Water for Every Barangay. – It is the right of every barangay to have a regular supply of clean and potable drinking water. To attain this goal, every city or municipality, as the case may be, is hereby required to construct and/or maintain at least one (1) deep well with a pumping device for drawing drinking water for every one thousand (1,000) residents of each barangay within its jurisdiction.

SECTION 7. Transportation for Every Barangay. – It is also the right of every barangay to have public transportation available at least once a day. For this purpose, every municipality or city, as the case may be, should make such necessary representation before the appropriate government agencies to require public utility

companies operating within their jurisdictions to provide the minimum means of public transportation in every barangay.

SECTION 8. Schools, Health Centers and Barangay Halls for the Barangays. – Every barangay is entitled to have at least one (1) elementary school, provided that there shall be at least one (1) high school every five (5) kilometers from the barangay center. It shall also be the right of every barangay to have one (1) health center and one (1) barangay hall.

IV. MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

SECTION 9. Automatic Release of Share from National Taxes. – It shall be the duty of the National Treasury to automatically remit to the barangays their just share from the national taxes every end of the calendar year.

SECTION 10. Transfer of Funds to Barangays for the Maintenance of Roads and Bridges. – All public funds appropriated from the national treasury for the maintenance of barangay roads and bridges and other similar constructions shall be transferred or remitted directly to the general fund of every barangay for proper disposition by their respective barangay officials, subject to auditing laws, rules, and regulations.

SECTION 11. Mandatory Share of Barangay in All Taxes, Fees or Other Charges. – Twenty-five percent (25%) of all taxes collected on real properties located within the barangay shall be considered barangay funds and shall be allocated in accordance with existing laws. In addition thereto, each barangay shall be entitled to ten percent (10%) of all other forms of taxes, fees, penalties, compromises or other charges collected from persons residing in the barangay or entities whose offices and/or manufacturing plants are located within the barangay.

SECTION 12. Equitable Share of the Barangay from the Proceeds of the Utilization and Development of National Wealth. – Every barangay shall be entitled to an equitable share of the proceeds derived from the exploitation, utilization and development of natural resources within its territory. The amount of the barangay share shall be determined by the municipality or city concerned after consultations with the concessionaires, the municipal or city officials and barangay officials, taking into account the extent of the exposure of the barangay residents to pollution, floods, and other ecological imbalances: Provided, however, That the equitable sharing rate for each barangay shall be resolved by all concerned parties not later than six (6) months from the approval of this Act. Revenues derived from this source shall form part of the general fund of the barangay concerned.

V. MISCELLANEOUS MATTERS

SECTION 13. Scholarship Grant. – Every barangay shall sponsor at least one (1) 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 school books, supplies and transportation and other expenses as the barangay may deem necessary and appropriate.

SECTION 14. Priority in Employment. – Residents of every barangay shall receive priority in the hiring of workers and laborers for any government construction or development project within their respective barangays.

SECTION 15. 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 such enterprises and to take every possible effort to make cooperative undertakings a way of life in the barangay.

VI. ADMINISTRATION AND ENFORCEMENT

SECTION 16. Rules and Regulations. – The Secretary of the Department of the Interior and Local Government (DILG) and the Secretary of the Department of Budget and Management (DBM) 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 national newspaper of general circulation and by such other means as the Secretary of the DILG shall deem reasonably sufficient to provide interested parties general notice of such issuance.

SECTION 17. Budgetary Estimates. – The Secretary of the DILG and the Secretary of the DBM shall submit to Congress the necessary budgetary estimates to implement the provisions of this Act concerning the salaries, allowances, insurance, medical, dental, and retirement benefits and other fringe benefits of barangay officials, the basic priorities in the barangays, and the barangay scholarship grant.

SECTION 18. Penal Provision. – Any person who shall willfully interfere with, restrain or coerce any barangay official or barangay resident in relation to the exercise of his or their rights guaranteed by this Act, or who shall in any other manner commit any act to defeat any of the provisions thereof, upon conviction, be punished by a fine of not less than Five Hundred Pesos (Php 500.00) nor more than Two Thousand Pesos (Php 2,000.00), or by imprisonment of up to six (6) months, or both, subject to the

discretion of the court. If the offender is a public official, the court shall order his dismissal from the government service.

SECTION 19. Separability Clause. – If any portion or provision of this Act is declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SECTION 20. Repealing Clause. – All acts and decrees, executive orders, implementing rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 21. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,