

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. **3708**



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. 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 is a basic political unit which 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.

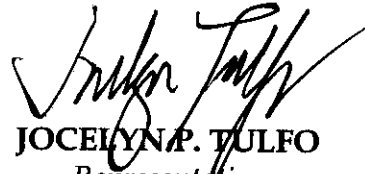
Recognizing the paramount importance of strengthening our barangays, this proposed measure aims to provide a comprehensive framework to empower barangays, enabling them to fulfill their mandate more effectively and efficiently and addressing the various challenges they face by instituting key reforms, 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

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1 **AN ACT ESTABLISHING THE MAGNA CARTA FOR BARANGAYS**
2

3 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
4 *assembled:*
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6 **ARTICLE I**
7 **TITLE, DECLARATION OF POLICY, AND GENERAL PRINCIPLES**
8

9 **SECTION 1. *Short Title.*** - This Act shall be known as the "Magna Carta for
10 Barangays".
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12 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to promote, develop, and
13 improve the general welfare of barangay residents, raise the economic and social status
14 of barangay officials, grant every barangay the basic facilities for decent, healthy, and
15 comfortable life, and provide new measures that will inspire its enjoyment of local
16 autonomy to ensure the effective performance of its role as the primary planning and
17 implementing unit of government programs, projects, and activities, and as a forum in
18 which the collective views of the people in the community may be crystallized and
19 considered.
20

21 **SEC. 3. *General Principles.*** - The following are the general principles of this Act:
22

- 23 (a) The national government shall give more attention to the development of the
24 barangay, as it is the base of this country's governance and economy.
25 (b) Every barangay shall be given the authority and capability to address its
26 challenges on its level.
27 (c) Self-help or people power shall be the guiding principle in all barangay
28 development projects.
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ARTICLE 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, and 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 laws and ordinances relative to the protection of lives and properties in their respective barangays. The Sangguniang Barangay shall, through a resolution, determine the appropriate number of barangay tanods needed in their respective barangay.

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

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

Barangay tanods shall receive the following benefits and privileges:

- (a) Honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal, or city ordinance in accordance with the provisions of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", as amended, but in no case shall it be less than Six Hundred Pesos (PhP600.00) per month;
- (b) Christmas bonus of at least One Thousand Pesos (PhP1,000.00) each, the funds for which shall be taken from the general fund of the barangay or from such other funds appropriated by the national government for the purpose;
- (c) Insurance coverage which shall include, but not limited to, temporary and permanent disability, double indemnity, accident insurance, death, and burial benefits;
- (d) Free medical care including subsistence, medicines, and medical attendance in any government hospital or institution: *Provided*, That such hospital care shall include surgery or surgical expenses, medicines, x-rays, laboratory fees, and other hospital expenses; and
- (e) Exemption during their incumbency from paying tuition and matriculation fees for their legitimate dependent children attending state colleges or universities. He may likewise avail of such educational benefits in a state college or university located within the province or city to which the barangay belongs.

ARTICLE III BASIC PRIORITIES IN THE BARANGAY

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

SEC. 8. *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 representations before the appropriate government agencies to require public utility companies operating primarily within its jurisdiction to provide the minimum means of transportation in every barangay.

SEC. 9. *Schools, Health Centers, and Barangay Halls for the Barangays.* – Every barangay is entitled to have at least one (1) kindergarten and at least one (1) elementary school: *Provided*, That there shall be at least one high school for 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.

ARTICLE IV
MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

SEC. 10. *Automatic Release of Share from National Taxes.* – The share of each barangay from all national taxes shall be released, without need of further action, directly to the Barangay Treasurer. The national taxes to be included in the base for computing the just share of barangays shall include, but not limited to, the following:

- (a) The national internal revenue taxes enumerated in Section 21 of Republic Act No. 8424, otherwise known as the “National Internal Revenue Code (NIRC) of 1997” (NIRC), as amended, collected by the Bureau of the Internal Revenue and the Bureau of Customs (BOC);
- (b) Tariff and customs duties collected by the BOC;
- (c) 60% of the national taxes collected from the exploitation and development of the national wealth;
- (d) The remaining 40% of the national taxes collected from the exploitation and development of the national wealth shall exclusively accrue to the host Local Government Units (LGUs) pursuant to Section 290 of Republic Act No. 7160, as amended;
- (e) 85% of the excise taxes collected from locally manufactured Virginia and other tobacco products;
- (f) The remaining 15% shall accrue to the special purpose funds created by Republic Act No. 7171, otherwise known as “An Act to Promote the Development of the Farmer in the Virginia Tobacco Producing Provinces”, and Republic Act No. 7227, otherwise known as the “Bases Conversion and Development Act of 1992”;
- (g) The entire 50% of the national taxes collected under Sections 106, 108, and 116 of the NIRC, as amended, as provided under Section 283 of the same Code;
- (h) 5% of the 25% franchise taxes given to the National Government under Section 6 of Republic Act No. 6631, otherwise known as “An Act Granting Manila Jockey Club, Inc., a Franchise to Construct, Operate and Maintain a Race Track for Horse Racing in the City of Manila or in the Province of Bulacan”, and Section 8 of Republic Act No. 6632, otherwise known as “An Act Granting the Philippine Racing Club, Inc., a Franchise to Operate and Maintain a Race Track for Horse Racing in the Province of Rizal”; and
- (i) The appropriate sharing for the Bangsamoro Autonomous Region in Muslim Mindanao under Republic Act No. 11054, otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”.

SEC. 11. *Transfer of Funds to Barangay 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 the proper disposition by their barangay officials, subject to auditing laws, rules, and regulations.

SEC. 12. *Mandatory Share of Barangays in All Taxes, Fees, or Other Charges.* – Twenty-five percent (25%) of all taxes collected on real property 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%) from 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 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 share of the proceeds derived from the exploitation, development, and utilization of natural wealth within its territory. The amount of barangay share shall be determined by the city or municipality 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, flood, and ecological imbalance: *Provided, That this equitable sharing rate for each barangay shall be resolved by all parties concerned not later than six (6) months from the approval of this Act. Revenues derived from this source shall also form part of the general fund of the barangay.*

ARTICLE V MISCELLANEOUS BENEFITS

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.

ARTICLE 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.

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2 **SEC. 18. *Budgetary Estimates.*** – The Secretary of the DILG shall submit to the
3 Congress the necessary budgetary estimates to implement the provisions of this Act
4 concerning the allowances, insurance, medical, dental, retirement, and other fringe
5 benefits of barangay officials, the basic priorities in the barangays, and the barangay
6 scholarship grant.
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8 **SEC. 19. *Penal Provision.*** – Any person who shall willfully interfere with, restrain,
9 or coerce any barangay official or barangay resident in the exercise of his or their rights
10 guaranteed by this Act or who shall in any other manner commit any act to defeat any
11 of the provisions of this Act shall, upon conviction, be punished by a fine of not less
12 than Five Hundred Pesos (PhP500.00) nor more than Two Thousand Pesos
13 (PhP2,000.00), or by imprisonment of six (6) months and one (1) day, or both, subject to
14 the discretion of the court.
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16 If the offender is a public official, the court shall order his dismissal from the
17 government service.
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19 **SEC. 20. *Repealing Clause.*** – All acts and decrees, executive orders, implementing
20 rules and regulations, or parts thereof, inconsistent with the provisions of this Act are
21 hereby repealed, amended, or modified accordingly.
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23 **SEC. 21. *Separability Clause.*** – If any provision or part of this Act is held
24 unconstitutional or invalid, the other provisions or parts thereof not affected thereby
25 shall remain in force and effect.
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27 **SEC. 22. *Effectivity.*** – This Act shall take effect fifteen (15) days after completion of
28 its publication in the Official Gazette or in any newspaper of general circulation.
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30 *Approved,*