

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4352



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT
PROVIDING FOR A MAGNA CARTA FOR BARANGAYS

EXPLANATORY NOTE

The Barangay, as the basic political unit, serves as the primary planning and implementing unit of government programs, projects, and activities. It serves as an opportunity for collective views of the people in the community to be considered and crystallized.

Hence, the importance of barangays in our system of government cannot be overemphasized. However, despite this important role that this basic unit performs, barangay officials are considered as sanggunian members that receive honoraries instead of regular salaries. It is therefore fitting that measures to promote the welfare and prosperity of barangays be enshrined in a Magna Carta to give due recognition to the crucial role they play.

This legislative measure proposes that barangay officials be considered as regular government employees with fixed salaries and allowances to which a regular employee of government is entitled.

The proposed Magna Carta for Barangays guarantees the following:

1. That barangay officials be considered as regular government employees with fixed salaries;
2. Basic necessities such as regular supply of clean and potable water, public transportation, schools, health centers, and barangay halls, should be provided to every barangay;
3. Automatic release of share from national taxes;
4. Transfer of funds to the barangay for maintenance of roads and bridges within its area of jurisdiction;
5. Mandatory share of barangays in taxes, fees, and other charges; and
6. Priority in employment for residents of barangays where a government construction or development will be implemented.

The bill also pushes for the provision of basic priorities such as regular supply of clean and potable water, public transportation, schools, health centers, and barangay halls including the automatic release of share from national taxes and the transfer of funds to barangay for the maintenance of roads and bridges.

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

A handwritten signature in black ink, appearing to read 'Mike Tan', with a stylized flourish at the end.

Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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

ARTICLE 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 living therein and provide new measures that will ensure its enjoyment of local autonomy for the effective 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. The following are the general principles of this Act:

- a) The national government shall give more attention to the development of the barangays, as they are the country's basic political units;
- b) Every barangay shall be given the authority and capability to handle its concern on its level; and
- c) Self-help or people power shall be the guiding principle in all barangay development projects.

ARTICLE II
BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES

SEC. 4. *Barangay Officials as Regular Government Employees.* – The punong barangay, members of the sangguniang barangay, the sangguniang kabataan chairperson, the barangay secretary, and barangay treasurer in all barangays are hereby declared regular government employees, and as such are entitled to the salary, emoluments, allowances, and 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, the following barangay officials shall be entitled to the following fixed salaries:

a) Punong Barangay – An amount equivalent to the salary of a sangguniang bayan member of his municipality or city.

b) Members of the Sangguniang Barangay – An amount equivalent to eighty percent (80%) of the salary of a sangguniang bayan member of this municipality or city.

ARTICLE III BASIC PRIORITIES IN THE BARANGAY

SEC. 6. *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. 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 representations before appropriate government agencies to require public utility companies operating primarily within its jurisdiction to provide the minimum means of transportation in every barangay.

SEC. 8. *Schools, Health Centers, and Barangay Halls for the Barangays.* – As far as practicable, 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 (1) 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.

SEC. 9. *Automatic Release of Share from National Taxes.* – The allotment representing the share of the barangay from the national taxes shall be released without need of any further action directly to the barangay treasurer on a quarterly basis within five (5) days after the end of each quarter.

SEC. 10. *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 construction works shall be transferred or remitted directly to the general fund of every barangay for their proper disposition by barangay officials, subject to auditing laws, rules, and regulations.

SEC. 11. *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 office or manufacturing plant is located within the barangay.

ARTICLE IV

MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY

SEC. 12. *Equitable Share of Barangay from the Proceeds of the Utilization and Development of National Wealth.* – For the exploitation, utilization, and development of natural resources within its territory, every barangay shall be entitled to an equitable share of the proceeds derived therefrom. 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. 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 other school fees, reasonable allowances for schoolbooks, supplies, transportation, and other expenses as the barangay may deem appropriate.

SEC. 14. *Priority in Employment.* – Residents in every barangay shall have priority in the hiring of workers and laborers to be needed in any government construction or development project within the barangay.

SEC. 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 said enterprises to take every possible effort to make cooperative undertakings a way of life in the barangay.

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

SEC. 16. *Rules and Regulations.* – The Secretary of the Interior and Local Government shall promulgate within ninety (90) days from approval hereof, 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. 17. *Appropriations.* – The local government units concerned shall set aside an amount deemed appropriate to implement the provisions of this Act.

SEC. 18. *Penal Provisions.* – Any person who shall willfully interfere with, restrain, or coerce any barangay official or barangay resident in the exercise of the rights guaranteed by this Act or who shall in any other manner commit any act to defeat any of the provisions of this Act shall, upon conviction, be punished by a fine of not less than Five hundred pesos (P500.00) nor more than Two thousand pesos (P2,000.00), or by imprisonment of six (6) months and one (1) day, or both fine and imprisonment, subject to the discretion of the court.

If the offender is a public official, the court shall, after conviction, order his dismissal from service, in addition to the imposable penalties.

SEC. 19. *Separability Clause.* — If any portion or provision of this Act is declared unconstitutional, the remainder hereof or any provisions not affected thereby shall remain in force and effect.

SEC. 20. *Repealing Clause.* — Any law, presidential decree or issuance, executive order, letter of instruction, rule, or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 21. *Effectivity.* — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,