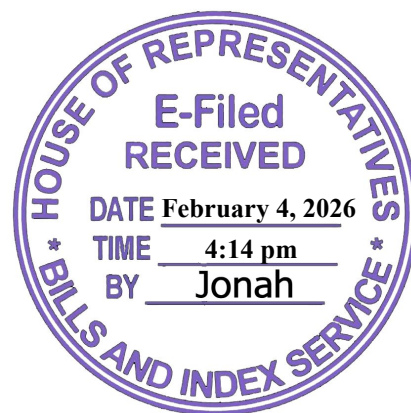




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7625



Introduced by 4Ps Partylist Representative
JC M. ABALOS

EXPLANATORY NOTE

Bantay Bayan volunteers are indispensable partners of our Local Government Units (LGUs) in the delivery of public services and the maintenance of peace and order in our communities. Operating at the grassroots level, they function as vital force multipliers for law enforcement, disaster response, and other occasions that need services from volunteers. At times, they serve as immediate informants of crucial information from barangay residents and frontliners in the delivery of critical services of the barangay, especially for vulnerable individuals and families.

Given the critical role of Bantay Bayan volunteers in the barangay, they confront concerns in performing their duties. In some occasions, their work as Bantay Bayan volunteers is similar to the functions of police personnel, but without proper or sufficient training and appropriate facilities. This is illustrated in the rulings of *People v. Lauga*¹ and *Remegio v. People*². In one of these cases, a Bantay Bayan volunteer obtained a confession from one of the parties involved in the case. Eventually the said confession was deemed inadmissible due to lack of proper procedure in obtaining confessions as prescribed by law.

¹ G.R. No. 186228

² G.R. No. 227038

Another case is when a Bantay Bayan volunteer performs a warrantless search. After receiving a report of illegal drug possession, the volunteer apprehended the suspect and frisked the person's clothing. In the said arrest, the arrested person indeed was in possession of an illegal drug, however, among other reasons, the arrests were declared illegal as the volunteers failed to follow the proper procedure for warrantless arrests and searches, thus rendering the evidence inadmissible under the exclusionary rule.

These cases highlight a pressing need: Bantay Bayan volunteers must be formally recognized, properly trained, and adequately supervised to ensure that their efforts to preserve peace do not inadvertently result in the violation of constitutional rights.

Thus, this proposed measure seeks to provide a legislative framework on the duties and responsibilities of our Bantay Bayan volunteers. The measure also intends to provide capacity building opportunities including education on constitutional limitations, safety protocols, and proper coordination with authorities. Further, in recognizing their contributions in the community, this measure also aims to promote their welfare by providing honoraria and incentives that will ensure just remuneration in fulfilling their duties.

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



JCM. ABALOS
Representative
4Ps Partylist



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HOUSE BILL NO. 7625

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**AN ACT FOR THE DEVELOPMENT OF BANTAY BAYAN VOLUNTEERS IN
BARANGAYS, PROVIDING FOR THEIR REGISTRY, INCENTIVES, AND
CAPACITY BUILDING, AND PROVIDING FUNDS THEREOF**

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

SECTION 1. *Short Title.* — This Act shall be known as the "*Bantay Bayan
Welfare and Development Act*".

SEC. 2. *Declaration of Policy.* — It is the policy of the State to promote peace and order, and public safety at the basic level of government in order for social and economic development of local communities to remain continuous and uninterrupted. In order to carry out this policy, it will support the creation of a community-based volunteer group that is local in scope and civilian in nature that shall promote coordination and cooperation among citizens, local government units, law enforcement agencies, particularly at the barangay level, to aid in preserving peace, preventing criminal activities, and responding to threats to public safety.

SEC. 3. *Definition.* — As used in this Act, "Bantay Bayan" refers to barangay-based volunteer operatives recognized or accredited by a local government unit (LGU) who act as force multipliers to assist law enforcement agencies in maintaining peace and security within their designated areas.

SEC. 4. *Establishment of Bantay Bayan Registry.* – All Bantay Bayan volunteers seeking coverage under this Act shall be registered in a Bantay Bayan Registry in the barangay where they are assigned. The Registry shall be maintained and kept by the Office of the Punong Barangay, through the Barangay Secretary or such designated barangay personnel, under the supervision of the Barangay Peace and Order Committee.

The Barangay shall furnish the City or Municipal Government and Department of Interior and Local Government (DILG) a copy of the said Registry. Registered Bantay Bayan volunteers shall be issued an official proof of registration and identification, indicating at least the volunteer's name, registry/ID number, barangay assignment, and ID expiration date.

SEC. 5. *Number of Bantay Bayan Volunteers.* – The DILG, in consultation with concerned agencies and LGU leagues, shall prescribe an ideal volunteer-to-household or volunteer-to-population ratio.

The number and deployment of Bantay Bayan volunteers in every barangay shall be determined by the barangay's needs, taking into account, as may be applicable:

- (a) Population and number of households;
- (b) Geographic area and terrain;
- (c) Peace and order situation; and
- (d) Vulnerabilities, natural disasters, and calamities.

Provided, that the number of Bantay Bayan volunteers shall not be subject to a rigid national ceiling but shall remain needs-based and consistent with local autonomy, subject to compliance with the standards and safeguards under this Act.

SEC. 6. *Qualifications of Bantay Bayan.* – The LGU shall prescribe qualifications which shall include at least the following:

- (a) A Filipino citizen and resident of the barangay, city, or municipality for at least one (1) year prior to registration;
- (b) At least eighteen (18) years of age; and
- (c) Has not been convicted by final judgment of any offense involving moral turpitude or any crime punishable by imprisonment.

SEC. 7. Roles, Duties, and Responsibilities of Bantay Bayan Volunteers. –

As one of the key partners in local governance, peace, and order, the DILG and LGUs shall support the volunteers in fulfilling their roles as Bantay Bayan as authorized by the Barangay. These may include, but are not limited to the following lines of work:

- (a) Assist in identifying and referring cases involving vulnerable individuals and households to the proper LGU offices;
- (b) Support community-based monitoring of access to basic services and social protection programs;
- (c) Assist in documentation required by the LGU for case management, strictly observing confidentiality and data privacy safeguards;
- (d) Participate in information campaigns on child protection, health, and social welfare programs; and
- (e) Perform other related tasks as may be authorized by the LGU consistent with this Act.

Provided, that when Bantay Bayan members perform functions relating to the preservation of peace and order or otherwise act under the color of official authority, their acts shall be deemed to have the color of a state-related function and they shall be required to respect constitutional rights and safeguards applicable to law enforcement authorities.

Provided, further, that nothing in this Act shall be construed to deputize Bantay Bayan members as police officers or to expand their authority to conduct custodial investigations, searches, seizures, or arrests beyond what is allowed under the Constitution and existing laws, consistent with jurisprudence on custodial investigation and warrantless arrests.

Provided, finally, that the Barangay shall provide appropriate and relevant facilities, equipment, and other materials in order for them to effectively perform their roles, duties, and responsibilities given to them.

SEC. 8. Incentives and Benefits. – All registered Bantay Bayan volunteers who are actively and regularly performing their duties and responsibilities shall be entitled to the following incentives and benefits:

- (a) Monthly Honoraria in the amount of not less than Seven thousand pesos (P7,000.00);

- (b) Hazard Allowance in the amount of not less than One thousand pesos (P1,000.00) per month;
- (c) Subsistence Allowance equivalent to the meals they take in the course of their duty, which shall not be less than One hundred pesos (P100.00) per day; and
- (d) Transportation Allowance of not less than One hundred pesos (P100.00) per day, subject to auditing rules and regulations, on the condition that the availment of transportation services are in line with the performance of the Bantay Bayan volunteers' official duties and responsibilities;

SEC. 9. *Training and Capacity Building.* – The DILG, and other concerned agencies, shall develop a standardized training curriculum and minimum competency standards for Bantay Bayan volunteers, which shall include at least:

- (a) Referral protocols and basic case documentation;
- (b) Safeguarding and child protection;
- (c) Confidentiality and data privacy; and
- (d) Safety and security protocols.

Furthermore, registered Bantay Bayan volunteers may participate in training offered by government agencies and private institutions or organizations, subject to the approval of the Punong Barangay.

SEC. 10. *Penalty Clause.* – Any local government official who violates any provision of this Act may be administratively and criminally charged in accordance with law.

SEC. 11. *Appropriations.* – The amount necessary for the implementation of this Act shall be charged against the General Appropriations Act (GAA) under the appropriations of the Department of the Interior and Local Government (DILG).

SEC. 12. *Implementing Rules and Regulations.* – The DILG, and other concerned government agencies and non-governmental entities, shall promulgate the rules and regulations to implement this Act not later than One hundred eighty (180) days from the effectivity of this Act.

SEC. 13. *Separability Clause.* – If any provision or part hereof is declared unconstitutional, the remainder of this Act or any provision not affected shall remain in full force and effect.

SEC. 14. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved.