

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

5 OCT -5 11:55

SENATE

S.B. No. 3468

---

Introduced by Senator EDGARDO J. ANGARA

---

#### EXPLANATORY NOTE


The inherent rights of indigenous cultural communities/indigenous peoples to self-governance and self-determination are expressly recognized in Republic Act No. 8371 also known as "The Local Government Code of 1991." The State guarantees their right to freely and effectively pursue their economic, social and cultural development.


Despite the law's recognition of these rights, the unfortunate reality is that indigenous cultural communities do not fully benefit from their State-guaranteed rights. They are not extended their preferential rights to public services and their cultural integrity remains unprotected.

The municipality serves as the basic unit for the coordination and delivery of basic, regular and direct services and effective governance of people within its territorial jurisdiction. As such, the task of ensuring the economic, social and cultural well-being of indigenous peoples lies primarily in the municipality.

In order for indigenous cultural communities/indigenous people to be guaranteed of their right to self-governance and self-determination and in order to develop and preserve their cultures, traditions and institutions, the bill seeks to lift the strict requirements for a regular municipality, where the proposed municipality is inhabited by a large and significant number of indigenous cultural communities.

For the full realization and protection of indigenous peoples' rights, I earnestly seek the approval of this bill.

  
EDGARDO J. ANGARA

RECEIVED BY 

SENATE

S.B. No. 3468

---

Introduced by Senator EDGARDO J. ANGARA

---

AN ACT  
AMENDING SECTION 442 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN  
AS "THE LOCAL GOVERNMENT CODE OF 1991"

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

1           **SECTION 1.** Section 442 of Republic Act No. 7160 shall be amended to read as  
2 follows:

3                   **"SEC. 442. Requisites for Creation.** - (a) A municipality may be  
4 created if it has an average annual income, as certified by the provincial  
5 treasurer, of at least Two million five hundred thousand pesos  
6 (P2,500,000.00) for the last two (2) consecutive years based on the 1991  
7 constant prices; a population of at least twenty-five thousand (25,000)  
8 inhabitants as certified by the National Statistics Office; and a contiguous  
9 territory of at least fifty (50) square kilometers as certified by the Lands  
10 Management Bureau: *Provided,* That the creation thereof shall not reduce  
11 the land area, population or income of the original municipality or  
12 municipalities at the time of said creation to less than the minimum  
13 requirements prescribed herein.

14                   (b) The territorial jurisdiction of a newly-created municipality  
15 shall be properly identified by metes and bounds. The requirement on land  
16 area shall not apply where the municipality proposed to be created is  
17 composed of one (1) or more islands. The territory need not be contiguous if  
18 it comprises two (2) or more islands.

1 (c) The average annual income shall include the income accruing  
2 to the general fund of the municipality concerned, exclusive of special  
3 funds, transfers and non-recurring income.

4 (d) Municipalities existing as of the date of the effectivity of this  
5 Code shall continue to exist and operate as such. Existing municipal districts  
6 organized pursuant to presidential issuances or executive orders and which  
7 have their respective set of elective municipal officials holding office at the  
8 time of the effectivity of this Code shall henceforth be considered as regular  
9 municipalities.

10 (E) THE REQUIREMENTS AND ELIGIBILITY FOR THE  
11 CREATION OF A MUNICIPALITY SHALL BE LIBERALIZED AND  
12 THEREFORE SHALL NOT APPLY IF A LARGE AND SIGNIFICANT  
13 NUMBER OF INDIGENOUS PEOPLES OR INDIGENOUS CULTURAL  
14 COMMUNITIES INHABITING THE PROPOSED MUNICIPALITY IS  
15 PRESENT.”

16  
17 **SEC. 2. Repealing Clause.** All laws, presidential decrees and issuances, executive  
18 orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are  
19 hereby repealed or modified accordingly.

20  
21 **SEC. 3. Effectivity.** This Act shall take effect immediately after its publication in a  
22 national newspaper of general circulation. This publication shall not be later than seven (7)  
23 days after the approval hereof.

24  
25 *Approved,*