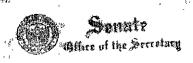
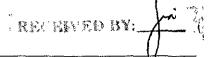
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SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session



13 JUL -3 P12:44

S E N A T E S.B. No. **345**



Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to establish a Magna Carta for Barangays. A barangay serves as a venue where perspectives of different people are considered and discussed.

Due to the significant role played by barangays as basic political units, this legislative measure proposes the following:

- 1. That barangay officials be considered as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and other fringe benefits to which a regular government employee is entitled;
- 2. That basic necessities, such as regular supply of clean and potable water, public transportation, schools, health centers and Barangay halls, be provided to every barangay;
- 3. Automatic release of share from national taxes;
- 4. Transfer of funds to the barangay for the maintenance of roads and bridges;
- 5. Mandatory share of barangays in taxes, fees and other charges; and
- 6. Priority in employment.

In view of the foregoing, early passage of this bill is earnestly requested.

LOREN LEGARDA Senator SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session



13 JUL -3 P12:44

SENATE S.B. No. 345



Introduced by Senator Loren Legarda

AN ACT TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

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

1	ARTICLEI
. 2	TITLE. DECLARATION OF POLICY AND GENERAL PRINCIPLES
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4	SECTION 1. Title This Act shall be known as "The Magna Carta for
5	Barangays."
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7	SEC. 2. Declaration of Policy It is the policy of the State to promote,
8	develop and improve the general welfare of barangay residents, raise the economic
9	and social status of barangay officials, grant every barangay, the basic facilities for
10	decent, healthy and comfortable living therein, and provide new measures that will
11	ensure its enjoyment of local autonomy to ascertain the effective performance of its
12	role as the primary planning and implementing unit of government programs,
13	projects and activities, and as a forum in which the collective views of the people in
14	the community may be crystallized and considered.
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16	SEC. 3. General Principles The following are the general principles of this
17	Act:
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19	a. The National Government shall give more attention to the development of the
20	barangay, as it is the base of this country's economy.
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22	b. Every barangay shall be given the authority and capability to solve its
23	problems on its level.

1	c. Self-help or people power shall be the guiding principle in all barangay
2	development projects.
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4	ARTICLE II
5	BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES
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7	SEC. 4. The Barangay Officials as Regular Government Employees The
8	punong barangay, sangguniang barangay members, the sangguniang kabataan
9	chairman, the barangay secretary, and barangay treasurer in all barangays are
10	hereby declared regular government employees, and as such are entitled to fixed
11	salaries, allowances, insurance, medical and dental coverage, retirement benefits and
12	such other fringe benefits which, under Civil Service laws, rules and regulations, a
13	regular government employee may be entitled to.
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15	SEC. 5. Salaries of Barangay Officials As soon as the appropriate steps and
16	measures are undertaken by each city or municipality in coordination with the
17	individual barangay involved on matters relating to the sources of fund and the
18	corresponding appropriation ordinance, which in no case shall be later than six (6)
19	months from the approval hereof, all barangay officials mentioned in paragraph 4
20	hereof, shall be entitled to the following fixed salaries:
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22	1. Punong Barangay - An amount equivalent to the salary of a sangguniang
23	bayan member of his municipality.
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25	2. Six (6) Sangguniang Barangay Members - An amount equivalent to eighty
26	percent (80%) of the salary of a sangguniang bayan member of his
27	municipality.
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29	3. Sangguniang Kabataang Chairman, Barangay Secretary, Barangay Treasurer -
30	An amount equivalent to seventy-five percent (75%) of the salary of a
31	sangguniang bayan member of his municipality.
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33	ARTICLE III
34	BASIC PRIORITIES IN THE BARANGAY
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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 enjoined to construct and/or maintain at
least one (1) deep well with pumping device 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 the appropriate government agencies to require public utility companies operating within its jurisdiction to provide the minimum means of transportation in every barangay.

SEC. 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 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 ENJOYMENT OF LOCAL AUTONOMY

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

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 constructions shall be transferred or remitted directly to the general fund of every barangay for their proper disposition by the 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 and/or manufacturing plant is located within the barangay.

SEC. 12. Equitable Share of Barangays from Proceeds of Utilization and Development of Natural Resources. - 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 the 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, however, 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 from part of the general fund of the barangay.

22 ARTICLE V 23 SUNDRY MATTERS

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 all other school fees, reasonable allowances for school books, supplies, transportation, and other expenses as the barangay may deem appropriate.

SEC. 14. *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.

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

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ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

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SEC. 16. Rules and Regulations. - The Secretary of the Department of Interior and Local Government 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 Local Government deems reasonably sufficient to give interested parties general notice of such issuance.

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SEC. 17. Budgetary Estimates. - The Secretary of Department of Interior and Local Government shall submit to the Congress the necessary budgetary estimates to implement the provisions of this Act concerning the allowances, insurance, medical, dental and retirement benefits, and other fringe benefits of barangay officials, including the basic priorities in the barangays and the barangay scholarship grant.

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SEC. 18. Penal Provision. - Any person who shall willfully interfere with, restrain or coerce any barangay official or barangay resident in the exercise of his or her 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, subject to the discretion of the court.

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If the offender is a public official, the court shall, after conviction, order his dismissal from the government service, in addition to the above-mentioned

1	penalties.
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3	SEC. 19. Repealing Clause All acts and decrees, executive orders,
4	implementing rules and regulations or parts thereof, inconsistent with the
5	provisions of this Act are hereby repealed, amended or modified accordingly.
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7	SEC. 20. Separability Clause If any provision of this Act is declared invalid,
8	the remaining provisions not affected thereby shall remain in force and effect.
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10	SEC. 21. This Act shall take effect after its publication in two (2) national
11	newspapers of general circulation.
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13	Approved,