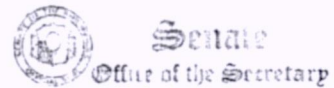


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 JUL -2 AIO :42

SENATE
S. B. No. 136

RECEIVED BY

Introduced by Senator SONNY ANGARA

AN ACT
TO ESTABLISH THE MAGNA CARTA FOR BARANGAYS

EXPLANATORY NOTE

Section 384 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991," provides:

"SEC. 384. *Role of the Barangay.* – As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled."

Given the important role that the basic political unit performs, this proposed measure, to be known as the Magna Carta for Barangays, intends to help barangays better perform their mandate of delivering basic services and facilities to their respective communities in the most efficient, responsive and sustainable manner.

To allow the barangays to effectively and efficiently perform their vital role in the community, the Magna Carta for Barangays also seeks to recognize barangay officials as regular government employees with fixed salaries, allowances, insurance, medical and dental coverage, retirement benefits and such other fringe benefits for which a regular employee may be entitled to, instead of just receiving honoraria.

Furthermore, this measure proposes to promote the welfare of the barangays by providing the barangays the appropriate basic services and facilities such as regular supply of clean and potable water, public transportation, schools, health centers and barangay halls in order to meet the requirements of their local populace.

It also outlines the measures that will help ensure that the barangays enjoy genuine and meaningful local autonomy and attain full development, namely: automated release of their share from national taxes; transfer of funds to barangays for the maintenance of roads and bridges; mandatory share of barangays in taxes, fees and other charges; and priority in employment.

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



SONNY ANGARA

'19 JUL -2 A10 :42

SENATE
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Introduced by Senator SONNY ANGARA

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 **I. TITLE, DECLARATION OF POLICY, AND GENERAL PRINCIPLES**

2 Section 1. *Short Title.* – This Act shall be known as “*The Magna Carta for*
3 *Barangays.*”

4 Sec. 2. *Declaration of Policy.* – It is the policy of the State to promote,
5 develop and improve the general welfare of barangay residents, raise the economic
6 and social status of barangay officials, grant every barangay, the basic facilities for
7 decent, healthy and comfortable living therein and provide new measures that will
8 insire its enjoyment of local autonomy to ensure the effective performance of its role
9 as the primary planning and implementing unit of government programs, projects
10 and activities, and as a forum in which the collective views of the people in the
11 community may be crystallized and considered.

12 Sec. 3. *General Principles.* – The following are the general principles of this
13 Act:

- 14 a. The national government shall give more attention to the development of
15 the barangay, as it is the base of this country’s economy.
- 16 b. Every barangay shall be given the authority and capability to solve its
17 problems on its level.
- 18 c. Self-help or people power shall be the guiding principle in all barangay
19 development projects.

1 **II. BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES**

2 *Sec. 4. The Barangay Officials as Regular Government Employees.* – The
3 punong barangay, sangguniang barangay members, the kabataang barangay
4 chairman, the barangay secretary and barangay treasure in all barangays are hereby
5 declared regular employees, and as such are entitled to fixed salaries, allowances,
6 insurance, medical and dental coverage, retirement benefits and such other fringe
7 benefits to which a regular government employee may be entitled to.

8 *Sec. 5. Salaries of Barangay Officials.* – As soon as the appropriate steps and
9 measures are undertaken by each city or municipality in coordination with the
10 individual barangay involved on matters relating to the sources of fund and the
11 corresponding appropriation ordinance, which in no case shall be later than six (6)
12 months from the approval hereof, all barangay officials mentioned in paragraph 4
13 hereof shall be entitled to the following fixed salaries:

- 14 a) Punong Barangay – An amount equivalent to the salary of a sangguniang
15 bayan member of his municipality;
- 16 b) Six Sangguniang Barangay Members – An amount equivalent to eighty
17 percent (80%) of the salary of a sangguniang bayan member of his
18 municipality;
- 19 c) Kabataang Barangay Chairman, Barangay Secretary, Barangay Treasurer –
20 For each, an amount equivalent to seventy-five percent (75%) of the
21 salary of a sangguniang bayan member of his municipality.

22 **III. BASIC PRIORITIES IN THE BARANGAY**

23 *Sec. 6. Drinking Water for Every Barangay.* – It is the right of every barangay
24 to have a regular supply of clean and potable drinking water. To attain this goal,
25 every city and municipality, as the case may be, is hereby required to construct
26 and/or maintain at least one deep well with pumping device for drawing drinking
27 water to supply the needs of every one thousand residents for each barangay within
28 its jurisdiction.

29 *Sec. 7. Transportation for Every Barangay.* – It is also the right of every
30 barangay to have public transportation available at least once a day. For this
31 purpose, every municipality or city, as the case may be, should make such necessary
32 representations before the appropriate government agencies to require public utility

1 companies operating within its jurisdiction to provide the minimum means of
2 transportation in every barangay.

3 *Sec. 8. Schools, Health Centers and Barangay Halls for the Barangays. –*
4 Every barangay is entitled to have at least one elementary school: *Provided, That*
5 there shall be at least one high school for every five (5) kilometres from the
6 barangay center. It shall also be the right of every barangay to have one health
7 center and one barangay hall.

8 **IV. MEASURES TO ASSURE THE ENJOYMENT OF LOCAL AUTONOMY**

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

12 *Sec. 10. Transfer of Fund to Barangay for the Maintenance of Roads and*
13 *Bridges. –* All public funds appropriated from the national treasury for the
14 maintenance of barangay roads and bridges and other similar constructions shall be
15 transferred or remitted directly to the general fund of every barangay for their
16 proper disposition by the barangay officials.

17 *Sec. 11. Mandatory Share of Barangays in All Taxes, Fees or Other Charges. –*
18 Twenty-five percent (25%) of all taxes collected on real property located within the
19 barangay shall be considered barangay funds and shall be allocated in accordance
20 with existing laws. In addition thereto, each barangay shall be entitled to ten percent
21 (10%) from all other forms of taxes, fees, penalties, compromises or other charges
22 collected from persons residing in the barangay or entities whose offices and/or
23 manufacturing plant is located within the barangay.

24 *Sec. 12. Equitable Share of the Barangay from the Proceeds of the Utilization*
25 *and Development of National Wealth. –* Every barangay shall be entitled to an
26 equitable share of the proceeds derived from the exploitation, development and
27 utilization of natural wealth within its territory. The amount of barangay share shall
28 be determined by the city or municipality concerned after consultations with the
29 concessionaires, the municipal or city officials and barangay officials, taking into
30 account the extent of the exposure of the barangay residents to pollution, food and
31 ecological imbalance: *Provided, however, That* this equitable sharing rate for each
32 barangay shall be resolved by all parties concerned not later than six (6) months

1 from the approval of this Act. Revenues derived from this source shall also from part
2 of the general fund of the barangay.

3 **V. SUNDRY MATTERS**

4 Sec. 13. *Scholarship Grant.* – Every barangay shall sponsor at least one
5 scholarship grant every year leading to any bachelor degree to be awarded by a
6 committee of five persons appointed by the Sangguniang Barangay with the
7 approval of the Punong Barangay after competitive examinations are given to
8 applicants who should be bona fide residents of the barangay. The grant shall
9 include tuition fees and all other school fees, reasonable allowances for schoolbooks,
10 supplies and transportation and other expenses as the barangay may deem
11 appropriate.

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

15 Sec. 15. *Cooperative Enterprise.* – Cooperative enterprises in the barangay
16 shall be encouraged and every barangay is directed to give full assistance for the
17 establishment and organization of said enterprises and to take every possible effort
18 to make cooperative undertakings a way of life in the barangay.

19 **VI. ADMINISTRATION AND ENFORCEMENT**

20 Sec. 16. *Rules and Regulations.* – The Secretary of Department of Interior
21 and Local Government shall promulgate such rules and regulations as may be
22 necessary to implement the provisions of this Act. Rules and regulations issued
23 pursuant to this Section shall take effect thirty (30) days after publication in a
24 national newspaper of general circulation and by such other means as the Secretary
25 of Local Government deems reasonably sufficient to give interested parties general
26 notice of such issuance.

27 Sec. 17. *Budgetary Estimates.* – The Secretary of Department of Interior and
28 Local Government shall submit to the Congress the necessary budgetary estimates
29 to implement the provisions of this Act concerning the allowances, insurance,
30 medical, dental and retirement benefits and other fringe benefits of barangay
31 officials, the basic priorities in the barangays and the barangay scholarship grant.

32 Sec. 18. *Penal Provision.* – Any person who shall wilfully interfere with,

1 restrain or coerce any barangay official or barangay resident in the exercise of his or
2 their rights guaranteed by this Act or who shall in any other manner commit any act
3 to defeat any of the provisions of this Act shall, upon conviction, be punished by a
4 fine of not less than five hundred pesos nor more than two thousand pesos, or by
5 imprisonment of six months and one day, or both, subject to the discretion of the
6 court.

7 If the offender is a public official, the court shall order his dismissal from the
8 government service.

9 Sec. 19. *Repealing Clause.* – All Acts and decrees, executive orders,
10 implementing rules and regulations or parts thereof, inconsistent with the provisions
11 of this Act are hereby repealed, amended or modified accordingly.

12 Sec. 20. *Separability Clause.* – If any provisions of this Act are declared
13 invalid, the remainder or any provisions thereof not affected thereby shall remain in
14 force and effect.

15 Sec. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after
16 publication in the *Official Gazette* or in two (2) national newspapers of general
17 circulation.

Approved,