

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

SENATE

S. No. 892



Senate
Office of the Secretary

19 AUG 13 4:24

Introduced by SENATOR RAMON BONG REVILLA, JR.

RECEIVED

**AN ACT
PROVIDING FOR A MAGNA CARTA FOR BARANGAYS**

EXPLANATORY NOTE

The Local Government Code of 1991, as amended, the cornerstone of our implementation of decentralization and devolution in the Philippines, declares that the barangay is the basic political unit and it serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community. The Barangay acts as a forum wherein the collective views of the people may be expressed, crystallized and considered.

This being said, the Barangay is the most important government unit since it interacts most closely to the people and thereby the first responder to people's immediate needs.

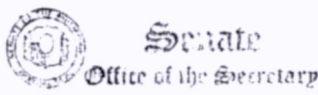
This proposed measure seeks to make barangay officials regular government employees. This is in recognition that they are the front-liners in the delivery of services to the people. Furthermore, it provides for basic priorities such as supply of clean and potable water, public transportation, schools, health centers and barangay halls. This magna carts also seeks to provide for the automatic release of their share from national taxes.

Recognizing the important role of barangays in the delivery of service to the people, urgent consideration of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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AN ACT
PROVIDING FOR A MAGNA CARTA FOR BARANGAYS

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 performance of its role as the primary planning and implementing unit of government programs, 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. *General Principles.* – 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

1 (c) Self-help or people power shall be the guiding principle in all barangay
2 development projects.

3
4 **ARTICLE II**
5 **BARANGAY OFFICIALS AS REGULAR GOVERNMENT EMPLOYEES**
6

7 *Sec. 4. Barangay Officials as Regular Government Employees.* – The Punong
8 Barangay, members of the Sangguniang Barangay, the Sangguniang Kabataan
9 Chairperson, the Barangay Secretary, and Barangay Treasurer in all barangays are
10 hereby declared regular government employees, and as such are entitled to the salary,
11 emoluments, allowances, and benefits, such as but not limited to insurance, medical
12 and dental coverage, retirement benefits, and all the other fringe benefits, to which a
13 regular government employee may be entitled to.

14 *Sec. 5. Salaries of Barangay Officials.* – As soon as the appropriate steps and
15 measures are undertaken by each city or municipality in coordination with the
16 individual barangay involved on matters relating to the sources of fund and the
17 corresponding appropriation ordinance, which in no case shall be later than six (6)
18 months from the approval hereof, the following barangay officials shall entitled to the
19 following fixed salaries:
20

21	Punong Barangay	Salary Grade 15
22	Members of the Sangguniang Barangay	Salary Grade 13
23	Sangguniang Kabataan Chairperson	Salary Grade 13
24	Barangay Secretary	Salary Grade 11
25	Barangay Treasurer	Salary Grade 11

26
27 **ARTICLE III**
28 **BASIC PRIORITIES IN THE BARANGAY**
29

30 *Sec. 6. Drinking Water for Every Barangay.* – It is the right of every barangay
31 to have a regular supply of clean and potable water. To attain this goal, every city or
32 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 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 THE ENJOYMENT OF LOCAL AUTONOMY

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.

Sec. 12. *Equitable Share of the 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.

1 **ARTICLE VI**

2 **ADMINISTRATION AND ENFORCEMENT**

3 Sec. 16. *Rules and Regulations.* – The Secretary of the Interior and Local
4 Government shall promulgate within ninety (90) days from approval hereof, such rules
5 and regulations as may be necessary to implement the provisions of this Act. Rules
6 and regulations issued pursuant to this section shall take effect thirty (30) days after
7 publication in a newspaper of general circulation and by such other means as the
8 Secretary deems reasonably sufficient to give interested parties general notice of such
9 issuance.

10 Sec. 17. *Appropriations.* – The amount necessary to implement the provisions
11 of this Act shall be included in the annual General Appropriations Act.

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

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

21 Sec. 19. *Separability Clause.* If any provision or part hereof, is held invalid or
22 unconstitutional, the remainder of the law or the provision not otherwise affected shall
23 remain valid and subsisting.

24 Sec. 20. *Repealing Clause.* Republic Act No. 9346, otherwise known as An Act
25 Prohibiting The Imposition Of Death Penalty In The Philippines, other laws,
26 presidential decree or issuance, executive order, letter of instruction, administrative
27 order, rule or regulation contrary to, or inconsistent with the provisions of this Act is
28 hereby repealed, modified or amended accordingly.

29 Sec. 21. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
30 publication in at least two (2) newspapers of general circulation.

31
32 *Approved,*