

Barangay Primer

2018

6TH EDITION

NOT FOR SALE

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Local Government Academy (LGA)

Department of the Interior and Local Government (DILG)

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Message



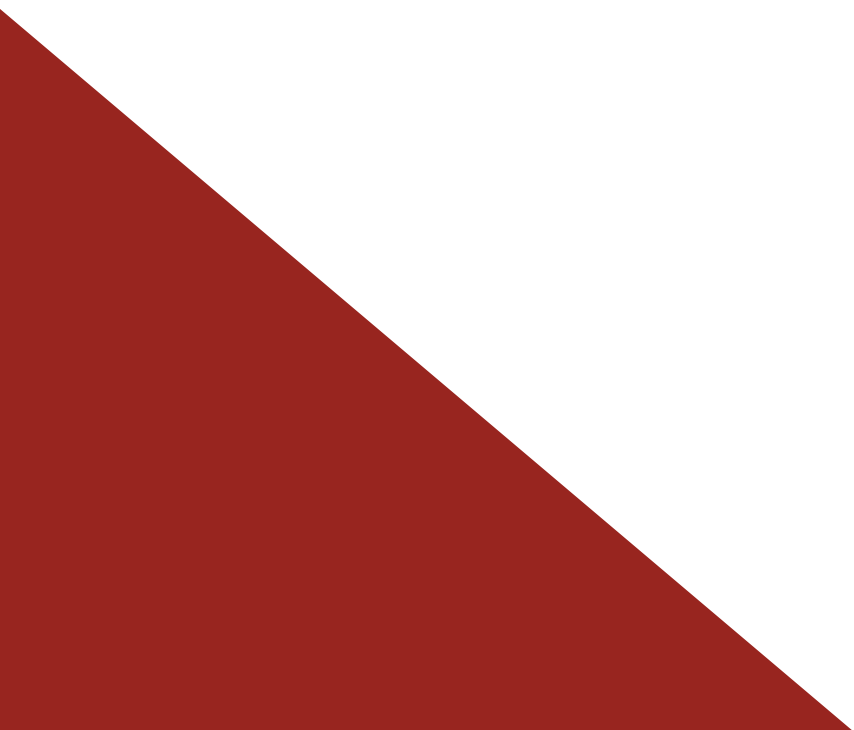
National Development begins in the communities and the Barangay government is a key part of this effort. They act as conduit between the government and the people themselves. In a way, the barangays are at the very frontline of provision of basic services to the constituents. Beyond this, they serve numerous roles in various governance efforts in the communities: they are the catalyst of development, peacekeepers, lawmakers, legislation implementers, disaster risk reduction managers in the area of their jurisdiction.

The Department of the Interior and Local Government (DILG) looks to support the barangays in the fulfillment of their roles by providing capacity building initiatives. One of the key efforts in this is the Barangay Newly Elected Officials (BNEO) Program, conducted through the Local Government Academy (LGA), which is a term-based training program that helps guide the barangays in every step of their governance journey.

The Department, through the Academy presents this Barangay Primer to the barangay governments as one of several materials to jumpstart their community-level governance journey.

At the end of the day, national development is most authentic if it is seen and felt by all in their own communities.

GEN. EDUARDO M. AÑO
Officer-in-Charge, DILG



Message



Ang tunay na pagbabago ay nagsisimula sa ating lahat, mula sa ating mga kaanak at sa komunidad na kinabibilangan natin. The barangay, as the nearest government to the people, remains our arena for meaningful change, especially for meeting the most profound needs of our people for *matatag, maginhawa, at panatag na pamumuhay.*

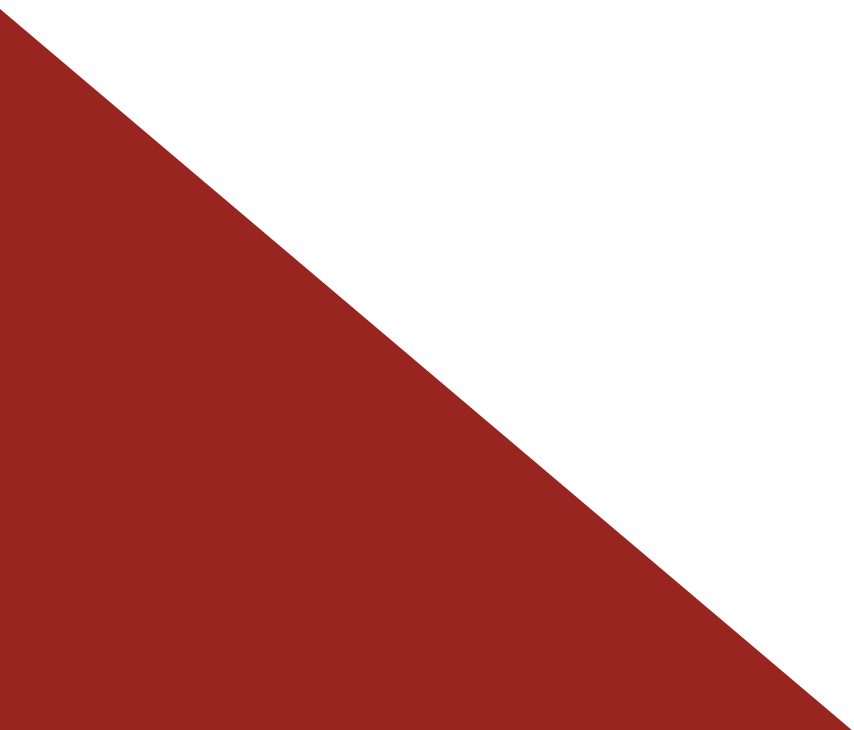
This Barangay Primer contains information on how barangay officials and partners in the community can work together to pursue community- owned solutions, in ensuring public safety and peace and order, especially in the fight against all forms of criminality, corruption and illegal drugs.

When people feel safe in communities, they are in a better position to work, go to school, do productive things, and contribute to community building. *Kaya napakahalaga ng mga barangay bilang isa sa mga haligi ng pamahalaan sa pagsasaayos ng komunidad at pagpapanatili ng kapayapaan at kaligtasan dito.*

The Primer also positions the barangay vis-à-vis the rest of the region, especially as we adjust to the requirements of the ASEAN Economic Integration. In addition, the barangay plays a critical role in disaster preparedness and community resilience against changing climates, including providing a range of social protection and community security services, in collaboration with higher- level LGUs and community partners.

I, therefore, call on all barangay officials and partners to work together as we transform barangays and communities for meaningful change.

AUSTERE A. PANADERO, CESO I
Undersecretary for Local Government



Message



In the grand scheme of things, barangay governments may be overlooked but never underappreciated in the overall governance of the country. Their presence is a show of commitment of service of the government to every Filipino. They are readily available and within reach of mostly all Filipinos; they are the first responders of governance.

The Local Government Academy (LGA), the training arm of the Department of the Interior and Local Government (DILG), commits to aide in the capacitating of LGUs, including the barangay governments. The Barangay Newly Elected Officials (BNEO) Program is one of the key programs that cater to the training needs of the barangay officials who have recently been sworn into a new mandate amidst a wave of change.

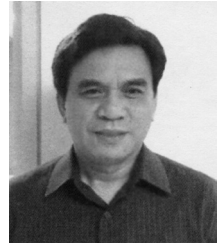
The Academy presents this Barangay Primer to all barangay officials with their new mandates so that they may have the knowledge to better serve their respective constituency. This material is part of a larger effort that the country can count on from the Academy.

A handwritten signature in black ink, appearing to read 'Marivel C. Sacendoncillo'.

MARIVEL C. SACENDONCILLO, CESO III
Executive Director



Message



The Barangay as the political unit is the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community. With this mandate, the barangay officials play a vital role as frontliners in the delivery of basic services and the promotion of general welfare.

In recent initiatives of the national government, the barangay has become a strategic point to ensure that government programs and projects are felt by the people. Community-based programs have been implemented requiring our barangay officials to serve as beneficiaries and at the same time as implementers. With this shift, there is a palpable need to capacitate our barangays to be able to succeed in this endeavor.

Cognizant of these needs, the National Barangay Operations Office (NBOO) fully supports the Local Government Academy (LGA) in the conduct of the Barangay Newly-Elected Officials (BNEO) Program. This capacity development program aims to enhance the knowledge, skills, and attitude of our barangay officials in performing their mandated duties and functions to be able to meet the demands of the changing times.

This Barangay Primer provides a basic, yet comprehensive guide to the barangay officials on the provisions of the Local Government Code in matters concerning the barangays. This material shall enlighten the barangay officials in the salient features of the Code in pertinent issues such as creation of the barangays, vacancies and succession, local legislation, barangay fiscal administration and the Katarungang Pambarangay.

As we strive for the improvement of barangay governance, this material, with the other BNEO learning aids, will be of great help to our barangay officials as they move forward with their journey of serving the people.

SA BARANGAY NAGSISIMULA AND PAG-UNLAD!



LEOCADIO T. TROVELA, CESO IV

OIC Director

National Barangay Operations Office (NBOO)

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List of Acronyms

BADAC	Barangay Anti- Drug Abuse Council
BDC	Barangay Development Council
BHRAC	Barangay Human Rights Action Center
BHRAO	Barangay Human Rights Action Officer
BPOPS	Barangay Peace and Order and Public Safety Plan
BPOC	Barangay Peace and Order Committee
BPFSDC	Barangay Physical Fitness and Sports Development Council
BPO	Barangay Protection Order
BSWMC	Barangay Solid Waste Management Committee
BDP	Barangay Development Plan
COA	Commission on Audit
COMELEC	Commission on Elections
DBM	Department of Budget and Management
DepEd	Department of Education
DOH	Department of Health
DOLE	Department of Labor and Employment
DND	Department of National Defense
DILG	Department of the Interior and Local Government
EO	Executive Order
IRA	Internal Revenue Allotment
LCPC	Local Council for the Protection of Children
LGC	Local Government Code
LGU	Local Government Unit
NSO	National Statistics Office
NGO	Non- Government Organizations
POC	Peace and Order Council
PNP	Philippine National Police
PFSDC	Physical Fitness and Sports Development Council
PD	Presidential Decree
PB	Punong Barangay
RPT	Real Property Tax
RA	Republic Act
SB	Sangguniang Barangay
SK	Sangguniang Kabataan
SP	Sangguniang Panlungsod
VAWC	Violence Against Women and their Children

ROLE AND CREATION OF BARANGAY 1

A. Barangay Defined

Q. *What is a Barangay?*

A. *Barangay is the basic political unit which 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. (Sec. 384, LGC)*

B. Law Governing Barangay

Q. *What law governs the barangay and other Local Government Units (LGUs)?*

A. *The Local Government Code of 1991 (RA 7160) and its Implementing Rules and Regulations (IRR) referred to in this Primer as the Code or LGC and the IRR, respectively.*

Q. *What is the Scope of the LGC and its IRR?*

A. *The Code and its Implementing Rules apply to all Local Government Units and other political subdivisions as may be created by law and to the extent herein provided, to officials, offices, or agencies of the national government. However, in the case of the LGUs within the Autonomous Regions in Muslim Mindanao, the Regional Government concerned already enacted its own Local Government Code known as The Muslim Autonomy Act No. 25.*

C. Manner of Creation

Q. *How is a barangay created?*

A. A barangay may be created, divided, merged, abolished, or its boundary substantially altered, by law or by an ordinance of the Sangguniang Panlalawigan for the creation of barangay located in a municipality, or Sangguniang Panlungsod for barangay to be created in cities subject to approval by a majority of the votes cast in a plebiscite to be conducted by the COMELEC.

In the case of barangays located in municipalities to be created by the Sangguniang Panlalawigan, the recommendation of the Sangguniang Bayan concerned shall be necessary. The population requirement for the creation of barangay in a municipality is 2,000 while barangay in a city is 5,000. However, notwithstanding the non-compliance of the population requirement, a barangay may be created in the indigenous cultural communities by Act of Congress upon recommendation of the LGUs concerned where the cultural community is located (Sec. 385, LGC).

D. Requisites for Creation of Barangays (Sec. 386)

Q. *What are the requisites for the creation of a barangay?*

A. The following are the requisites for the creation of a barangay:

1. That the territory to be created should be contiguous or physically in contact with each other. However, if the territory is composed of two or more islands, the territory need not be contiguous.

2. That the territory has a population of at least 2,000 inhabitants in the case of barangays to be created in municipalities, and 5,000 inhabitants in the case of barangays to be created in cities provided, however, that in municipalities within Metro Manila area and other metropolitan political subdivisions the population should be at least 5,000 inhabitants. Such population shall be duly certified by the Philippine Statistics Authority (PSA).
3. That the creation of a new barangay shall not reduce the population of the mother barangay to less than the minimum requirement.
4. That the territorial jurisdiction of the new barangay shall be properly identified by metes and bounds or by more or less permanent natural boundaries.

Q. *May a barangay be created out of an existing one, which has a population of 3,000 inhabitants?*

A. No, because the creation of the new one would reduce the population of the mother barangay to less than 2,000.

Q. *Who can change the name of the barangay?*

A. The sanggunians of the highly urbanized cities, independent component cities, component cities and municipalities may, in consultation with the Philippine Historical Commission, change the name of the city and municipal barangays upon the recommendation of the Sanggunian Barangay concerned. (Sec. 13 [C], LGC)

Q. *How often should the name of a barangay be changed?*

A. It may be changed only once in every ten (10) years and only for a justifiable reason. (Sec. 13 [D], LGC)

Q. *May a barangay be named after a living person?*

A. No.

Q. *Is the newly created barangay entitled to Internal Revenue Allotment (IRA)?*

A. Yes, but it is not the responsibility of the DBM. If the barangay was created after the enactment of the 1991 LGC, the financial requirement of the newly created barangay shall be the responsibility of the local government unit that created such barangay.

E. Rule of Interpretation of Barangay Powers and General Welfare Provisions under the Code (Sec. 5, LGC)

Q. *How shall the power of a barangay under the Code be interpreted?*

A. By applying Sec. 5, LGC any provision on a power of a barangay shall be liberally interpreted in its favor, and in case of doubt, any question thereon shall be resolved in favor of devolution of power. Any fair and reasonable doubt as to the existence of the power shall be interpreted in favor of the barangay.

In case of doubt, any tax ordinance or revenue measure shall be construed strictly against the barangay enacting it, and liberally in favor of the taxpayer.

Q. *How may the General Welfare provision in the LGC be interpreted?*

A. The general welfare provisions in the LGC shall be liberally interpreted to give more powers to the barangay in accelerating economic development and upgrading the quality of life for the people in the community.

Q. *When there are no laws or Supreme Court decisions to resolve controversies arising under the Code, what rule shall govern?*

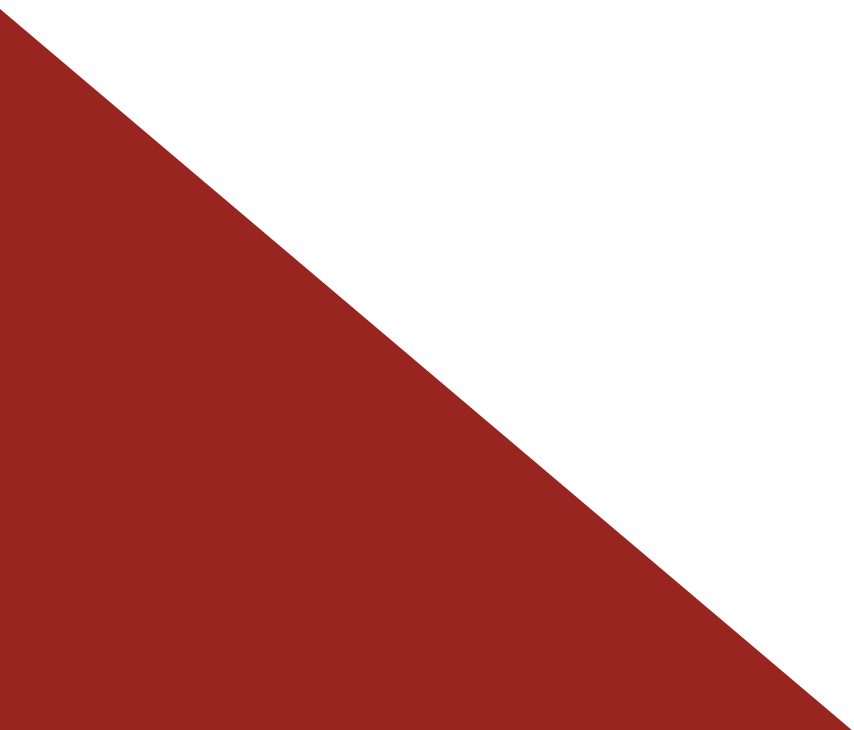
A. The customs and traditions of the place where the controversy arises shall govern.

F. Settlement of Barangay Boundary Disputes

Q. *How are the boundary disputes between barangays within the same city or municipality settled?*

A. The answer is found in Sec. 118 of the LGC and shall be settled in the following manner:

1. Upon the filing of a petition by the complaining barangay and the answer by the respondent barangay, the Sangguniang Panlungsod or the Sangguniang Bayan as the case may be, hears the boundary dispute for the purpose of arriving at an amicable settlement.
2. In the event the Sanggunian fails to effect an amicable settlement within sixty (60) days from the date the dispute was referred thereto, it shall issue certification to that effect.
3. Thereafter, the dispute shall be formally tried by the Sanggunian Bayan or Panlungsod, as the case may be, which shall decide the issue within sixty (60) days from the date of the certification referred to above.



GENERAL POWER AND ATTRIBUTES OF BARANGAYS 2

A. Corporate Powers

Q. *Does a barangay created under the Code have legal personality of its own?*

A. Yes, because per Sec. 22 of the LGC, it possesses corporate powers as a body politic by and through its officials in conformity with law.

Q. *When does the corporate existence of a barangay begin?*

A. Pursuant to Sec. 14 of the LGC, the corporate existence of the barangay commences upon the election and qualification of the Punong Barangay and majority of the members of the Sangguniang Barangay, unless some other time is fixed therefore by law.

Q. *What corporate powers does a barangay have?*

A. Pursuant to Sec. 22 of the LGC, the corporate powers are the following:

1. To have continuous succession in its corporate name;
2. To sue and be sued;
3. To have and use a corporate seal;
4. To acquire and convey real or personal property;
5. To enter into contracts; and
6. To exercise such other powers as are granted to corporations, subject to limitations provided for in the Code and other laws.

Q. *What happens to contracts entered into by the barangay prior to the effectivity of the LGC, which are in conflict with the provisions of the Code?*

A. Vested rights existing on the date of the effectivity of the Code arising out of contracts or any other source of obligation shall be governed by the original terms and provisions of said contract or the law in force at the time such rights became vested.

B. Governmental Powers

Q. *What governmental powers may be exercised by the barangay that were given to it by the national government in the Code?*

A. The governmental powers which the barangay may exercise are:

1. Police power;
2. Power of eminent domain, also known as the power of expropriation;
3. Power of taxation; and
4. Powers that were expressly granted and those that are necessarily implied therefrom.

Q. *What is Police Power as it applies to a barangay?*

A. Police Power means the power of the barangay government to regulate the use of property and the enjoyment of life and liberty for the common good. It refers to the adoption of measures that the barangay government considers necessary and proper to administer the affairs of the barangay, to promote health and safety, to enhance prosperity, to improve morals, to maintain peace and order, and to preserve the comfort and convenience of the barangay inhabitants. This power is translated under Sec. 16 of the LGC or the General Welfare Clause.

Q. *What is the power of eminent domain as it applies to barangays? (Sec. 19, LGC)*

A. It is the power of the barangay government to forcibly take private property for public use upon payment of just compensation to the owner of the private property.

C. Closure of Roads (Sec. 21, LGC)

Q. *May a barangay close a barangay road, street, alley, park or square?*

A. Yes, a barangay may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park or square falling within its jurisdiction. Provided, however, that in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all members of the Sanggunian and when necessary, an adequate substitute for the public facility that is subject to closure is provided.

D. Basic Services and Facilities (Sec. 17, LGC)

Q. *What are the basic services and facilities that a barangay is mandated by law to deliver to its constituents?*

A. The barangay government should provide the following basic services and facilities:

- Agricultural support services which include planting materials, distribution systems and operation of farm produce collection and buying stations;
- Health and social welfare services which include maintenance of barangay health center and day care center;
- Services and facilities related to general hygiene and sanitation, beautification and solid waste collection;

- Operation of the Katarungang Pambarangay;
- Maintenance of barangay roads and bridges and water supply system;
- Infrastructure facilities such as multi-purpose hall, multi-purpose pavement, plaza, sports center, and other similar facilities;
- Information and reading center; and
- Satellite or public market.

Note: This is only the minimum. If the barangay is capable to deliver additional services, the better.

BARANGAY OFFICIALS, FUNCTIONS AND BENEFITS **3**

A. Elective Officials

Q. *Who are the chief officials of the barangay?*

A. Per Section 387 of the LGC, the following are the chief officials of the barangay, to wit;

- Punong Barangay
- Seven (7) members of the Sangguniang Barangay
- Sangguniang Kabataan Chairman
- Barangay Secretary
- Barangay Treasurer
- Lupong Tagapamayapa
- Barangay Tanod

Note: As the need arises, the barangay may create such other positions as may be necessary for effective and efficient barangay operations pursuant to an ordinance.

Q. *What is the term of office of all barangay and SK officials?*

A. Section 2 of R.A. 9164 as amended by RA 9340 states that the term of office of all barangay elective officials shall be three (3) years. Recently, RA 10952 was passed postponing the barangay election to May 2018 but the term of office remains to be three (3) years with respect to the Sangguniang Kabataan. RA 10742 provides that the chairperson and members of the SK shall also hold office for a fixed term of three (3) years.

Q. *Are elective barangay officials covered by the three consecutive terms limit rule to serve the same position?*

A. Yes, Section 2 of R.A. 9164 as amended provides that no barangay officials shall serve the same position for more than three (3) consecutive terms.

Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

B. Qualifications for Barangay Officials (Sec. 39, LGC)

Q. *What are the qualifications prescribed for PB and the seven (7) elective members of the Sangguniang Barangay?*

A. Per section 39 of the LGC, the qualifications are:

1. Must be citizens of the Philippines;
2. Must be at least 18 years of age on election day;
3. Must be qualified voters in the barangays they propose to be elected;
4. Must be residents in the barangay for at least one (1) year immediately preceding the day of the election; and
5. Must be able to read and write Filipino or any other local language or dialect.

Q. *Are all barangay officials persons in authority for purposes of the revised Penal Code?*

A. No. Per section 388 of the LGC, only the PB, the Sangguniang Barangay members, and the members of the Lupong Tagapamayapa are deemed persons in authority. However, other barangay officials and members who may be designated by law and charged with maintenance of public order, protection and security of life and property or the maintenance of a desirable and balanced environment, and any barangay member who comes to the aid of persons in authority, shall be deemed agents of persons in authority.

C. Statements of Assets

Q. *Is a barangay official required to file a sworn statement of assets, liabilities and property holding?*

A. Yes.

Q. *When and where shall he file the same?*

A. Within thirty (30) days upon assumption to office and shall be filed in the Office of Deputy Ombudsman for Regional Concerns and to the Office of the Punong Barangay.

D. Duties and Functions of Barangay Officials

PUNONG BARANGAY (Sec. 389, LGC)

Q. *Who is the local chief executive of the barangay government?*

A. The Punong Barangay

Q. *What are the specific powers, duties, and functions of the Punong Barangay?*

A. Per section 389 (b) of the LGC, the PB shall:

1. Enforce all laws and ordinances which are applicable within the barangay;
2. Negotiate, enter into, and sign contracts for and in behalf of the barangay, upon authorization of the SB;
3. Maintain public order in the barangay and, in pursuance thereof, assist the city or municipal mayor and the sanggunian members in the performance of their duties and functions;
4. Call and preside over the session of the Sangguniang Barangay and the Barangay Assembly, and vote only to break a tie;
5. Upon approval by a majority of all the member of the Sangguniang Barangay, appoint or replace the Barangay Treasurer, the Barangay Secretary and other appointive barangay officials;
6. Organize and lead an emergency group whenever the same may be necessary for the maintenance of peace and order or on occasions of emergency or calamity within the barangay;
7. In coordination with the Barangay Development Council (BDC), prepare the annual executive and supplemental budgets of the barangay;

8. Approve vouchers relating to the disbursement of barangay funds;
9. Enforce laws and regulations relating to pollution control and protection of the environment;
10. Administer the operation of the Katarungan Pambarangay in accordance with the provision of this Code;
11. Exercise general supervision over the activities of the Sangguniang Kabataan;
12. Ensure the delivery of basic services as mandated under Section 17 of the Local Government Code;
13. Conduct an annual palarong barangay, which shall feature traditional sports and disciplines included in national and international games, in coordination with the Department of Education, Culture and Sports (now DepEd);
14. Promote the general welfare of the barangay; and
15. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Q. *Is the Punong Barangay entitled to possess firearms?*

A. Yes, in the performance of his peace and order functions, the PB is entitled to possess and carry the necessary firearm within his barangay jurisdiction, subject to the appropriate rules and regulations. (Sec. 389 [c], LGC)

Q. **Is there a salary for Punong Barangay and other barangay officials?**

A. None. Per Section 393 of the LGC, and DBM Local Budget Circular No. 66, the Punong Barangay, the Sangguniang members, and other barangay officials are compensated in the form of honoraria.

POWER, DUTIES AND FUNCTIONS OF SANGGUNIANG BARANGAY MEMBERS (Sec. 391, LGC)

Q. *What are the powers, duties functions of the Sangguniang Barangay as the legislative body of the barangay?*

A. Per Sec. 391 of the LGC, the Sangguniang Barangay shall:

1. Enact ordinances as may be necessary to discharge the responsibilities conferred upon it by law or ordinance and to promote the general welfare of the inhabitants therein;
2. Enact tax and revenue ordinances, subject to the limitations imposed in the Code;
3. Enact annual and supplemental budgets in accordance with the provisions of the Code;
4. Provide for the construction and maintenance of Barangay facilities and other public works projects chargeable to the general fund of the Barangay or such other funds actually available for the purpose;
5. Submit to the Sangguniang Panlungsod or Sangguniang Bayan such suggestions or recommendations as it may see fit for the improvement of the Barangay or for the welfare of the inhabitants thereof;
6. Assist in the establishment, organization, and promotion of cooperative enterprises that will improve the economic condition and well-being of the residents;
7. Regulate the use of multi-purpose halls, multi-purpose pavements, grain or copra dryers, patios and other post-harvest facilities, Barangay waterworks, Barangay markets, parking areas or other similar facilities constructed with government funds within the jurisdiction of the Barangay and charge reasonable fees for the use thereof;

8. Solicit or accept monies, materials and voluntary labor for specific public works and cooperative enterprises of the Barangay from residents, land owners, producers and merchants in the Barangay; monies from grants-in-aid, subsidies, contributions, and revenues made available to the Barangays from national, provincial, city or municipal funds; and monies from other private agencies and individuals: Provided, however, That monies or properties donated by private agencies and individuals for specific purposes shall accrue to the Barangay as trust fund;
9. Solicit or accept, in any or all the foregoing public works and cooperative enterprises, such cooperation as is made available by national, provincial, city, or municipal agencies established by law to render financial, technical, and advisory assistance to Barangays and to Barangay residents: Provided, however, That in soliciting or accepting such cooperation, the Sangguniang Barangay need not pledge any sum of money for expenditure in excess of amounts currently in the Barangay treasury or encumbered for other purposes;
10. Provide compensation, reasonable allowances or per diems as well as travel expenses for Sangguniang Barangay members and other Barangay officials, subject to the budgetary limitations prescribed under Title Five, Book II of the Code: Provided, however, That no increase in the compensation or honoraria of the Sangguniang Barangay members shall take effect until after the expiration of the full term of all members of the Sangguniang Barangay approving such increase;

11. Hold fund-raising activities for Barangay projects without the need of securing permits from any national or local office or agency. The proceeds from such activities shall be tax-exempt and shall accrue to the general fund of the Barangay: Provided, That in the appropriation thereof, the specific purpose for which such fund-raising activity has been held shall be first satisfied: Provided, further, That no fund-raising activities shall be held within a period of sixty (60) days immediately preceding and after a national or local election, recall, referendum, or plebiscite: Provided, finally, That said fund-raising activities shall comply with national policy standards and regulations on morals, health, and safety of the persons participating therein. The Sangguniang Barangay, through the Punong Barangay, shall render a public accounting of the funds raised at the completion of the project for which the fundraising activity was under- taken;
12. Authorize the Punong Barangay to enter into contracts in behalf of the Barangay, subject to the provisions of the Code;
13. Authorize the Barangay Treasurer to make direct purchases in an amount not exceeding one thousand pesos (P1,000.00) at any one time for the ordinary and essential administrative needs of the Barangay;
14. Prescribe fines in amounts not exceeding one thousand pesos (P1,000.00) for violation of Barangay ordinances;
15. Provide for the administrative needs of the Lupong Tagapamayapa and the pangkat ng tagapagkasundo;
16. Provide for the organization of community brigades, Barangay tanod, or community service units as may be necessary;

17. Organize regular lectures, programs, or fora on community problems such as sanitation, nutrition, literacy, and drug abuse, and convene assemblies to encourage citizen participation in government;
18. Adopt measures to prevent and control the proliferation of squatters and mendicants in the Barangay;
19. Provide for the proper development and welfare of children in the Barangay by promoting and supporting activities for the protection and total development of children, particularly those below seven (7) years of age;
20. Adopt measures towards the prevention and eradication of drug abuse, child abuse, and juvenile delinquency;
21. Initiate the establishment of a Barangay high school, whenever feasible, in accordance with law;
22. Provide for the establishment of a non-formal education center in the Barangay whenever feasible, in coordination with the Department of Education;
23. Provide for the delivery of basic services; and
24. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

PROHIBITED ACTS

Q. *What are the business transactions which a barangay official is prohibited from engaging in?*

A. A barangay official is prohibited to engage in any business transaction with the LGU in which he is an official or over which he has the power of supervision, or with any of its authorized board officials, agents, attorneys, whereby money is to be paid, or property or any other thing of value is to be transferred directly or indirectly, out of the resources of the barangay to such person or firm.

Q. *May a barangay official buy real estate or other property forfeited in favor of the barangay for unpaid taxes or assessment?*

A. No.

Q. *May a barangay official be a surety for any person having contract or doing business with the barangay for the performance of which surety may be required?*

A. No.

Q. *What penalty shall be imposed upon any barangay official and the person dealing with him who commits any of the prohibited acts?*

A. An imprisonment ranging from six (6) months and one (1) day to six (6) years or a fine from P3,000.00 to P10,000.00 or both imprisonment and fine at the discretion of the court. (Sec. 514 in relation to Sec. 89 of the LGC)

LIABILITY FOR DAMAGES

Q. *Are the barangay and its officials liable for death or injury or damages suffered by any person or property arising from the act or omission of a barangay official while performing their duties?*

A. Yes, per Section 24 of the LGC.

E. Appointive Barangay Officials

Q. *Who may be appointed as Barangay Secretary or Treasurer?*

A. A person of legal age, a qualified voter and an actual resident of the barangay, not a Sangguniang barangay member, not a government employee, or not a relative of the PB within the fourth civil degree of consanguinity or affinity. The appointment shall be subject to concurrence of the majority of all the Sangguniang Barangay members.

Q. *Who are the relatives of the Punong Barangay within the fourth civil degree of affinity?*

A. Parents up to great grandparents, children down to great grandchildren, brothers, sisters, nephews, nieces, uncles, aunts, first cousins, and relatives by his spouse by the same degree.

Q. *Does the appointment of Barangay Secretary/Treasurer need attestation by the CSC?*

A. No. Because it is the Sangguniang Barangay that determines the qualifications and disqualifications of the appointees.

Q. *What are the duties of the barangay secretary?*

A. Per Sec. 394 (C) of the LGC, the barangay secretary shall:

1. Keep custody of all records of the Sangguniang Barangay and the barangay assembly meetings;
2. Prepare and keep the minutes of all meetings of the Sangguniang Barangay and the barangay assembly;
3. Prepare a list of members of the barangay assembly, and have the same posted in conspicuous place within the barangay;
4. Assist in the preparation of all necessary forms for the conduct of barangay registrations, elections, initiatives, referenda or plebiscites in coordination with the COMELEC;
5. Assist the municipal civil registrar in the registration of births, deaths and marriages;
6. Keep an updated record of all inhabitants of the barangay containing the following items of information, name, address, place and date of birth, sex, civil status, citizenship, occupation and such other items of information as may be prescribed by law or ordinance.
7. Submit a report on the actual number of barangay residents as often as may be required by the Sangguniang Barangay.
8. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

Q. *Who shall determine the amount of bond of the barangay treasurer?*

A. The Sangguniang Barangay, but the bond shall not exceed ten thousand pesos (P10,000.00).

Q. *Who pays the premium for the bond of the barangay treasurer?*

A. The barangay.

Q. *What are the duties of the barangay treasurer?*

A. Per section 395 of the LGC, the barangay treasurer shall:

1. Keep custody of barangay funds and properties;
2. Collect and issue official receipts for taxes, fees, contributions, monies, and all other resources accruing to the barangay treasury and deposit the same in the account of the barangay as provided under Title Five, Book II of the LGC;
3. Disburse funds in accordance with the financial procedures provided in the Code;
4. Submit to the PB a statement covering the actual and estimates of income and expenditures for the preceding and ensuing calendar years, respectively, subject to the provision of Title Five, Book II of the Code;
5. Render a written accounting report of all barangay funds and property under the custody at the end of each calendar year, and ensure that such report shall be made available to the members of the barangay assembly and other government agencies concerned;
6. Certify as to the availability of funds whenever necessary;
7. Plan and attend to the rural postal circuit within his jurisdiction; and
8. Exercise such other powers and perform such other duties and functions as may be prescribed by law and ordinance.

F. Benefits/ Privileges of Barangay Officials (Sec. 393)

Q. *What are the benefits of the Barangay officials?*

A. Sec. 393 (a), LGC provides, thus;

1. Barangay officials, including barangay tanods and members of the Lupong Tagapamayapa, shall receive honoraria, allowances, and such other emoluments as may be authorized by law or barangay, municipal or city ordinance in accordance with the provision of the LG Code, but in no case shall it be less than One thousand pesos (P1,000.00) per month for the Punong Barangay and Six hundred pesos (P600.00) per month for the Sangguniang Barangay members, barangay treasurer and barangay secretary. Provided, however, that the annual appropriations for personal services shall be subject to the budgetary limitations prescribed under Title Five, Book II of the LGC;
2. Per section 393, (b) of the LGC, the Punong Barangay, the Sangguniang Barangay members, the barangay treasurer, and the barangay secretary shall also:
 - a. Be entitled to Christmas bonus of at least One thousand pesos (P1,000.00) each, the funds for which shall be taken from the general fund of the barangay or from such other funds appropriated by the national government for the purpose;
 - b. Be entitled during their incumbency to insurance coverage which shall include, but shall not be limited to, temporary and permanent disability, double indemnity, accident insurance, death and burial benefits in accordance with Republic Act Numbered Sixty-nine hundred forty-two

(R.A. No. 6942), entitled “An Act Increasing the Insurance Benefits of Local Government Officials and Providing Funds Therefore”;

- c. Be entitled to free medical care including subsistence, medicines and medical attendance in any government hospital or institution; Provided that such hospital care shall include surgery or surgical expenses, medicines, x-rays, laboratory fees and other hospital expenses;

(In case of extreme urgency where there is no available government hospital or institution, the barangay official concerned may submit himself for immediate medical attendance to the nearest private clinic, hospital or institution and the expenses not exceeding Five thousand pesos (P5,000.00) that may be incurred therein shall be chargeable against the funds of the barangay concerned)

- d. Be exempted during their incumbency from paying tuition and matriculation fees for their legitimate dependent children attending state colleges or universities. He may likewise avail of such education benefits in a state college or university located within the province or city to which the barangay belongs; and
- e. Be entitled to appropriate civil service eligibility on the basis of the number of years of service to the barangay pursuant to the rules and regulations issued by the Civil Service Commission.

3. Elective barangay officials shall have preference in appointments to any government position or in any government-owned or controlled corporations, including their subsidiaries after their tenure of office subject to the requisite qualifications and the provisions of the immediately preceding paragraph.
4. All duly appointed members of the barangay tanod brigades or their equivalent which shall number not more than twenty (20) in each barangay, shall be granted insurance or other benefits during their incumbency, chargeable to the barangay or the city or municipal government to which the barangay belongs.

G. Leave of Absence (Sec. 47 [4], LGC)

Q. *Who approves the leave of absence of Punong Barangay?*

A. The city/ municipal mayor.

Q. *Who approves the leave of absence of Sangguniang Barangay members and appointive barangay officials?*

A. The Punong Barangay.

Q. *What happens to an application for leave of absence not acted upon within five (5) working days after receipt by the Punong Barangay or the City/ Municipal Mayor, as the case may be?*

A. It is deemed approved.

VACANCIES, SUCCESSIONS AND DISCIPLINARY ACTIONS 4

A. Vacancies: Permanent (Sec. 44, LGC)

Q. *When is there a permanent vacancy in the office of the Punong Barangay?*

A. There is a permanent vacancy in the office of the Punong Barangay in any of the following situations:

1. Refusal to assume office;
2. Failure to qualify;
3. Death;
4. Removal from office;
5. Voluntary resignation; and
6. Permanent incapacity to discharge functions of office.

Q. *How shall the permanent vacancy in the Punong Barangay position be filled up?*

A. The permanent vacancy shall be filled up by applying the rule of succession in the following manner:

1. The highest ranking Sangguniang Barangay member who obtained the highest number of votes shall succeed as the Punong Barangay.
2. If the highest ranking member refuses to assume, or is permanently incapacitated to perform the function of his office, the second highest ranking Sangguniang Barangay member shall assume the position of Punong Barangay.

Q. *How long shall the successor serve?*

A. Only for the unexpired term of the office.

Q. *How shall the permanent vacancy in the Sangguniang Barangay be filled up when automatic succession does not apply? Differently stated, how is the permanent vacancy in the Sanggunian Barangay position filled up?*

A. Applying Section 45 of the LGC, in case a permanent vacancy occurs in the Sangguniang Barangay, the rule of succession must first be applied. This will result in the vacancy of the number seven (7) position. The rule of succession is not anymore applicable because the number 8 Sangguniang Barangay candidate in the last election was not proclaimed as winner by the COMELEC, hence, he/ she has no rank upon which the succession is based. Pursuant to Sec. 45 (a) (3) of the LGC, the number 7 vacant position shall be filled up by appointment to be issued by the city / municipal mayor upon the recommendation of the Sangguniang Barangay concerned.

B. Temporary Vacancy (Sec. 46)

Q. *When is there a temporary vacancy in the office of the Punong Barangay?*

A. Such temporary vacancy exists in any of the following situations such as but not limited to;

- a. Physical or legal cause, such as illness or suspension;
- b. Official leave of absence;
- c. Travel outside the Philippines; and
- d. Suspension from office.

Q. *Who shall exercise the powers, duties and functions of the Punong Barangay in case of temporary incapacity of the latter?*

A. The highest ranking Sangguniang Barangay Member shall assume the functions of the Punong Barangay as acting Punong Barangay.

POWERS NOT TO BE EXERCISED DURING TEMPORARY/ VACANCY

Q. *What power may not be exercised by the acting Punong Barangay during the temporary vacancy?*

A. Per Section 46 of the LGC, the power to appoint, suspend or dismiss barangay employees cannot be exercised by the Acting Punong Barangay. However, the acting Punong Barangay can exercise these powers if the temporary vacancy exceeds thirty (30) days.

Q. *If the Punong Barangay is still incapacitated temporarily or still abroad or still on official leave after 30 working days, may the acting Punong Barangay now exercise the power to appoint, suspend or dismiss barangay employees?*

A. Yes.

Q. *Is there a temporary vacancy when the Punong Barangay goes to the municipal poblacion or any place on official travel in connection with his duties?*

A. No.

C. Disciplinary Actions

GROUND FOR DISCIPLINARY ACTIONS (Sec. 60)

Q. *On what grounds may an elective barangay official be disciplined, removed or suspended?*

A. An elective barangay official may be suspended or removed on any of the following grounds:

1. Disloyalty to the Republic of the Philippines;
2. Culpable violation of the constitution;
3. Dishonesty, oppression, misconduct in office, gross negligence or dereliction of duty;
4. Commission of any offense involving moral turpitude or an offense punishable by at least prison mayor;
5. Abuse of authority;
6. Unauthorized absence for fifteen (15) consecutive working days except in the case of the members of the Sangguniang Barangay who may be disciplined in case of unauthorized absences for more than four (4) consecutive sessions;
7. Application for, or acquisition of, foreign citizenship or residence or the status of an immigrant of another country; and
8. Such other grounds as may be provided by law.

PROCEDURE IN FILING AN ADMINISTRATIVE CASE (Sec. 61)

Q. *What are the procedures in filing an administrative case against an elective barangay official?*

A. The procedures are:

1. Any person may file a verified complaint stating any of the above grounds against a particular elective barangay official before the Sangguniang Panlungsod/Bayan to which the barangay belongs. (Sec. 61, [C] LGC)
2. Within seven (7) days after the verified complaint is filed, the Sangguniang Panlungsod/Bayan concerned shall require the respondent elective barangay official to submit his verified answer within 15 days from receipt thereof. (Section 62, LGC)
3. Within ten (10) days after receipt of the answer of the respondent, or after the lapse of the period within which to file the verified answer and none was filed, the Sangguniang Panlungsod/ Bayan will commence the hearing and investigation of the case. Per Sec. 63, a preventive suspension may be imposed upon the respondent.
4. The investigation/hearing of the administrative case shall be terminated within ninety (90) days from the start thereof. The Sangguniang Bayan/Panglungsod shall render its decision within 30 days after the end of the investigation/hearing. (Sec. 66 [a], LGC)

RIGHTS OF BARANGAY OFFICIAL FACING ADMINISTRATIVE CASE (Sec. 65, LGC)

Q. *What are the rights of an elective barangay official against whom an administrative case has been filed with the Sangguniang Panlungsod/Bayan?*

A. The rights of the respondent barangay official are:

1. To appear and defend himself in person or through a lawyer;
2. To confront and cross-examine the witnesses against him; and
3. To require attendance of witnesses and the production of documentary evidence in his favor through the compulsory process subpoena or subpoena duces tecum to be issued by the Sangguniang Bayan or Panglungsod concerned.

DECISION OF SANGGUNIANG BAYAN/PANLUNGSOD (Sec. 66, LGC)

Q. *When shall the investigation of the case be terminated?*

A. The investigation of the case shall be terminated within ninety (90) days from the start of the investigation.

Q. *When may the decision of the case be handed down?*

A. The Sanggunian concerned shall within thirty (30) days after the termination of the investigation, render the decision in writing stating clearly and distinctly the facts and laws for such decision.

Q. *Who shall be furnished copies of the decision?*

A. The respondent and the complainant.

LENGTH OF SUSPENSION

Q. *May a barangay official be suspended longer than his unexpired term?*

A. No. (Sec. 66, LGC)

Q. *What is the maximum in the penalty of suspension?*

A. Six (6) Months. (Sec. 66, LGC)

Q. *May a barangay official who has been meted the penalty of suspension from office still run again in an election?*

A. Yes, provided he meets the qualification required by the office. (Sec. 66, LGC)

Q. *Distinguish preventive suspension from penalty of suspension.*

A. Preventive suspension is for a maximum period of sixty (60) days. The same is not yet a penalty but a mere tool in the investigation to ensure that respondent cannot use his office, power, or influence in the course of the investigation. On the other hand, a penalty of suspension is for maximum of six months and is imposed as a penalty after observance of due process.

Q. *Can the Sangguniang Panlungsod/Bayan render a decision removing from office a respondent barangay official?*

A. No. In the case of *Pablico vs Villapando* (285 SCRA 602), the Supreme Court, in interpreting the last paragraph of Section 60 of the LGC, ruled that only the courts can remove respondent elective local officials.

WHOM TO APPEAL THE DECISION

Q. *Are the decisions of the Sangguniang Bayan/ Panlungsod appealable to the Sangguniang Panlalawigan?*

A. Yes. While Section 61 of the LGC says that the decision of the Sangguniang Panlungsod of component city or municipality are final and executory, Section 67 of the same Code, however, provides that the decisions are appealable to the Sangguniang Panlalawigan. It is well to note that the Supreme Court, in many settled ruling declared that in case of conflict between two provisions in one Code, the latter provision should prevail. In this case, Section 67 shall prevail.

Q. *To whom does the barangay official appeal the decision rendered?*

A. Per Section 67, LGC, appeal is filed to the following:

1. In case of decision rendered by the Sangguniang Panlungsod of component cities and the Sangguniang Bayan, the appeal should be filed to the Sangguniang Panlalawigan.
2. In case of decision rendered by the Sangguniang Panlungsod of highly urbanized cities and independent component cities, the appeal should be filed to the Office of the President.

EFFECT OF SUSPENSION AND REMOVAL

Q. *May a preventively suspended barangay official receive his salary pending an investigation?*

A. No.

Q. *May a barangay official who has been exonerated and reinstated on appeal be entitled to his full salary or compensation including other emoluments during the period of his preventive suspension?*

A. Yes.

Q. *May a barangay official who has been removed from office run again in an election?*

A. No, more as his removal for cause is a disqualification to be a candidate under Sec. 40, LGC.

PREVENTIVE SUSPENSION (Sec. 63, LGC)

Q. *Who may impose the preventive suspension upon respondent elective barangay official?*

A. The City/Municipal Mayor based on finding and directive of the Sangguniang Panlungsod/Bayan concerned that the respondent elective barangay official shall be placed under preventive suspension.

GROUNDS FOR PREVENTIVE SUSPENSION

Q. *When and how may preventive suspension of a barangay official be imposed?*

A. Per sec. 63 of the LGC, preventive suspension may be imposed at any time if the following exist:

- Respondent already filed his answer, in which case, issues are joined. If the respondent, however, did not file his answer and the period within which to file the same has already lapsed, issues are now deemed joined.
- When the evidence of guilt is strong.
- Given the gravity of the offense, there is a possibility that continuance in office of the respondent could influence the witnesses or pose a threat to the safety and integrity of the records and other evidences.

With all of these elements present, the respondent elective barangay official may now be placed under preventive suspension.

LENGTH OF PREVENTIVE SUSPENSION

Q. *What is the period of preventive suspension?*

A. Not more than sixty (60) days. However, in case of several administrative cases, not more than ninety (90) days within a single year on the same ground/s existing and known at the first suspension.

Q. *What happens to the barangay official if after the expiration of the 60-day period, the investigation is not yet finished?*

A. The barangay official shall be automatically reinstated in office without prejudice to the continuation of the proceedings against him, which shall be terminated within one hundred twenty (120) days from the time he was formally notified of the case against him.

Q. *May an investigation of a case filed against an elective barangay official be conducted within 90 days prior to an election?*

A. No, the investigation is prohibited under Sec. 62 (c) of the LGC.

Q. *May a barangay elective official be preventively suspended within ninety (90) days before an election?*

A. No, per Sec. 62 (c) of the LGC.

Q. *What happens if an elective barangay official has been preventively suspended before the 90-day period?*

A. The preventive suspension will be automatically lifted at the start of the 90-day period.

POWER OF RECALL (Sec. 69-75, LGC)

Q. *May the elective officials of a barangay be recalled before the end of their term? How?*

A. Yes, by recall process under Sec. 69-75 of the LGC.

Q. *Who shall exercise this power of recall?*

A. The registered voters of the barangay.

GROUNDS FOR RECALL

Q. *What is the ground for recall?*

A. Any elective barangay official may be recalled on the ground of loss of confidence per Sec. 69, LGC.

Q.

How is this power of recall exercised?

A.

Per Section 70 (d) of the LGC, the power of recall is initiated by filing a Petition in the following manner:

- At least 25% of the registered voters of the barangay based on the election in which the official to be recalled was elected, shall sign a Petition for Recall of the particular elective barangay official.
- Said petition shall be duly signed before the election registrar or his representative in the presence of a representative of the petitioner and a representative of the official sought to be recalled in a public place in the barangay.
- The petition shall then be filed with the COMELEC through the municipal election registrar.
- The COMELEC or its duly authorized representative shall cause the publication of the petition in a public place which be readily seen by the residents for a period of not less than ten (10) days nor more than twenty (20) days for the purpose of verifying the authenticity and genuineness of the petition and the required percentage of voters.
- After the expiration of publication period, the COMELEC or its duly authorized representative shall announce the acceptance of candidates to the position. The elective barangay official subject of recall shall be automatically a candidate to the position.
- The COMELEC shall prepare the list of candidates including the official sought to be recalled.
- The COMELEC shall set the election, which shall not be later than thirty (30) days after the filing of the resolution or petition for recall.

- After the election shall have been held on the date fixed by the COMELEC, the winner shall be certified and proclaimed by the COMELEC.

SUPERVISION OF RECALL ELECTION

Q. *What body conducts and supervises recall election of barangay officials?*

A. The Commission on Elections (COMELEC).

LIMITATION OF RECALL POWER

Q. *May the power of recall be exercised anytime?*

A. No. An elective official may be recalled only once during his term of office. No recall shall take place within one year from the date the official assumed office or within one year immediately preceding a regular election (Sec. 74 [b], LGC).

EFFECTIVITY OF RECALL

Q. *When does recall takes effect?*

A. The recall shall be effected only upon the election and proclamation of a successor in the person of the candidate who received the highest number of votes cast during the recall election.

Q. *What happens if the official sought to be recalled received the highest number of votes?*

A. He shall continue to hold office because confidence in him is affirmed.



SANGGUNIANG BARANGAY **5** (Sec. 390-393)

A. *Legislative Body*

Q. *Who is the legislative body of the barangay?*

A. The Sangguniang Barangay (Section 390, LGC).

Q. *Who shall compose the Sangguniang Barangay?*

A. Pursuant to sec. 390, LGC, It is composed of;

- The Punong Barangay
- The seven (7) Sangguniang Barangay members elected at large; and
- The Sangguniang Kabataan Chairperson as ex-officio member.

Q. *Who presides over the sessions of the Sangguniang Barangay?*

A. The Punong Barangay.

B. Powers and Duties of the Sangguniang Barangay (Sec. 391, LGC)

Q. *What are the powers and duties of the Sangguniang Barangay?*

A. The Sangguniang Barangay shall:

1. Enact ordinances as may be necessary to discharge the responsibilities conferred upon it by law or ordinance and to promote the general welfare of the inhabitants therein;
2. Enact tax and revenue ordinances, subject to the limitations imposed in the LG Code;
3. Enact annual and supplemental budgets in accordance with the provision of the LG Code;
4. Provide for the construction and maintenance of barangay facilities and other public works projects chargeable to the general fund of the barangay or such other funds actually available for the purpose;
5. Submit to the Sangguniang Panlungsod or Sangguniang Bayan suggestions or recommendations that it may see fit for the improvement of the barangay or the welfare of the inhabitants thereof;
6. Assist in the establishment, organization and promotion of cooperative enterprises that will improve the economic condition and well being of the residents;

7. Regulate the use of multi-purpose halls, multi-purpose pavements, grain or copra dryers, patios and other post-harvest facilities, barangay waterworks, barangay markets, parking areas or other similar facilities constructed with government funds within the jurisdiction of the barangay, and charge reasonable fees for the use thereof.
8. Solicit or accept monies, materials and voluntary labor for the specific public works and cooperative enterprises of the barangay from residents, landowners, producers and merchants in the barangay, monies from other private agencies and individuals. Provided, however, that monies and properties donated by private agencies and individuals for specific purposes shall accrue to the barangay as trust fund.
9. Solicit or accept in any or all the foregoing public works and cooperative enterprises, such cooperation is made available by national, provincial, city or municipal agencies established by law to render financial, technical and advisory assistance to the barangay and to the barangay residents. Provided, however, that in soliciting or accepting such cooperation, the Sangguniang Barangay need not pledge any sum of money for expenditure in excess of amounts currently in the barangay treasury or encumbered for other purposes.
10. Provide compensation, reasonable allowances or per diems as well as travel expenses for Sangguniang Barangay members and other barangay officials, subject to the budgetary limitations prescribed under Title Five Book II of this code; Provided, however, that no increase in the compensation or honoraria of the Sangguniang Barangay members shall take effect until after the expiration of the full term of all members of the Sangguniang Barangay approving such increase.

11. Hold fund-raising activities barangay projects without the need of securing permits from any national or local office or agency. The proceeds from such activities shall be tax exempt and shall accrue to the general fund of the barangay. Provided, that in the appropriation thereof the specific purpose for which such fund-raising activity has been held shall be first satisfied; Provided further, that no fund raising activities shall be held within a period of sixty (60) days immediately preceding and after a national or local election, recall, referendum, or plebiscite. Provided finally, that said fund-raising activities shall comply with national policy standards and regulations on morals, health and safety of the persons participating therein. The Sangguniang Barangay, through the Punong Barangay, shall render a public accounting of the funds raised at the completion of the project for which the fund-raising activity was undertaken.
12. Authorize the Punong Barangay to enter into contracts in behalf of the barangay, subject to the provisions of the LG code.
13. Authorize the barangay treasurer to make direct purchases in an amount not exceeding One Thousand pesos (P1,000.00) at any time for the ordinary and essential administrative needs of the barangay.
14. Prescribe fines in amounts not exceeding One Thousand pesos (P1,000.00) for violation of barangay ordinances.
15. Provide for the administrative needs of the Lupong Tagapamayapa and the Pangkat ng Tagapagkasundo.
16. Provide for the organization of community brigades, barangay tanod or community service units as may be necessary.

17. Organize regular lectures, programs or fora on community problems such as sanitation, nutrition, literacy and drug abuse, and convene assemblies to encourage citizen participation in government;
18. Adopt measures to prevent and control the proliferation of squatters and mendicants in the barangay;
19. Provide for the proper development and welfare of children in the barangay by promoting and supporting activities for the protection and total development of children, particularly those below seven (7) years of age;
20. Adopt measures towards the prevention and eradication of drug abuse, child abuse, and juvenile delinquency;
21. Initiate the establishment of a barangay high school, whenever feasible in accordance with law;
22. Provide for the establishment of a non-formal education center in the barangay whenever feasible in coordination with the Department of Education;
23. Provide for the delivery of basic services; and
24. Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

OTHER DUTIES OF SANGGUNIANG BARANGAY MEMBERS (Sec. 392, LGC)

Q. *What are the other duties of the members of the Sangguniang Barangay?*

A. In addition to their duties as members of the Sangguniang Barangay, they shall also:

- Assist the Punong Barangay in the discharge of his duties and functions;
- Act as peace officers in the maintenance of public order and safety; and
- Perform such other duties and functions as the PB may delegate.

C. Review Of Barangay Ordinances, Limitations on Legislative Power (Sec. 57, LGC)

Q. *What has to be done after passage of barangay ordinances?*

A. Within ten (10) days after its passage, the Sangguniang Barangay shall furnish copies of all barangay ordinances to the Sangguniang Panlungsod or Sangguniang Bayan concerned for review as to whether the ordinance is consistent with the law and city or municipal ordinances. If it is a tax ordinance, the barangay treasurer shall also be furnished a certified copy for public dissemination.

Q. *What happens to a barangay ordinance submitted for review but the Sangguniang Panlungsod/Sangguniang Bayan failed to take action within thirty (30) days from receipt thereof?*

A. The barangay ordinance shall be deemed approved.

Q. *What should a Sangguniang Barangay do if it wants to improve the barangay and the welfare of its inhabitants?*

A. The Sangguniang Barangay may submit to the Sangguniang Panlungsod or Bayan suggestions and recommendations that may improve the barangay and its inhabitants.

STATUS OF ORDINANCE FOUND DEFECTIVE

Q. *If within thirty (30) days from receipt of the barangay ordinance, the Sangguniang Panlungsod/ Bayan finds the barangay ordinance inconsistent with law or city or municipal ordinance, what shall be done?*

A. The ordinance shall be returned to the Sangguniang Barangay for adjustment, amendment, or modification and the effectivity of the ordinance is suspended until such time that the revision called for is effected.

EFFECTIVITY OF BARANGAY ORDINANCE

Q. *When does the ordinance of a Sangguniang Barangay take effect?*

A. Per Section 59 of the LGC, unless otherwise stated in the ordinance, it takes effect after the lapse of ten (10) days from the date the copy of such ordinance is posted in a bulletin board at the entrance of the barangay hall and in at least two places within the barangay which can be easily seen. If the ordinance has penal sanction, the same shall be, in addition to posting mentioned, published in a newspaper of provincial circulation where the Sangguniang Barangay belongs. If there is none, the same shall be posted in every city/municipal hall of the province. The Barangay Secretary shall be the one to cause the postings.

D. Relationship Between City/Municipal and Barangays

SUPERVISORY POWERS OF THE MAYOR (Sec. 32, LGC)



Who exercises general supervision over the barangays to see to it that barangays act within the scope of its prescribed powers and functions?



The city or municipality through the city or municipal mayors.



What does general supervision include?



It includes the power to order an investigation of the conduct of the barangay officials and cause the filing of an administrative case if the evidence gathered would warrant.

PEOPLE'S PARTICIPATION 6

A. Barangay Assembly (Sec. 397, LGC)

Q. *What is the composition of the barangay assembly?*

A. It is composed of persons who:

1. Have been actual residents in the barangay for at least six (6) months;
2. Are fifteen years of age or over;
3. Citizens of the Philippines; and
4. Duly registered in the list of barangay assembly members kept by the barangay secretary.

Q. *How often shall the barangay assembly meet?*

A. It shall meet at least twice a year as called upon by the Punong Barangay or of at least four members of the Sangguniang Barangay, or upon written petition of at least five percent (5%) of assembly member (Chapter 6, Sec. 397, LGC).

MATTERS TO BE DISCUSSED BY THE BARANGAY ASSEMBLY

Q. *What matters must the barangay assembly discuss during these two meetings?*

A. It must hear and discuss the semestral report of the Sangguniang Barangay concerning its activities and finances as well as problems affecting the barangay. It shall also discuss development plans or petitions for adoption of initiatives to enact or amend a barangay ordinance.

Q. *Who shall call the meeting?*

A. The meeting shall be called either by:

1. The Punong Barangay, or
2. At least four members of the Sangguniang Barangay, or
3. Upon written petition of at least five percent (5%) of the members of the barangay assembly.

Q. *Who shall preside over the meeting of the Barangay Assembly?*

A. The following barangay officials may preside over the meeting:

1. The Punong Barangay
2. In the absence of the Punong Barangay, the Sangguniang Barangay member, acting as Punong Barangay, or
3. Any assembly member selected during the meeting.

Q. *Who shall act as barangay assembly secretary?*

A. The barangay secretary or any member designated by the presiding officer.

NOTICE FOR ASSEMBLY MEETING

Q. *When should the assembly members be notified of the assembly meeting?*

A. Notice to members shall be given one week before the date of the meeting.

Q. *What are the exceptions of the one-week period notice prior to the barangay assembly?*

A. The exceptions are matters involving public safety or security which requires sufficient time.

POWER OF THE BARANGAY ASSEMBLY (Sec. 398)

Q. *What are the powers of the barangay assembly?*

A. The Powers of the Barangay Assembly are:

1. Initiate legislative process by recommending to the Sangguniang Barangay the adoption of measures for the welfare of the barangay.
2. Decide on the adoption of initiative as a legal process whereby the registered voters of the barangay may directly propose, enact, or amend any barangay ordinance.
3. Hear and pass upon the semestral report of the Sangguniang Barangay concerning its activities and finances.

B. Plebiscite (Sec. 10, LGC)

Q. *What is a plebiscite?*

A. A plebiscite is an electoral process whereby a law or an ordinance already approved in the legislative body is submitted to the registered voters for ratification or approval of the proposed barangay ordinance. The holding of a plebiscite does not emanate from the public; it is a requirement for certain legislative acts like the creation, division, merger, abolition or substantial alteration of boundaries of local government units. These legislative acts shall take effect only after approval of a majority of the votes cast in a plebiscite called for the purpose in the political units affected.

Q. *When shall a Plebiscite be held?*

A. The plebiscite shall be held within one hundred twenty (120) days from the date of effectivity of the law or ordinance creating, dividing, merging, abolishing or substantially altering the boundaries of the barangays, unless the ordinance fixes another date.

Q. *Who has the authority to call a plebiscite in the barangay?*

A. The Commission on Elections (COMELEC).

C. **Local Initiative and Referendum (Sec. 120-127, LGC)**

Q. *What is local initiative? (Sec. 120)*

A. This is the legal process whereby the registered barangay voters may directly propose, enact or amend any ordinance.

Q. *How is this process done (Sec. 122)?*

A. The following are the procedures:

1. Not less than fifty (50) registered barangay voters may file a petition with the sanggunian barangay concerned proposing the adoption, enactment, repeal or amendment of a barangay ordinance.
2. If no favorable action thereon is taken by the sanggunian concerned within thirty (30) days of its presentation, the proponents, through their duly authorized and registered representatives, may invoke their power of initiative, giving notice thereof to the sanggunian concerned.
3. The proposition shall be numbered serially starting from Roman numeral I. The COMELEC or its designated representative shall extend assistance in the formulation of the proposition.
4. Two (2) or more propositions maybe submitted in an initiative.
5. Proponents shall have thirty (30) days in case of barangays, from notice mentioned in (2) hereof to collect the required number of signatures.

6. The petition shall be signed before the election registrar, or his designated representatives, in the presence of a representative of the proponent, and a representative of the sanggunian concerned in a public place in the local government unit, as the case may be. Stations for collecting signatures may be established in as many places as may be warranted.
7. Upon the lapse of the period herein provided, the COMELEC, through its office in the local government unit concerned, shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number defeats the proposition. (N.B. Per Sec. 5 [f] of RA 6735, The petition for initiative must be signed by at least 10% of the registered voters in the barangay).
8. If the required number of signatures is obtained, the COMELEC shall then set a date for the initiative during which the proposition shall be submitted to the registered voters in the local government unit concerned for their approval within sixty (60) days from the date of certification by the COMELEC, as provided in section 7 hereof, thirty (30) days in case of barangays. The initiative shall then be held on the date set after which the results thereof shall be certified and proclaimed by the COMELEC. The petition for initiative is valid if signed by at least 10% of the registered voters (Sec 5 (f), RA 6735)

Q. *When do local proposition become effective? (Sec. 123)*

A. If the proposition is approved by a majority of the votes cast, it shall take effect fifteen (15) days after certification of the COMELEC. If it fails to obtain said number of votes, the proposition is considered defeated.

Q. ***What are the limitations on local initiative? (Sec. 124)***

A. The limitations on local initiative are:

1. The power of local initiative shall not be exercised more than once a year.
2. Initiative shall be extended only to subjects or matters which are within the legal powers of the Sanggunian to enact.
3. If, at any time before the initiative is held, the sanggunian concerned adopts en toto the proposition presented and the Punong Barangay approves the same, the initiative shall be cancelled. However, those against the action, may, if they so desire, apply for initiative in the manner provided.

Q. ***What are the limitations upon the sanggunian? (Sec. 125, LGC)***

A. Within 18 months after its approval, the Sanggunian Barangay shall not repeal, modify or amend any proposition or ordinance approved through the system of initiative and referendum and may be repealed, modified, or amended by the Sanggunian Barangay within three (3) years thereafter by a vote of three-fourths (3/4) of all its members.

Note: *It is the submission of the LGA that after the lapse of the three- year period, any repeal, modification or amendment can be done by the Sangguniang Barangay by vote of simple majority of those present there being quorum.*

Q. ***What is local referendum? (Sec. 126)***

A. This is the legal process where the registered barangay voters may approve, amend, or reject any ordinance enacted by the Sangguniang Barangay.

Q. *Who shall take charge of the process?*

A. The COMELEC shall control and direct the barangay referendum within thirty (30) days, after which it shall certify and proclaim the results.

Q. *Can these propositions and ordinances be still declared null and void? By whom? (Sec. 127)*

A. Yes. Sec. 127 of the LGC provides that the provisions in subject chapter of the Code do not preclude or prevent the proper courts from declaring null and void any proposition approved under this chapter (Local Initiative and Referendum) for violating the constitution or for want of capacity of the Sanggunian concerned to enact the said measure.

BARANGAY DEVELOPMENT COUNCIL AND VARIOUS COUNCILS/ COMMITTEES REQUIRED BY LAW

7

A. Barangay Development Council (BDC)

Q. *What is a barangay development council?*

A. Barangay Development Council is a planning and coordinative body in the barangays.

Q. *What is the composition of the BDC? (Sec. 107a)*

A. The BDC shall be headed by the Punong Barangay and shall be composed of the following members:

1. Members of the Sangguniang Barangay;
2. Representatives of non - governmental organizations (NGOs) operating in the barangay, who shall constitute not less than one fourth (1/4) of the members of the fully organized council.
3. A representative of the congressman.

Q. *How shall the NGOs be represented in the BDC?*

A. Within a period of sixty (60) days from the start of the organization of the barangay development council, the NGOs shall choose from among themselves their representatives to said council. The Sangguniang Barangay shall accredit NGOs subject to such criteria as may be provided by law.

Q. *What are the functions of the BDC? (Sec. 109b)*

- A.** The BDC shall perform the following functions:
1. Mobilize people's participation in local development efforts.
 2. Prepare barangay development plans based on local requirements.
 3. Monitor and evaluate the implementation of national or local programs and projects.
 4. Perform such other functions as may be provided by law.

Q. *How often shall the BDC meet? (Sec. 110)*

- A.** At least once every six (6) months, or as often as may be necessary.

Q. *Supposing the council is not in session, who shall represent it and act on its behalf?*

- A.** The BDC shall create an executive committee to represent it and act on its behalf when it is not in session.

Q. *Who shall compose the barangay executive committee of the BDC?*

- A.** The executive committee of the BDC shall be composed of the PB as chairman, and a representative of the Sangguniang Barangay chosen from among its members, and a representative of NGOs, represented in the council as members.

Q. *What are the powers and functions of the executive committee? (Sec. 111b)*

A. The barangay executive committee shall exercise the following powers and functions:

- Ensure that decisions of the council are faithfully carried out and implemented.
- Act on matters requiring immediate attention or action by the council.
- Formulate policies, plans, and programs based on the general principles laid down by the council.
- Act on any other matter that may be authorized by the council.

Q. *Who else can assist the BDC? (Sec. 112)*

A. Sectoral or functional committees may be formed by the BDC to assist them in the performance of their functions.

Q. *What are the functions of the BDC Secretariat? (Sec. 113)*

A. The BDC Secretariat shall:

- Provide technical support
- Document proceedings
- Prepare reports
- Provide other assistance as may be required.

The barangay secretary who shall be assisted by the city or municipal planning and development coordinator concerned shall head the secretariat of the Barangay Development Council.

Q. *How does the BDC relate to the sanggunian and Regional Development Council (RDC)? (Sec. 114)*

A. The BDC shall relate to the Sanggunian and the BDC in the following manner:

1. The policies, programs and projects proposed by the barangay development council shall be submitted to the Sanggunian Barangay for appropriate action;
2. The Barangay Development Plan approved by the Sangguniang Barangay concerned may be integrated with the development plans of the city/municipal development council; and
3. The DBM shall furnish local development councils information on financial resources and budgetary allocations applicable to their respective jurisdiction to guide them in their planning functions.

APPROVAL OF BARANGAY DEVELOPMENT PLANS (Sec. 114)

Q. *Who approves the Barangay Development Plan?*

A. The Sangguniang Barangay shall pass a resolution approving the Barangay Development Plan, earlier formulated by the Barangay Development Council, which shall be submitted to the city/municipal development council for integration in the city/municipal development plan.

B. Barangay Physical Fitness and Sports Development Council (BPFSDC)

Q. *What law created the Sports Council?*

A. E.O. 63 series of 1993 created the national, regional, provincial, city, municipal and barangay physical fitness and sports development councils

Q. *Who are the members of the BPFSDC?*

A. BPFSDC is chaired by the Punong Barangay with the following members:

1. SK Representative
2. DepEd School Principal
3. Kagawad Sports Coordinator
4. Homeowners Association Representative
5. Two (2) NGO Representatives

Q. *What are the functions of the BPFSDC?*

A. The functions of the BPFSDC are as follows:

1. Meet at least once a month to plan and formulate a blueprint for the short, medium, and long term plan for the sectoral sports based on the National Policy and Program of “Sports for All” including a well- synchronized year round calendar of sports activities and competitions culminating in a national “Palarong Pambansa;”
2. Conduct local “Sports Summits” in consultation with other public and private entities concerned to identify and prioritize sports programs and activities in their respective areas of concern and to monitor, review, and validate their program;

3. Oversee and ensure the implementation of the physical fitness and sports program and activities in their respective areas of concern, i.e., DepEd for physical education and school sports, DILG and LGUs for community-based sports, DND for military sports, DOLE for labor sports, Philippine Olympic Committee (POC) and National Sports Associations (NSAs) for elite sports for international competitions, and Games and Amusement Board (GAB) for professional sports;
4. Disseminate proper information on the national policy and program, including their local programs to encourage the active participation of their constituents on physical fitness and sports activities;
5. Assist in the identification, recruitment, and training of gifted and talented athletes from their areas to ensure a wide base for the selection of national athletes who will represent the country in international sports competitions; Submit a quarterly report to the Chairman of the National PFSDC and furnish a copy of the same to the Philippine Sports Commission; and
6. Perform other functions deemed necessary to promote and implement the National Policy and Program.

C. **Barangay Peace and Order Committee (E.O. 366 S. 1996 and DILG MC No. 2015-130)**

Q. *What law created the Barangay Peace and Order Committee?*

A. E.O. 366, s. 1996 further amending E.O. 309, S. 1987 entitled “Reorganizing the POC” mandates the barangay to create a Barangay Peace and Order Committee (BPOC) as the implementing arm of the city/municipal POC.

Q. *What is the composition of the BPOC?*

A. The BPOC shall be composed of the following:

- PB as Chairperson
- SK Chairperson
- A member of the Lupong Tagapamayapa to be designated by the Punong Barangay
- A public school teacher to be designated by the School Principal or School Head Teacher
- A PNP Officer to be designated by the Chief of Police of the corresponding city/ municipality
- A representative from the interfaith group
- A senior citizen
- A barangay tanod
- At least three (3) members of existing barangay based anti-crime or neighborhood watch groups or NGOs well-known in the community

Q. *Can the Punong Barangay appoint an additional sectoral member in the committee?*

A. Depending on the situation and needs in the area the Punong Barangay in his capacity as chairperson of the BPOC may appoint additional sectoral representative to such committee.

Q. *What are the functions of the BPOC?*

A. The BPOC shall have the following functions and responsibilities:

- Formulate a Barangay POPS Plan (BPOPSP) which shall be incorporated in the BDP;
- Recommend measures to improve or enhance peace and order and public safety in the community;
- Monitor and coordinate the implementation of peace and order programs and projects at the barangay level;
- Serves as an information-gathering mechanism;
- Monitor and report, to appropriate authorities, suspicious illegal activities and personalities involved within their jurisdictions, including insurgent activities;
- Maintain continuing dialogue, close coordination and rapport with the higher-level POC and law enforcement units;
- Coordinate the operation of all community-based anti-crime groups within the barangay;
- Make periodic assessment of the prevailing peace and order situation in the barangay, and submit report, with appropriate recommendations, to the higher-level POC;

- Submit annual BPOC functionality report pursuant to DILG MC No. 2008-101; and
- Perform such other functions which may be assigned by the higher level POCs.

Q. *Where will the BPOC get their funds for its BPOPSP?*

A. The BPOPSP shall be funded in the Annual Barangay Budget as incorporated in the BDP. The barangay may also undertake joint program with the city/ municipality or with NGOs to augment its financial resources.

D. **Barangay Ecological Solid Waste Management Committee (BESWMC)**

Q. *What is the legal basis for the creation of solid waste management at all levels?*

A. Under Sections 11 and 12 of R.A. 9003 also known as the Ecological Solid Waste Management Act of 2000 enjoined the creation of their provincial, city and municipal solid waste management board. Further, a barangay solid waste management committee is created in consonance to Section 10 of R.A. 9003 through the issuance of Memorandum Circular 2001-38 emphasizing the vital role of the barangay in the successful implementation of the program, particularly in the segregation, collection and recycling of waste at source.

Q. *How is the BESWMC created?*

A. The SB through an Ordinance shall establish an Ecological Solid Waste Management Committee.

Q. *Who are the members of the Barangay Ecological Solid Waste Management Committee (BESWM)?*

A. The members of the BESWM Committee are the following:

- Punong Barangay
- Barangay Kagawad (Chairperson on environmental protection and/or health and sanitation)
- SK Chairman
- President – Homeowners Association
- Public/Private School Principal or representative
- Religious organizations representative
- President or Representative from the Association of Business Community (Commercial or Industrial Sector)
- NGO Representative (concerned on environment)
- President of the Market Vendors Association and Junkyard owners, if any

Q. *What are the functions of the BESWM Committee?*

A. The functions of the BESWM Committee are the following:

- Formulate a community solid waste management program consistent with that of the city/municipality.
- Be responsible for the segregation and collection of solid waste specifically for biodegradable, compostable and reusable wastes;
- Establish within the barangay or cluster of barangays a Materials Recovery Facility (MRF);

- Allocate barangay funds for the barangay ecological solid waste management program, approved by the Sangguniang Barangay. The BESWM committee shall organize a Core of Area/ Street Coordinators through the conduct of trainings for barangay residents on segregation, composting, recycling and livelihood opportunities from use of recyclable waste and to monitor their implementation;
- Integrate the Ecological Solid Waste Management Program in the Barangay Development Plan and/or Annual Investment Program;
- Find alternative sources of funds other than the regular barangay budgets; and
- Submit a monthly report to the City/ Municipal ESWMC on the progress of the program, copy furnished the local DILG Office.

E. Local Council for the Protection of Children (LCPC)

Q. *What is Local Council for the Protection of Children (LCPC)?*

A. The Local Council for the Protection of Children (LCPC) is a body of responsible members of the community which includes a representative of the youth and representatives of government and private agencies concerned with the welfare of children and youth whose area of assignment includes the particular barangay. Membership in LCPC shall be purely on voluntary basis. (P.D. 603, Art. 87.)

Q. *Why organize LCPC?*

A. To ensure the full implementation of the rights of every child to live in a society that offers or guarantees him safety, health, good moral environment and facilities for his wholesome development.

Q. *What are the legal bases for the organization of LCPC?*

A. The Child and Youth Welfare Code or P.D. 603, DILG MC No. 90-04 and 91-57.

Q. *Who shall spearhead the organization of the LCPC?*

A. The Punong Barangay shall spearhead the organization of the LCPC with the assistance of the municipal/city representative concerned with the welfare of children.

Q. *Who shall compose the LCPC?*

A. The LCPC may have the following composition:

- The Punong Barangay, who shall act as Chairperson;
- The Chairman of the Sangguniang Kabataan, who shall act as Vice Chairperson;
- A representative of the municipal/city government concerned with the welfare of children, whose area of assignment includes the particular barangay;
- A representative from each of the non-governmental organizations (NGOs) concerned with the welfare of children and operating in the barangay;
- An active responsible member of the community;
- An active member from each of the people's organizations in the barangay;

- A representative from DepED, DOH and Human Rights; and
- A child advocate whose age ranges from 9-14 duly chosen by the barangay officials.

Q.

What are the functions of LCPC?

A.

The LCPC shall have the following functions:

- Foster the education of every child in the barangay;
- Encourage proper performance of duties of parents;
- Protect and assist abandoned and maltreated children;
- Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems;
- Adopt measures for the health of children;
- Promote opening and maintenance of playgrounds and day care centers and other services necessary for child and youth welfare;
- Coordinate the activities of organizations devoted to the welfare of children and secure their cooperation;
- Promote wholesome entertainment in the community, especially in movie houses;
- Assist parents whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agency (P.D. 603, Art. 87); and
- Protect working children from abuse and exploitation.

F. **Barangay Anti-Drug Abuse Council (BADAC)**

Q. *Why is a BADAC created?*

A. BADAC is created to address peace and order, particularly to curb illegal drugs and other substances.

Q. *Who are the members of the BADAC?*

A. BADAC members are the following:

- Chairperson: Punong Barangay
- Vice- Chairperson: SB Member/ Kagawad (Chair of Peace and Order)
- Members
 - SB Member/ Kagawad (Chair of Women and Family)
 - SK Chairperson
 - School principal (Public) or Representative
 - Executive Officer/ Chief Tanod
 - Representative of an NGO/ Civil Society
 - Representative of a faith-based organization (i.e., Ugnayan ng Barangay at mga Simbahan or UBAS)
- Adviser: City/ Municipal Chief of Police or Representative

Q. *What are the functions of BADAC?*

A. The functions of BADAC are as follows:

- Conduct regular meetings at least once a month and call for special meetings whenever necessary;
- Plan, strategize, implement and evaluate programs and projects on drug abuse prevention in the barangay;

- Organize the BADAC Auxiliary Team their roles and functions and in formulating plan of action to address the problem;
- Orient the BADAC Auxiliary Team of their roles and functions and in formulating plan of action to address the problem;
- Educate Barangay Tanods and BADAC Auxiliary Team on their roles and functions in the campaign against street- level illegal drug trade through seminars or trainings;
- Coordinate and collaborate with other institutions implementing programs and projects on drug abuse prevention at the barangay level;
- Continuously gather and update data on all drug related incidents and its effect on the peace and order situation in the barangay including listing of suspected drug users and pushers;
- Submit a monthly report to the City/ Municipal Anti-Drug Abuse Council copy furnished the DILG City/ Municipal Field Office;
- Refer suspected drug users to the C/MADAC and other institutions for corresponding counselling and/ or rehabilitation;
- Conduct an Information, Education Campaign (IEC) on illegal drug demand reduction;
- Monitor disposition and progress of drug- related cases filed; and
- Perform other related functions.



LIGA NG MGA BARANGAY

(Sec. 491)

A. Definition of the Liga

Q. *What is the Liga ng mga Barangay?*

A. It is the association of all barangays in a municipality or city.

Q. *What is the primary purpose of the Liga?*

A. The primary purpose of the Liga is to determine the representation of the Liga in the sanggunian, and for ventilating, articulating and crystallizing issues affecting barangay government administration and securing, through proper and legal means, solutions thereto.

B. Organization of the Liga (Sec. 492-494, LGC)

Q. *How is the Liga organized?*

A. The Liga has chapters at the municipal, city, provincial and metropolitan political subdivision levels. The municipal and city chapters of the Liga shall be composed of the Barangay representatives of municipal and city Barangays, respectively. The duly elected presidents of component municipal and city chapters shall constitute the provincial chapter or the metropolitan political subdivision chapter. The duly elected presidents of highly-urbanized cities, provincial chapters, the Metropolitan Manila chapter and metropolitan political subdivision chapters shall constitute the National Liga ng mga Barangay.

Q. *Who represents the Barangay in municipal or city Liga chapters?*

A. The Barangay shall be represented in the Liga by the Punong Barangay or in his absence or incapacity, by a Sangguniang Barangay member duly elected for the purpose among its members who shall attend all meetings/ deliberations of the Liga.

Q. *How is the Liga represented in the municipal, city or provincial government?*

A. The duly elected presidents of the liga at the municipal, city and provincial levels, including the component cities and municipalities of Metropolitan Manila, shall serve as ex-officio members of the Sangguniang Bayan, Sangguniang Panlungsod, Sangguniang Panlalawigan, respectively.

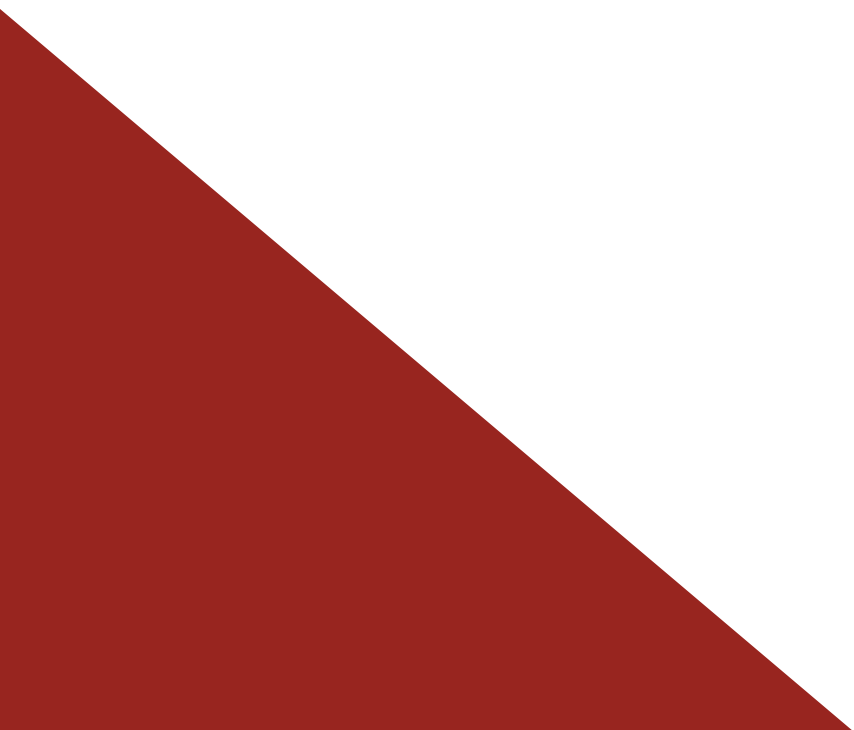
C. Powers, Functions and Duties of the Liga

Q. *What are the powers and functions of the Liga? (Sec. 495)*

A. The powers and functions of the Liga are the following:

1. Give priority to programs designed for the total development of the barangays and in consonance with the policies, programs and projects of the national government.
2. Assist in the education of barangay residents for people's participation on local government administration in order to promote united and concerted action to achieve country-wide development goals.

3. Supplement the efforts of government in creating gainful employment within the barangay.
4. Adopt measures to promote the welfare of barangay officials.
5. Serve as a forum of the barangays in order to forge linkages with government and non-governmental organizations thereby promote social, economic, and political well-being of the barangays.
6. Exercise such other powers and perform such other duties and functions which will bring about stronger ties between barangays and promote the welfare of the barangay inhabitants.



KATARUNGANG PAMBARANGAY 9

(Sec. 399 - 422)

Q. *What is the Katarungang Pambarangay?*

A. The Katarungang Pambarangay is the institution of a system of amicable settlement of disputes in the barangay level before a judicial recourse is permitted to be filed in court. It is also known as the Barangay Justice System.

A. *Lupong Tagapamayapa (Sec. 399)*

Q. *How is the Lupong Tagapamayapa created?*

A. The Lupong Tagapamayapa is created in each barangay composed of the Punong Barangay as the chairman and ten (10) to twenty (20) members. It is a body from which the members of the Pangkat ng Tagapagkasundo shall be chosen. The Lupon shall be constituted every three (3) years.

Q. *What is the term of office of Lupon members?*

A. The Lupon members shall hold office for three (3) years until a new Lupon is constituted on the third year following their appointment.

Q. *What are the functions of the Lupon?*

A. Pursuant to Sec. 402, LGC, The Lupon shall:

1. Exercise administrative supervision over the conciliation panels.
2. Meet regularly once a month to provide a forum for exchange of ideas from among its members and the public on matters relevant to the amicable settlement of disputes, and enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes.
3. Exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

B. Jurisdiction (Sec. 408)

Q. *What are the disputes where the Lupon has the authority to amicably settle?*

A. The Lupon of each barangay shall have authority to bring together the parties actually residing in the same city or municipality for an amicable settlement of all disputes except:

1. Where the party is the government or any subdivision or instrumentality thereof.
2. Where the party is a public officer or employee, and the dispute relate to the performance of his official functions.
3. Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five Thousand pesos (P5,000.00).

4. Offenses where there is no private offended party.
5. Where the dispute involves real properties located in different cities or municipalities unless the parties agree to submit their differences to amicable settlement by an appropriate Lupon.
6. Where the dispute involves parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate Lupon.
7. Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice.
8. Where one of the parties is a corporation.
9. Where the dispute involves agrarian reform, labor disputes, and violence against women and their children.

C. Venue

Q. *How is venue determined for the amicable settlement of disputes?*

A. Per section 409, LGC, it is determined by:

1. Disputes between persons actually residing in the same barangay shall be brought for amicable settlement before the Lupon of said barangay.
2. Those involving actual residents of different barangays within the same city or municipality shall be brought in the barangay where the respondent or any of the respondents actually resides, at the option of the complainant.

3. All disputes involving real property or any interest therein shall be brought in the barangay where the real property or the larger portion thereof is situated.
4. Those arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled to study shall be brought in the barangay where such workplace or institution is located.

Objections to venue shall be raised in the mediation proceedings before the Punong Barangay, otherwise, the same shall be deemed waived. Any legal question which may confront the Punong Barangay in resolving objections to venue herein referred to may be submitted to the Secretary of Justice, or his duly designated representative, whose ruling thereon shall be binding.

D. Procedure for Amicable Settlement (Sec. 410)

Q. *Who may initiate proceedings?*

A. Upon payment of the appropriate filing fee, any individual who has a cause of action against another individual involving any matter within the authority of the Lupon may complain, orally or in writing, to the Lupon chairman.

Q. *What will be the action of the Lupon Chairman?*

A. Upon receipt of the complaint, the Lupon chairman shall within the next working day, summon the respondent(s), with notice to the complainant(s) for them and their witnesses to appear before him for a mediation of their conflicting interest.

E. Administration, Rules and Regulations (Sec. 421)

Q. *Who shall oversee the implementation and administration of the Katarungang Pambarangay?*

A. The city or municipal mayor, as the case may be. The Secretary of Justice shall promulgate the rules and regulations necessary in the implementation of the provisions of the Katarungang Pambarangay.

BARANGAY FINANCIAL ADMINISTRATION 10

A. Sources of Income

Q. *What is the power of taxation as it applies to a Barangay?*

A. It is the power of the barangay to raise revenue by imposing taxes, fees, and other charges on the barangay residents, activity and businesses to be conducted in the barangay.

Q. *Who exercises this governmental power in the barangay?*

A. The Sangguniang Barangay, through an appropriate tax ordinance.

Q. *What is the scope of their taxing power? (Sec. 152)*

A. The barangay may levy taxes, fees, and charges:

1. Taxes – on stores or retailers

- Gross Sales of receipts of the preceding calendar year of P50,000 or less in the case of cities, and
- Gross Sales of receipts of the preceding calendar year of P30,000 or less in the case of municipalities, at a rate not exceeding one per cent (1%) on such gross sales or receipts.

2. Reasonable service fees or charges rendered in connection with regulation or the use of barangay-owned properties or service facility.

3. Barangay Clearance for any business or activity conducted within the barangay before any Mayor's Permit is issued.
4. Other fees and charges such as:
 - Commercial breeding of fighting cocks, cock-fights and cockpits
 - On places of recreation which charge admission fees
 - On billboards, signboards, neon signs and outdoor advertisements.

Q. *What are the shares of the barangays in taxes collected by provinces, cities and municipalities?*

A. The share of the barangay in taxes collected are as follows:

1. Fifty per cent (50%) of the proceeds of the community tax collected by the barangay treasurer upon prior deputation by the City/ Municipal Treasurer shall accrue to the barangay where the tax is collected. (Sec. 164c)
2. Proceeds of real property tax shall be as follows:
 - In the case of provinces, twenty-five per cent (25%) of the RPT shall accrue to the barangay where the property is located. (Sec. 271-a3)
 - In the case of cities, thirty per cent (30%) of the RPT shall be distributed among the component barangays of the cities where the property is located in the following manner:
 - a. 50% shall accrue to the barangay where the property is located.
 - b. 50% shall accrue equally to all remaining component barangays (Sec. 271-b2).

- In case of municipalities within Metro Manila area, thirty per cent (30%) of the RPT shall be distributed among the component barangays of the municipality where the property is located in the following manner: (Sec. 271-c3)
 - a. 50% shall accrue to the barangay where the property is located.
 - b. 50% shall accrue equally to all remaining component barangays.
3. The barangay shall be entitled to forty per cent (40%) of the proceeds collected by the province or city out of the sand, gravel and other quarry materials extracted from the barangay concerned.

Q. *What are the shares of the barangay in the proceeds of taxes collected by the national government?*

A. The following are the shares of barangays from the national government:

- Twenty per cent (20%) of the internal revenue allotment share
- Thirty five per cent (35%) of the forty per cent (40%) of the gross collection derived by the national government from the utilization of national wealth.

B. Budgeting

Q. *What is the composition of the barangay budget?*

A. The barangay budget consists of two parts, namely:

- Income portion
- Expenditure portion

BUDGET PREPARATION

Q. *Who prepares the barangay budget?*

A. The Punong Barangay.

Q. *When shall the Punong Barangay prepare the budget?*

A. Upon receipt of the statement of income and expenditure from the Barangay Treasurer per Section 331 (a), LGC.

Q. *What shall the Punong Barangay do with his prepared budget?*

A. He shall submit the Executive Annual Barangay Budget to the Sangguniang Barangay for enactment of the corresponding annual appropriation ordinance.

LIMITATIONS ON BUDGETARY APPROPRIATIONS

Q. *What are the limitations on the budgetary appropriations?*

A. The limitations are:

1. The aggregate amount of the proposed barangay budget shall not exceed the estimates of income for the ensuing calendar year (Sec. 324a).
2. The budget shall provide for statutory and contractual obligations of the barangay provided that the amount of appropriation for debt servicing shall not exceed twenty percent (20%) of the regular income of the barangay (Sec. 324b).
3. The budget shall not provide for per diems, wages or salaries and other compensation in excess of those provided for under existing laws, executive orders and DBM issuances.
4. The total annual appropriations for personal services of a barangay for one (1) fiscal year shall not exceed fifty-five per cent (55%) of the total annual income actually realized from local sources during the next preceding fiscal year (Sec. 331b).
5. The budgetary requirements under Sec. 324 must be strictly complied with.

EFFECT OF FAILURE TO PASS BUDGET (Sec. 323)

- Q.** *What budget will the barangay use if the Sangguniang Barangay fails to approve the budget for the ensuing year?*
- A.** The budget for the preceding calendar year shall be deemed re-enacted and shall be the one used by the barangay.

SUPPLEMENTAL BUDGET (Sec. 321)

Q. *Is the Sangguniang Barangay allowed to enact supplemental budgets?*

A. Yes, provided they are prepared and adopted in the manner that the annual budget is prepared and adopted. Provided further that the barangay cannot pass supplemental budget if it has no annual budget yet.

Q. *What are the conditions of enactment of supplemental budget?*

A. The following are the conditions of enactment of supplemental budget;

1. There is already an approved Annual Barangay Budget. (Sec 323, Second Par.)
2. When funds are actually available as certified by the local treasurer
3. New revenue sources
4. In times of public calamity

EFFECTIVITY OF BARANGAY BUDGET (Sec. 332)

Q. *When does the barangay budget take effect?*

A. The barangay budget approved by the Sangguniang Barangay shall be operative and in full force and effect at the beginning of the ensuing calendar year.

REVIEW OF BARANGAY BUDGET (Sec. 333)

Q. *Who reviews the barangay budget as approved by the Sangguniang Barangay?*

A. The Sangguniang Panlungsod/Bayan shall review the barangay budget within ten (10) days from its approval. The barangay budget shall be submitted to the Sangguniang Panlungsod/Bayan for review, through the city/municipal budget offices.

Q. *Why is the budget submitted to the Sangguniang Panlungsod/Bayan through the budget officer for review?*

A. To see to it that the statutory and contractual obligations of the barangay are provided for in the budget, that the budget does not exceed the estimated tax receipts and/or income of the barangay duly certified as collectible by the city/municipal treasurer, and that the terms of appropriations are not more than those provided by laws and executive orders. It shall likewise look into if the mandatory budgetary requirements under Sec. 324 of the LGC and other budgetary requirements provided for by rules and regulations of national agencies such as DBM and DILG were duly complied with.

EFFECT OF DEFECTIVE BUDGET (SEC. 333, LGC)

Q. *What happens if the city/municipal sanggunian finds that the budget does not follow the above requirements?*

A. If the budget contains appropriation in excess of the budget of the estimates duly certified as collectible by the city/municipal treasure or that the statutory or contractual obligation of the barangay are not included, the budget shall be declared inoperative in its entirety.

Q. *What will the city/municipal sanggunian do in case they find the barangay budget does not follow the requirement?*

A. If within sixty (60) days after the receipt of the barangay budget ordinance, the city/municipal sanggunian finds the budget defective, they shall return the budget to the Punong Barangay through the Budget Officer, with the advice that proper adjustment be made on the budget. Meanwhile, disbursements made based on the submitted budget shall immediately be suspended. Accordingly, the previous year's budget will be used as re-enacted budget until the Sangguniang Barangay shall have made the necessary adjustments.

EFFECT OF NON-ACTION OF SANGGUNIANG PANLUNGSOD /BAYAN (Sec. 333a)

Q. *Suppose no action is taken by the sanggunian concerned?*

A. If within sixty (60) days after the receipt of the ordinance, the sanggunian concerned takes no action thereon, the budget shall be considered to have been passed in accordance with law and shall continue in full force and effect.

C. Financial Management

Q. *Where should the financial records of the barangay be kept?*

A. In the office of the City/Municipal Accountant (Sec. 333C, LGC).

Q. *What are the requirements before any financial transaction can be made in the barangay?*

A. The Punong Barangay and the Barangay Treasurer should be bonded.

Q. *Who determines the amount of bond of the Barangay Treasurer*

A. The Sangguniang Barangay but the bond shall not exceed ten thousand pesos (P10,000.00).

Q. *Who pays the premium for the bond of the treasurer? Punong Barangay?*

A. The Barangay.

DISBURSEMENT OF FUNDS (Sec. 336)

Q. *How shall the treasurer disburse the funds of the barangay?*

A. The treasurer shall see to it that:

1. The disbursement is authorized under a law or under the annual or supplemental budget;

2. The voucher is signed by the payee and approved by the Punong Barangay;
3. That funds are available in the Barangay Treasury; and
4. Auditing rules and regulations are complied with.

Q. *May the barangay treasurer be authorized to make direct purchases?*

A. Yes, the Barangay Treasurer may be authorized by the Sangguniang Barangay to make direct purchases not in excess of P1,000.00 at any time for ordinary and essential needs of the barangay.

Q. *Is the Barangay Treasurer authorized to maintain petty cash?*

A. Yes, provided the amount of petty cash is not more than 20% of the funds available and to the credit of the Barangay Treasurer.

Q. *Is the treasurer required by law to keep a book of accounts and other financial records?*

A. Yes.

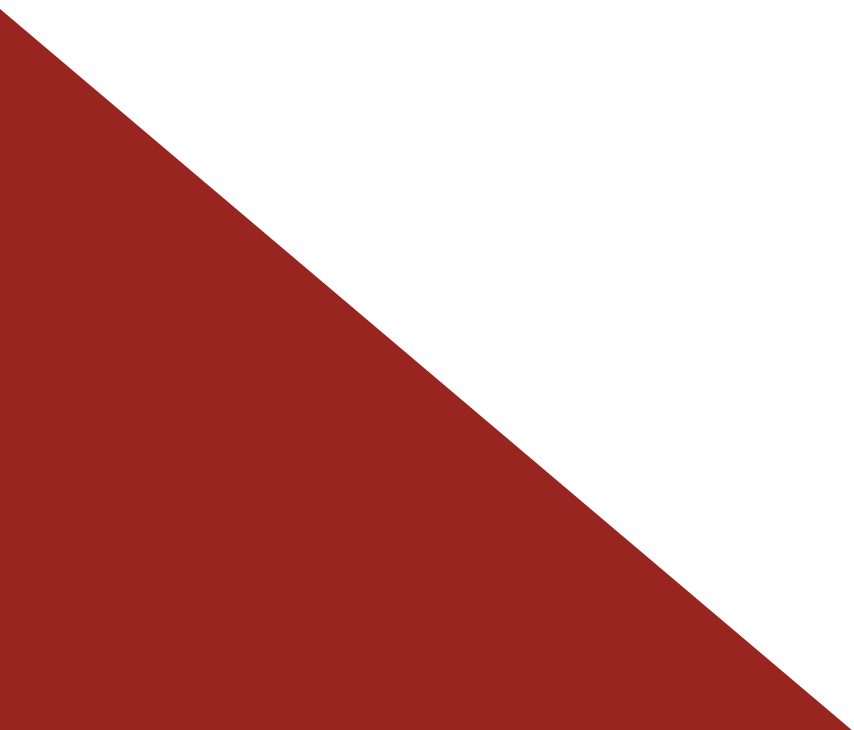
AUDIT OF BARANGAY FUNDS (Sec. 334c)

Q. *Who shall audit the barangay funds?*

A. The representative of the Commission on Audit (COA) shall audit the barangay funds annually or as often as necessary.

Q. *To whom does the COA representative report the result of the audit of the barangay funds?*

A. To the Sangguniang Panlungsod/ Bayan as the case may be.



SPECIAL CONCERNS 11

A. **R.A. 9262 or Anti-Violence Against Women and their Children Act of 2004**

Q. *What is the Anti-Violence Against Women and their Children Act of 2004 (Anti VAWC) or RA 9262?*

A. It is the law penalizing acts of violence against women and their children as a public crime. These acts include physical violence, sexual violence, psychological violence and economic abuse.

These acts are punishable even if committed outside the house.

Q. *What is violence against women and their children or “VAWC” under the law?*

A. VAWC refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship or with whom he has a common child, or against her child whether legitimate or illegitimate, inside or outside the family residence, which result or slightly to result in physical, sexual, psychological harm or suffering or economic abuse. It includes threats of the above acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

Q. What is a Protection Order?

A. A Protection Order, is an order issued under the Act for the purpose of preventing further acts of violence against a woman or her child specified in Section 7 of the IRR and granting other necessary relief.

Q. What is a Barangay Protection Order or BPO?

A. A BPO refers to the Protection Order issued by the Punong Barangay or if the PB is unavailable, by Kagawad ordering the offender to desist from committing or threatening physical harm to the victim. It is effective for 15 days and is not extendible.

Q. How does a victim get a BPO?

A. She or her child can go to the PB or if he/she is not available to any kagawad and apply for a BPO. The application must be in writing, signed and under oath. It shall be attested before the PB who has jurisdiction over the application.

The PB or Kagawad must issue the BPO on the same day of application, immediately upon the conclusion of the exparte proceedings.

Q. What should the barangay officials do when the victim applies for a BPO?

A. Barangay officials should:

1. Assist her in writing her application. If there is no notary public or it is an emergency, have the applicant take an oath before the PB that her statements are true.

2. Ask the questions on the “salaysay” or statement of the applicant. Be sure the date of commission of the offense, place and specific circumstances are in the statement.

Q. *Can the barangay official mediate or conciliate?*

A. No. Conciliation and mediation of acts of violence against women and their children are not allowed under this law (Sec. 33 RA 9262). RA 9262 amended Sections 410 to 413 of the Local Government Code.

The barangay officials, police or social workers should not attempt to mediate or influence the woman to give up her legal action or application for a BPO, TPO or PPO.

Q. *What are the duties of barangay officials and law enforcers?*

A. The duties of barangay officials and law enforcers are:

1. Enter the house of the victim, if necessary, whether or not a BPO or TPO has been issued and ensure the safety of the victim.
2. Confiscate any deadly weapon in the possession of the perpetrator or within plain view.
3. Arrest the offender even without a warrant when the act is being committed, or they have personal knowledge that the abuse has just been committed.
4. Transport or escort the victim to a safe place of their choice or to a clinic or hospital.
5. Assist victim in getting personal belonging from the house and ensure the enforcement of POs issued by the barangay or by the courts.

B. Barangay VAW Desk

Q. *What is a Barangay VAW Desk?*

A. A Barangay VAW Desk is a physical facility that addresses VAW cases in a manner that is gender-sensitive. Managed by a person designated by the Punong Barangay, it is where the victim-survivor can immediately go to seek help.

Q. *Why establish a Barangay VAW Desk?*

A. To ensure that VAW cases brought to the barangay can be responded immediately.

Q. *What is the legal basis for the establishment of the Barangay VAW Desk?*

A. Section 12 D, Rule IV of the Rules and Regulations Implementing the Magna Carta of Women provides for the establishment of a VAW Desk in every barangay.

Q. *What are the functions of the Barangay VAW Desk Person/Officer?*

A. The functions of Barangay VAW Desk Person/Officer are as follows:

1. Respond to gender-based violence cases brought to the barangay;
2. Record the number of gender-based violence handled by the barangay;

3. Keep VAW case records confidential and secured, and ensure that only authorized personnel can access it;
4. Assist victims of VAW in securing Barangay Protection Order (BPO) and access necessary services;
5. Develop the barangay's gender responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
6. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary
7. Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups;
8. Lead advocacies on the elimination of VAW in the community; and
9. Perform other related functions as may be assigned.

C. **Barangay Human Rights Action Center (BHRAC)**

Q. *What is a Barangay Human Rights Action Center (BHRAC)?*

A. It is a facility maintained by the Barangay Human Rights Action Officer (BHRAO). It is the barangay or village's information and education center on human rights and the center for receiving complaints and preservation of initial evidences of human rights violations.

Q. *Why establish a BHRAC?*

A. To empower and mobilize community-based human rights advocates to take up the cudgels for human rights promotion and protection by themselves, and the same time, to bring the services of the Commission on Human Rights (CHR) to the grassroots level.

Q. *What are the functions/services of the BHRAC?*

A. The BHRAC has two main functions/services, namely:

1. Complaints Referral

The BHRAO is primarily (at the very least) tasked to receive complaints of “alleged” human rights violation and refer the same to the nearest CHR regional or sub-office for investigation.

2. Awareness-Raising on Human Rights

The BHRAO is tasked to coordinate with the CHR Regional offices in the conduct of seminars, trainings, symposia and other human rights information and education activities. He/She is also tasked to mobilize the community for the education and develop human rights advocates within the barangay.

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