

SEVENTEENTH CONGRESS
CONGRESS OF THE PHILIPPINES
First Regular Session
HOUSE OF REPRESENTATIVES



House Bill No. 3845

Introduced by REPRESENTATIVE PIA S. CAYETANO

EXPLANATORY NOTE

Republic Act No. 7160, otherwise known as "The Local Government Code of 1991," as amended, was enacted precisely to breathe life into the constitutional mandate of local autonomy by establishing a more responsive and accountable local government structure instituted through an efficient system of decentralization. Essentially, this system is geared towards empowering local government units to achieve their full development as self-reliant communities, making them more effective and meaningful partners in the attainment of the nation's goals.

Being the basic political unit, the barangays serve 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" (Section 384 of the Local Government Code). As such, it is the country's ultimate front-liner in the provision of a broad range of basic services to the community, as well as in the delivery to the citizenry of their first taste of the fruits of local public service.

In this sense, the creation of barangays, upon proper compliance with the requirements set by the Constitution and Local Government Code, thus only serves to bolster the capability of local governments to efficiently and effectively perform their respective functions, duties and responsibilities in the name of autonomy, decentralization and national growth and prosperity.

Further, the policy of establishing, protecting and enhancing fiscal autonomy on all levels of local governance is integral to the proper exercise of local government functions. This policy refers not just to the power to allocate one's resources in accordance with one's priorities but also the power to create one's own sources of revenue *in addition to* one's equitable share in the national taxes released by the central government.

Section 6, Article X of the Constitution states: "Local government units shall have a just share, as determined by law, in the national taxes which shall be automatically released to them." The Internal Revenue Allotment (IRA) as incorporated in the general appropriations law enacted annually by the legislature is the "just share" contemplated by the constitutional mandate. Therefore, it is clearly an indispensable component in the grant of meaningful and true fiscal autonomy to

local government units. Further, Sec. 25 of RA 7160 bolsters the Constitutional grant of a just share of LGUs in the IRA.

Thus, this bill seeks to invoke the 1987 Constitution and RA 7160 by allowing Barangay New Lower Bicutan to be entitled to a just share from the national taxes.

Barangay New Lower Bicutan, located within the City of Taguig, Metro Manila, is one such barangay excluded from a share in the IRA. It has a land area of One Hundred Six Thousand One Hundred square meters (106,100 sq. m.), more or less, and a population of Forty-One Thousand Seven Hundred and Eight (41,708). It is bounded on the North East by M.R.T. Avenue (formerly Pio Felipe Street); on the East and South East, by Laguna de Bay; on the South, by Teodoro Santos Street, Taguig Bethel Temple, Lots 350, 50 and 249 PLS 272; and on the West and North West by Barrameda Street, Maguindanao Street, Alfredo Cruz Street, Transmission Line, and Barangay Signal Village Proclamation No. 172 Psd-13-002057. Having thus complied with the requisites prescribed under Section 386 of the Local Government Code and the plebiscite requirement contained in Section 10, Article X of the Constitution, it was separated from the original Barangay Lower Bicutan, and created as a separate barangay by the City Government of Taguig, acting through the Sangguniang Panlungsod, under City Ordinance No. 69-2008 approved on September 15, 2008. Its corporate existence began on October 25, 2010 when its first set of regular officials was elected, pursuant to Section 14 of the Local Government Code.

In view of these considerations, and in the face of resonating and unified public clamor for a clear and immediate legislative remedy to the matter at hand, the immediate approval of this bill is highly and earnestly sought.

Pia S. Cayetano
PIA S. CAYETANO
2nd District of Taguig City

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AN ACT
CREATING A BARANGAY TO BE KNOWN AS BARANGAY NEW LOWER
BICUTAN IN THE CITY OF TAGUIG, METRO MANILA

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

1 **SECTION 1. *Creation of Barangay New Lower Bicutan.*** – New Lower
2 Bicutan Proper in Barangay Lower Bicutan, City of Taguig, Metro Manila is hereby
3 separated from Barangay Lower Bicutan and constituted into a distinct and
4 independent barangay to be known as Barangay New Lower Bicutan.

5 **SEC. 2. *Territorial Boundaries.*** – The territorial boundaries of Barangay
6 New Lower Bicutan shall consist of permanent natural boundaries identified as
7 follows:

8 “Bounded on the Northeast by M.R.T. Avenue (formerly Pio Felipe Street);

9 On the East and Southeast by Laguna de Bay;

10 On the South Teodoro Santos Street, Taguig Bethel Temple, Lots 350, 50 and
11 249 PLS 272; and

12 On the West and Northwest by Barrameda Street, Maguindanao Street,
13 Alfredo Cruz Street, Transmission Line, and Barangay Signal Village Proclamation
14 No. 172 Psd-13-002057.”

1 **SEC. 3. *Conduct and Supervision of Plebiscite.*** – The plebiscite conducted
2 and supervised by the Commission on Elections (COMELEC) in Barangay Lower
3 Bicutan pursuant to City Ordinance No. 69, Series of 2008 of the Sangguniang
4 Panlungsod of the City of Taguig, which ratified the creation of Barangay New Lower
5 Bicutan as proclaimed by the City Board of Canvassers on December 28, 2008 shall
6 serve as substantial compliance with the plebiscite requirement under Section 10 of
7 Republic Act No. 7160, as amended, otherwise known as the "Local Government
8 Code of 1991".

9 **SEC. 4. *Incumbent Barangay Officials.*** - The incumbent barangay officials
10 of Barangay New Lower Bicutan, City of Taguig shall continue to hold office until
11 such time that their successors have been duly elected and qualified.

12 **SEC. 5. *Public Infrastructures and Facilities.*** – All existing public
13 infrastructures and facilities for public use existing therein at the time of the approval
14 of this Act are hereby transferred without cost or compensation to and shall be
15 administered by the new barangay.

16 **SEC. 6. *Internal Revenue Allotment Shares.*** – Barangay New Lower
17 Bicutan shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to
18 Section 285 of Republic Act No. 7160, as amended, otherwise known as the "Local
19 Government Code of 1991".

20 **SEC. 7. *Separability Clause.*** – If, for any reason, any part or provision of this
21 Act is declared unconstitutional or invalid, other parts or provisions hereof which are
22 not affected thereby shall continue to be in full force and effect.

23 **SEC. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in any newspaper of general circulation.

Approved,