

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH (18TH) CONGRESS
First Regular Session

House Bill No. 349

Introduced by REPRESENTATIVE MARIA LAARNI L. 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 the 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 Fort Bonifacio to be entitled to a just share from the national taxes.

Barangay Fort Bonifacio, 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 Sixty Two Thousand Six Hundred (162,600 sq.m.), more or less, and a population of Twenty Four Thousand One Hundred and Sixty Five (24,165). It is bounded on the North and North East by J.P. Rizal Ave. Ext., swo-13-000338 amd. (Makati Cadastre) and Barangay West Rembo (Makati Cadastre); on the North West, by South Cembo, Maricaban Creek and Forbes Park (Makati Cadastre); on the East, by Barangay Pembo (Makati Cadastre) and the Mckinley Hills Perimeter Fence; on the South, by Mega World Corp., Mckinley Road and Lawton Avenue and on the West, by the Manila Railroad Company. 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 Western Bicutan and created as a separate barangay created by the City Government of Taguig, acting through the Sangguniang Panlungsod, under City Ordinance No. 68-2008 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.



MARIA LAARNI L. CAYETANO
Representative
Second District, City of Taguig

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Introduced by REPRESENTATIVE MARIA LAARNI L. CAYETANO

**AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY FORT
BONIFACIO IN THE CITY OF TAGUIG, METRO MANILA**

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

SECTION 1. *Creation of Barangay Fort Bonifacio.* – Fort Bonifacio Proper in Barangay Western Bicutan, City of Taguig, Metro Manila is hereby separated from Barangay Western Bicutan and constituted into a distinct and independent barangay to be known as Barangay Fort Bonifacio.

SEC. 2. *Territorial Boundaries.* – The territorial boundaries of Barangay Fort Bonifacio shall consist of permanent natural boundaries identifies as follows:

“Bounded on the North and North East by J.P. Rizal Ave. Ext., swo-13-000338 amd. (Makati Cadastre) and Barangay West Rembo (Makati Cadastre);

On the North West, by South Cembo, Maricaban Creek and Forbes Park (Makati Cadastre);

On the East, by Barangay Pembo (Makati Cadastre) and the Mckinley Hills Perimeter Fence;

On the South, by Mega World Corp., Mckinley Road and Lawton Avenue; and

On the West, by the Manila Railroad Company.”

SEC. 3. *Conduct and Supervision of Plebiscite.* – The plebiscite conducted and supervised by the Commission on Elections (COMELEC) in Barangay Western Bicutan pursuant to City Ordinance No. 68, Series of 2008 of the Sangguniang Panlungsod of the City of Taguig, which ratified the creation of Barangay Fort Bonifacio as proclaimed by the City Board of Canvassers on December 28, 2008 shall serve as substantial compliance with the plebiscite requirement under Section 10 of Republic Act No. 7160, as amended, otherwise known as “The Local Government Code of 1991”.

SEC. 4. *Incumbent Barangay Officials.* – The incumbent officials of Barangay Fort Bonifacio, City of Taguig shall continue to hold office until such time that their successors shall have been duly elected and qualified.

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

SEC. 6. *Internal Revenue Allotment Shares.* – Barangay Fort Bonifacio shall be entitled to Internal Revenue Allotment (IRA) shares pursuant to Section 285 of Republic Act No. 7610, as amended, otherwise known as the “Local Government Code of 1991”.

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

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

Approved,