



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 1903



INTRODUCED BY REPRESENTATIVE ROMEO S. MOMO, SR.

AN ACT
CREATING A BARANGAY IN THE MUNICIPALITY OF CARMEN, PROVINCE OF
SURIGAO DEL SUR, TO BE KNOWN AS BARANGAY HINAPOYAN

Explanatory Note

Section 6 of Republic Act 7160, otherwise known as the Local Government Code of 1991, authorizes the Sangguniang Panlalawigan and Sangguniang Panlungsod to create barangays in their respective territorial jurisdiction, through the enactment of appropriate ordinances, subject to the limitations and requirements prescribed by the Code. This power is designed to enhance local autonomy, and recognition of the fact that the respective Sanggunians are in a better position to chart the destiny of their local units.

This power is likewise recognized under Section 385 of the Code, which provides that barangays, whether created by law passed by Congress or through ordinance of the Sangguniang Panlalawigan or Panlungsod, shall be subject to approval by a majority of the votes cast in a plebiscite to be conducted by the COMELEC in the local government unit or units directly affected within such period of time as may be determined by the law.

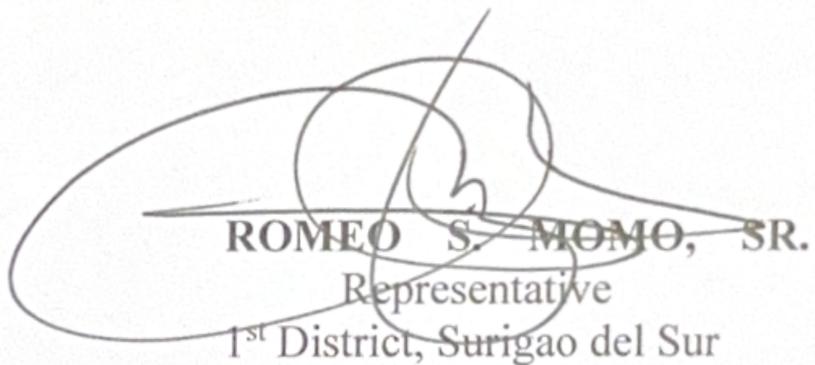
Section 285 of the Code, however, mandates that "the financial requirements of barangays created by local government units after the effectivity of this Code **shall be the responsibility of the local government unit concerned.**" Accordingly, the local government unit creating the barangay has the corresponding obligation to financially support the newly established local government units.

The sad reality however, is that barangays created by the Sanggunians have received a meager amount of annual budgetary allocation from the local government

unit which created them, which in this case Barangay Hinapoyan is only receiving and annual budget of **ONE MILLION AND FIVE HUNDRED THOUSAND PESOS (Php 1,500,000.00)** from the Municipality of Carmen and **TWO HUNDRED THOUSAND PESOS (Php 200,000.00)** from the Province of Surigao del Sur. This results to poor delivery of basic services due to lack of financial resources that should have been used to fund various programs and projects in the said barangay.

It is unfortunate that the funding allocation of the barangays created by Sanggunian is grossly incomparable to the Internal Revenue Allotment of the other existing barangays created by law, thereby creating a disparate classification between these two classes of barangays.

Thus, in order to address this inequitable situation and to secure the entitlement of Baranagay Hinapoyan to a share in the Internal Revenue Allotment, the approval of this bill is earnestly requested.



ROMEO S. MOMO, SR.
Representative
1st District, Surigao del Sur



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DEL SUR, TO BE KNOWN AS BARANGAY HINAPOYAN

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

1 **SECTION 1. *Creation of Barangay Hinapoyan.*** – There is hereby created a barangay in
2 the Municipality of Carmen, Province of Surigao del Sur, to be known as Barangay Hinapoyan.

3
4 **SEC. 2. *Territorial Boundaries.*** – The territorial boundaries of Barangay Hinapoyan are
5 hereby described as follows:

6 *“From a point at a junction of Da-an and Buya-an River marked as Corner 1, thence*
7 *following Buya-an River going upstream until it intersects municipal boundary of Madrid and*
8 *Carmen to Monte Kinaputi-an marked as Corner 2; thence following provincial boundary of the*
9 *Province of Surigao del Sur and Agusan del Norte until it intersects municipal boundary between the*
10 *Municipalities of Carmen and Lanuza marked as Corner 3; thence following the municipal boundary*
11 *line of Carmen and Lanuza until it reaches the bank of Agasan River marked as Corner 4; thence*
12 *following Agasan River upstream until it intersects the junction of Tugopon Creek and Agasan River*
13 *marked as Corner 5; thence in a northeasterly direction with distance of 3,300 meters until it*
14 *intersects Da-an River marked as Corner 6; thence following Da-an River downstream until it*
15 *intersects Corner 1 at the point of beginning.”*

16
17 **SEC. 3. *Conduct and Supervision of Plebiscite.*** – The plebiscite conducted and supervised
18 by the Commission on Elections pursuant to *Sangguniang Panlalawigan Ordinance No. 70-89,*
19 which was duly ratified and proclaimed by the Plebiscite Board of Canvassers shall serve as

1 substantial compliance with the plebiscite requirement under Section 10 of Republic Act No. 7160,
2 as amended, otherwise known as the Local Government Code of 1991.

3
4 **SEC. 4. *Incumbent Barangay Officials.*** – The incumbent elected barangay officials of
5 Barangay Hinapoyan shall continue to hold office until such time that their successors have been
6 duly elected and qualified.

7
8 **SEC. 5. *Public Infrastructures and Facilities.*** – All public infrastructures and facilities
9 existing therein at the time of the approval of this Act are hereby transferred without cost or
10 compensation to and shall be administered by the new barangay.

11
12 **SEC. 6. *National Tax Allotment Shares.*** – Barangay Hinapoyan shall be entitled to National
13 Tax Allotment shares pursuant to Section 285 of the Local Government Code of 1991, as amended.

14
15 **SEC. 7. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations
16 which are inconsistent with this Act are hereby repealed or modified accordingly.

17
18 **SEC. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
19 *Official Gazette* or in a newspaper of general circulation.

Approved,