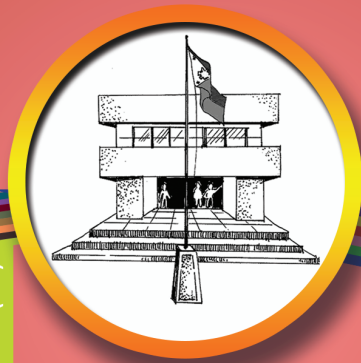


BARANGAY-BASED MECHANISMS



Barangay Local GAD Focal Point System

Barangay Nutrition Committee (BNC)

Barangay Peace and Order Committee (BPOC)

Barangay Physical Fitness and Sports Development Council (BPFSDC)

Barangay Violence Against Women (VAW) Desk

Bids and Awards Committee (BAC)

Lupong Tagapamayapa

Sangguniang Kabataan (SK)

Barangay Human Rights Affairs Center (BHRAC)

Barangay Fisheries and Aquatic Resource Management Council (BFARMC)

Barangay Ecological Solid Waste Management Committee (BESWMC)

Barangay Disaster Risk Reduction Management Council (BDRRMC)

Barangay Development Council (BDC)

Barangay Council for the Protection of Children (BCPC)

Barangay Anti-Drug Abuse Council (BADAC)

Barangay Agrarian Reform Council (BARC)

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BARANGAY-BASED MECHANISMS



SALIGAN

SENTRO NG ALTERNATIBONG LINGAP PANLEGAL

MISEREOR
Katholische Zentralstelle für Entwicklungshilfe e.V.

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Introduction

The Barangay, as the nearest government to the people, is readily available and within reach of mostly all Filipinos. It is considered as a forum wherein the collective views of the people may be expressed, crystallized and considered through consultations with the marginalized and the disadvantaged groups. Its barangay officials act as the first responders of governance in the delivery of basic services and the promotion of general welfare. As a basic political unit, it remains an arena for meaningful change. The barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community. This is made possible through different committees, councils or boards, or simply, mechanisms that create a multi-sectoral relationship with the people.

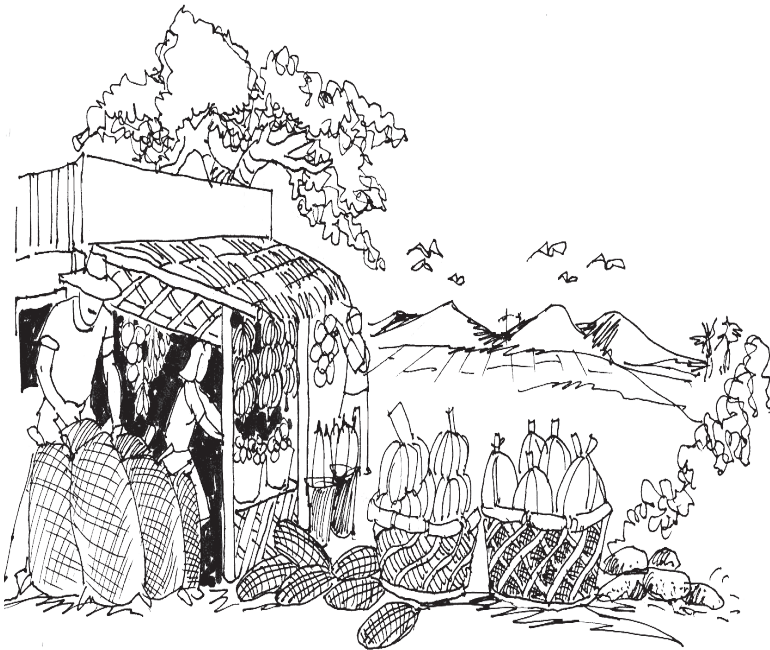
The barangay-based mechanisms play a significant role in the over-all development of every barangay. In its desire to address so many concerns and to cause progress at the barangay level, the government initiated the creation of barangay-based development mechanisms. This has led to confusion, overlapping of functions, material and financial resources, uneconomical utilization of human and undue burden to barangay officials. As a result, these institutions became non-functional. To ensure that this altruistic government initiative is felt by the people, there is an apparent need to capacitate our barangays to be able to succeed in this aspect.

Through this Primer, we look forward to better governance by the public officials through the process of engaging with the citizens and members of the community and seeking to promote volunteerism, deliberation and partnerships. This helps to identify the established participatory mechanisms and structures, mostly chaired by the Punong Barangay, at the barangay level. In particular, strengthening the operational effectiveness of barangay-based institutions is an ideal. This, too, can also be a guide to civil society groups, people's and non-governmental organizations, and other partners, in fulfilling the mandate of the Local Government Code and its IRR, for them to become active partners in the pursuit of local autonomy.

Barangay Agrarian Reform Council (BARC)

1

The Comprehensive Agrarian Reform Program's (CARP) implementation necessitates active participation of farmers, farmworkers, landowners as well as cooperatives and other independent farmer's organization in the planning, organization and management of the program. The institution of Barangay Agrarian Reform Council (BARC) through E.O. 229, and subsequently affirmed in R.A. 6657, realizes the mechanism for grassroots participation in the CARP implementation. The BARC has been indispensable in the program implementation for the past twenty-two (22) years. With the enactment of the R.A. 9200, the critical role of BARC is re-emphasized under Section 2 of its Declaration of Principles and Policies which contemplates on community-based program implementation.



1. What is Barangay Agrarian Reform Council (BARC)?

Answer: The BARC shall be a multi-sectoral body that enables the community to participate actively in CARP implementation, specifically on the major program components - the Land Tenure Improvement (LTI), Program Beneficiaries Development (PBD) and the Agrarian Justice Delivery (AJD). It shall operate on self-help and voluntary service.

2. Who are the members of Barangay Agrarian Reform Council?

Answer: The Barangay Agrarian Reform Council (BARC) is composed of (11) member-representatives:

- (a) Representative/s of farmers and farmworkers beneficiaries;
- (b) Representative/s of farmers and farmworkers non- beneficiaries;
- (c) Representative/s of agricultural cooperatives;
- (d) Representative/s of other farmer organizations;
- (e) Representative/s of non-government organizations (NGOs);
- (f) Representative/s of landowners;
- (g) Representative of the Barangay Council;
- (h) DA Official assigned to the barangay;
- (i) DENR official assigned to the area;
- (j) DAR Agrarian Reform Technologist to the area who shall act as Secretary; and
- (k) Land Bank of the Philippines representative.

3. Who appoints or elect the members of the BARC?

Six (6) of the aforementioned representatives from (a) to (f) are to be separately elected by sectors concerned together with their respective alternates (1 alternate for each letter). The rest (g-k) shall be designated by their offices.

4. What are the functions of the BARC?

Answer: The following are the functions of BARC:

- (a) Mediate and conciliate between parties involved in an agrarian dispute including matters related to tenurial and financial arrangements;
- (b) Assist in the identification of qualified beneficiaries and landowners within the barangay;
- (c) Attest to the accuracy of the initial parcellary mapping of the beneficiary's tillage;
- (d) Assist qualified beneficiaries in obtaining credit from lending institutions;
- (e) Assist in the initial determination of the value of the land;
- (f) Assist the DAR representatives in the preparation of periodic reports on the CARP implementation for submission to the DAR;
- (g) Coordinate the delivery of support services to beneficiaries; and
- (h) Perform such other functions as may be assigned by the DAR.

5. Is there a period to settle dispute within the jurisdiction of BARC?

Answer: The BARC shall endeavor to mediate, conciliate and settle agrarian disputes lodged before it within thirty (30) days from it taking cognizance thereof.

6. If in case, the parties failed to mediate and settle their dispute?

Answer: The BARC, after the lapse of the thirty-day period, shall issue a certificate of its proceedings and shall furnish a copy thereof upon the parties within seven (7) days after the expiration of the thirty-day period.

The BARC or any member thereof may, whenever necessary in the exercise of any of its functions hereunder, seek the legal assistance of the DAR and the provincial, city, or municipal government.

Barangay Anti-Drug Abuse Council (BADAC)

5

In order to provide a more effective and efficient measures towards preventing and eradicating illegal drug abuse, the government shall pursue intensified and unrelenting campaign against illegal drugs and shall endeavor to secure the assistance of the Local Government Units (LGUs) in drug-clearing operations. The creation of Barangay Anti-Drug Abuse Council (BADAC) is based on the Local Government Code of the Philippines considered as the first line of defense against the proliferation of prohibited drugs in the community.

7. Why is BADAC created?

Answer: BADAC was created to emphasize to local authorities, especially barangay officials, their principal responsibilities in support of overall government efforts to address peace and order, particularly to curb illegal drugs and other substances. They are to work directly with Philippine National Police (PNP), together with Municipal Anti-Drug Abuse Council or MADAC.

8. Who are the members of BADAC?

Answer: Its members primarily consist of barangay officials and barangay sectoral representatives having firsthand information about the members of the community.

9. What is the composition of BADAC?

Answer: It is composed of the following:

Chairman: Punong Barangay

Vice Chairman: Sangguniang Barangay Member – Chairman on Committee of Peace and Order

Members:

- (a) Sangguniang Barangay Member – Chairman On Committee On Women and Family
- (b) Sangguniang Kabataan Chairman
- (c) School Principal (Public, or Principal of any school present in the barangay)
- (d) Tanod Chief / Executive Officer
- (e) Representative of a Non-Government Organization or from Civic Society
- (f) Representative of a Faith-Based Organization (i.e. Ugnayan Ng Barangay At Simbahan or UBAS, or any church-related organization)
- (g) Adviser: City/Municipal Chief of Police or Representative

10. What are the functions of BADAC?

Answer: The functions of BADAC include the following:

- (a) Conduct regular meetings at least once a month and call for special meetings whenever necessary;
- (b) Plan, strategize, implement and evaluate programs and projects on drug abuse prevention in the barangay;
- (c) Organize the BADAC Auxiliary Team to compose an ideal number of 25 members per 2,000 population of the barangay representing streets, puroks, subdivisions, or sitios;
- (d) Orient the BADAC Auxiliary Team of their roles and functions and in the formulation of plan of action to address the problem;
- (e) Equip Barangay Tanods and BADAC Auxiliary Team on their roles and functions in the campaign

against street-level illegal drug trade through seminars or trainings;

- (f) Coordinate and collaborate with other institutions implementing programs and projects on drug abuse prevention at the barangay level;
- (g) Continuously gather and update data on all drug-related incidents and its effects on the peace and order situation in the barangay including listing of suspected drug users and pushers;
- (h) Submit a monthly report to City/Municipal Anti-Drug Abuse Council (C/MADAC), copy furnished to DILG City/Municipal Field Office;
- (i) Refer suspected drug users to C/MADAC and other institutions for corresponding counseling and/or rehabilitation;
- (j) Monitor disposition and progress of drug-related cases filed; and
- (k) Perform other related functions.

Barangay Council for the Protection of Children (BCPC)

8

Pursuant to DILG Memorandum Circular No. 2002-121, dated August 5, 2002, LGUs are encouraged to organize/reorganize their respective LCPCs per provisions of P.D. 603, as amended, and R.A. 8980. The LCPC shall be responsible in planning and spearheading programs for children in the locality with the end in view of making the locality child-friendly.



11. What is LCPC?

Answer: Basically, it is an institutional mechanism in the LGU that facilitates and implements children's programs. It is a council organized in all levels (Province, City, Municipality and Barangay) that serves as the umbrella organization for children's concerns. It is a council expected to be an efficient and effective advocate of child's rights, and implementor of all children's programs in the barangay.

12. What are the Guiding Laws?

Answer: The guiding laws are:

- a. **4 Principles of the UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UN-CRC - Survival, Security/Protection, Development, Participation)** - Adopted on November 20, 1989 by the United Nations General Assembly;
- b. **Child 21 The Philippine National Strategic Framework for Plan Development for Children** - Adopted through E.O. No. 310, signed on November 3, 2000, by Pres. Estrada. It is a successor plan to the Philippine Plan of Action for Children (PPAC). Child 21 was formulated as a 25-year strategic framework for planning, programs and interventions that promote and safeguard the rights of the Filipino children.

13. What are the legal bases?

Answer. The legal bases are:

- (a) **R.A. No. 7610 (SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT)** - Provides for stronger deterrence and special protection against child abuse, exploitation and discrimination and its corresponding penalties;
- (b) **Articles 359 & 360, R.A. No. 386 (CIVIL CODE OF THE PHILIPPINES)** - Provides that the “government shall establish Councils for the Protection of Children”;
- (c) **Article 87, P.D. No. 603 (THE CHILD AND YOUTH WELFARE CODE)** - “Every Barangay Council shall encourage the organization of a Local Council for the Protection of Children and shall coordinate with the Council for the Welfare of Children and Youth in drawing and

implementing plans for the promotion of child's welfare";

- (d) **R.A. No. 8980 (AN ACT PROMULGATING A COMPREHENSIVE POLICY AND A NATIONAL CHILDHOOD CARE AND DEVELOPMENT [ECCD], PROVIDING FUNDS THEREFOR) -** Early Childhood Care and Development (ECCD) System refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development; and
- (e) **DILG Memorandum Circulars.**

14. Who are the members of the BCPC?

Answer: The BCPC may have the following composition:

- (a) The Punong Barangay, who shall act as Chairperson;
- (b) The Chairman of the Sangguniang Kabataan, who shall act as Vice Chairperson;
- (c) A representative of the municipal/city government concerned with the welfare of children, whose area of assignment includes the particular barangay;
- (d) A representative from each of the non-governmental organizations (NGOs) concerned with the welfare of children and operating in the barangay;
- (e) An active responsible member of the community;
- (f) An active member from each of the people's organizations in the barangay;
- (g) A representative from DepED, DOH and Human Rights; and
- (h) A child advocate whose age ranges from 9-14 duly chosen by the barangay officials.

15. What are the functions and responsibilities of BCPC?

11

Answer: The BCPC shall have the following functions:

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

Barangay Development Council (BDC)

12

Section 106 of the Local Government Code of 1991 provides that each local government unit shall have a comprehensive multi-sectoral development plan to be initiated by its development council and approved by its sanggunian. For this purpose, the development council at the provincial, city, municipal, or barangay level, shall assist the corresponding sanggunian in setting the direction of economic and social development, and coordinating development efforts within its territorial jurisdiction.

The Barangay Development Council (BDC) is a planning and coordinative body in the barangays. It is mandated by law to assist the sangguniang barangay in setting the direction of economic and social development and in coordinating development efforts within the barangay.



16. What is Barangay Development Council?

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

17. What is the membership composition of the BDC?

Answer: The BDC is headed by the Punong Barangay as chairperson, with the following members:

- (a) Members of the Sangguniang Barangay;
- (b) Representatives of non-government organizations (NGOs) and people's organizations (POs) operating in the barangay, who shall constitute not less than one fourth (1/4) of the members of the fully organized council; and
- (c) A representative of the congressperson. (Section 107 [a], RA 7160)

18. How shall the NGOs and POs be represented in the BDC?

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

19. What are the functions of BDC?

Answer: The BDC has the following functions:

- (a) Mobilize people's participation in local development efforts
- (b) Prepare barangay development plans
- (c) Monitor and evaluate the implementation of

national and/or local programs and projects, and

- (d) Perform such other functions as may be provided by law or competent authority. (Section 109 [b] of R.A. No. 7160)

20. How often shall the BDC meet?

Answer: The BDC shall meet at least once every six (6) months or as often as may be necessary. (Sec. 110, R.A. No. 7160)

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

Answer: An Executive Committee shall be created by the BDC to represent it and act on its behalf when it is not in session. It is advisable that the representative of the sangguniang barangay in the council's executive committee is the chair of the sanggunian's committee on appropriations. This will facilitate the preparation and approval of the annual and supplemental budgets as barangay budgets have to operationalize the approved barangay development plan. (Section 305[1] of R.A. No. 7160)

22. Who shall compose the Executive Committee of the BDC?

Answer: The council's executive committee is chaired by the Punong Barangay and has two members, namely:

- (a) a representative of the sangguniang barangay
- (b) a representative of the NGOs or POs represented in the council.

23. What are the functions of BDC Executive Committee?

Answer: The barangay development council executive committee shall exercise the following powers and functions:

- (a) Ensure that decisions of the council are faithfully carried out and implemented.
- (b) Act on matters requiring immediate attention or action by the council.
- (c) Formulate policies, plans, and programs based on the general principles laid down by the council.
- (d) Act on any other matter that may be authorized by the council. (Sec. 111[b], R.A. No. 7160)

24. Who else can assist the BDC?

Answer: Sectoral or Functional Committees may be formed by the BDC to assist them in the performance of their functions. (Sec. 112, R.A. No. 7160)

25. What are the functions of BDC Secretariat?

Answer: The BDC Secretariat shall:

- (a) Provide technical support
- (b) Document proceedings
- (c) Prepare reports
- (d) Provide other assistance as may be required.

26. How does the BDC relate to the Sanggunian and Regional Development Council (RDC)?

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

- (a) The policies, programs and projects proposed by the barangay development council shall be submitted to the Sanggunian Barangay for appropriate action;
- (b) The Barangay Development Plan approved by the Sangguniang Barangay concerned may be integrated with the development plans of the city/municipal development council; and
- (c) 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. (Sec 114, R.A. No. 7160)

27. What are the grounds for the reconstitution of the BDC?

Answer: The Punong Barangay determines the need to reconstitute the council based on the following circumstances:

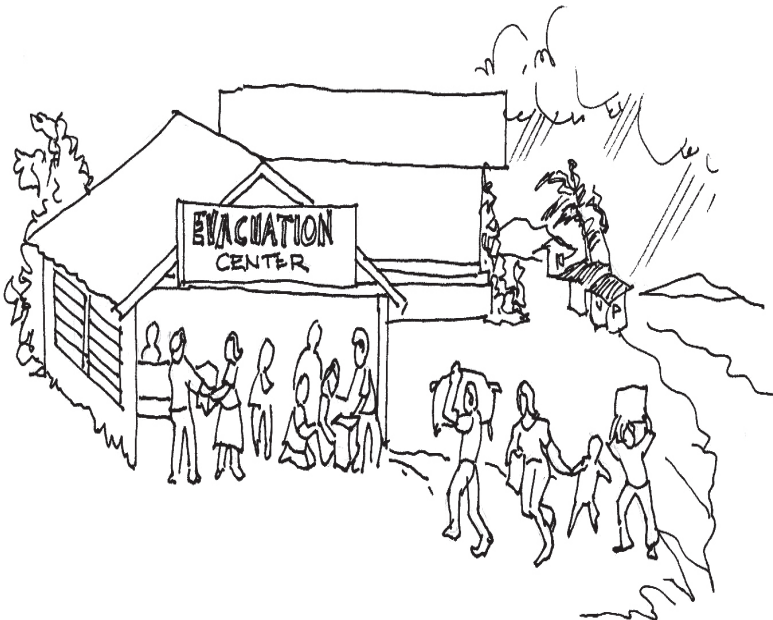
- (a) Changes in the composition of the sangguniang barangay after the election,
- (b) Change of barangay secretary who shall serve as the council's secretariat,
- (c) Performance of NGO and PO representatives in the previous administration, or
- (d) Change of the representative of the congressman.

Barangay Disaster Risk Reduction Management Council (BDRRMC)

17

Republic Act No. 10121 is a law focusing on strengthening the Philippine Disaster Risk Reduction and Management System. It granted local government units (LGUs) greater flexibility towards disaster mitigation, preparation, response, rehabilitation and recovery. It aims to achieve a paradigm shift from reactive to proactive approach in disaster risk reduction and management.

The Philippines remains to be one of the most vulnerable countries. Disasters are becoming more complex, frequent and unpredictable in terms of occurrence, scope and magnitude. Disasters are now referred to as the “new normal”, and as such it can no longer be managed single-handedly and in isolation. What used to be a concern of only a few before, is now the concern of everyone – from the individual, the families, to the local, sub-national, and national institutions, up to regional and global organizations.



28. What is BDRRMC?

Answer: At the barangay level, the Barangay Disaster Risk Reduction and Management Councils (BDRRMC) shall be established. As the “first responder”, the BDRRMC is mandated to implement R.A. No. 10121. The BDRRMC shall be a regular committee of the Barangay Development Council (BDC). The Punong Barangay shall facilitate and ensure the participation of at least two Civil Society Organization (CSO) representatives from existing and active community-based people’s organizations (POs) representing the most vulnerable and marginalized groups in the barangay.

29. What happens when a disaster strikes?

Answer: A State of Calamity can be declared so that disaster response can be coordinated, remedial measures can be taken, and the Quick Response Fund can be used to provide assistance to those affected.

30. How will BDRRMC coordinate during a disaster?

Answer: The BDRRMC takes the lead in preparing for, responding to, and recovering from the effects of any disaster based on the criterion that one (1) barangay is affected as determined by the BDC.

31. What are the functions and responsibilities of the BDRRMC?

Answer: The Local Disaster Risk Reduction and Management Office (LDRRMO) and a BDRRMC, within their territorial jurisdictions, shall be responsible for setting the direction, development, implementation, and coordination of disaster risk reduction and management programs, and shall perform the following functions and those that may be authorized by the Local Disaster

Risk Reduction and Management Council (LDRRMC): DRRM Research and Planning

- (a) Design, program, and coordinate DRRM activities, consistent with the NDRRMC's standards and guidelines;
- (b) Facilitate and support risk assessments and contingency planning activities at the local level;
- (c) Consolidate local disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain a local risk map;
- (d) Conduct research and development initiatives on DRRM;
- (e) Formulate and implement a comprehensive and integrated Local DRRM Plan (LDRRMP) in accordance with the national, regional, and provincial framework, and policies on DRR in close coordination with the Local Development Council (LDC);
- (f) Prepare and submit to the Local Sanggunian through the LDRRMC and the LDC the annual LDRRMO Plan and budget the proposed programming of the LDRRMF, other dedicated DRRM resources, and other regular funding sources and budgetary support of the LDRRMO or BDRRMC;
- (g) Maintain a database of human resource and their capacities, equipment, directories, and location of critical infrastructures such as hospitals and evacuation centers;
- (h) Serve as the Secretariat and executive arm of the LDRRMC;

- (i) Recommend through the LDRRMC the enactment of local ordinances consistent with RA 10121;
- (j) Prepare and submit, through the LDRRMC and the LDC, the report on the utilization of the LDRRMF and other dedicated DRRM resources to the local COA, copy furnished the regional director of the Office of Civil Defense (OCD) and the local government operations officer of the DILG;
- (k) Involve the most vulnerable sectors (women, children, senior citizens, and PWD) in risk assessment and planning.

Barangay Ecological Solid Waste Management Committee (BESWMC)

21

The Ecological Solid Waste Management Act of 2000 (R.A. No. 9003) was passed by the Congress and Senate in 2000 and signed by the President on January 26, 2001. The National Solid Waste Management Commission was established under the Office of the President. The Commission is tasked to oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of the Act.

Sections 11 and 12 of R.A. No. 9003 enjoined the creation of 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. No. 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.

32. What is “ecological solid waste management”?

Answer: It shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.

33. Who are the members of BESWMC?

Answer: The members of the BESWM Committee are the following:

Chairperson: Punong Barangay

Members:

- (a) One (1) Sangguniang Barangay Member
- (b) SK Chairperson
- (c) President of Home Owners Association
- (d) Public/private school principal or representatives
- (e) One (1) Parents and Teachers Association president or Representative
- (f) One (1) Bus community representative
- (g) One (1) environmental NGO representative
- (h) President of Market Vendors Association; and
- (i) One (1) Representative from junkshop owners' association

34. What are the functions and responsibilities of BESWMC?

Answer: The functions of the BESWM Committee are the following:

- (a) Formulate a community solid waste management program consistent with the city/municipality.
- (b) Be responsible for the segregation and collection of solid waste specifically for biodegradable, compostable and reusable wastes.
- (c) Establish within the barangay or cluster of barangays a Materials Recovery Facility (MRF).
- (d) Allocate barangay funds for the barangay ecological solid waste management program, approved by the Sangguniang Barangay.
- (e) Organize a Core of Area/ Street Coordinators to assist the BESWMC in the implementation of their programs and activities.
- (f) Conduct trainings for barangay residents on segregation, composting, recycling and livelihood opportunities from use of recyclable waste and to monitor their implementation.

- (g) Integrate the Ecological Solid Waste Management Program in the Barangay Development Plan and/or Annual Investment Program.
- (h) Find alternative sources of funds other than the regular barangay budget.
- (i) Submit a monthly report to the City/Municipal ESWMC on the progress of the program, copy furnished the city/municipal DILG Office.
- (j) Implement policies and plans on the following - education, engineering, enforcement and entrepreneurial.

Barangay Fisheries and Aquatic Resource Management Council (BFARMC)

FARMCs were created in 1995 through Executive Order No. 240 and amended through the Philippine Fisheries Code of 1998 (R.A. No. 8550) and Fisheries Administrative Order No. 196 (January, 2000).

FARMCs were created in all barangays, municipalities and cities abutting municipal waters to institutionalize the major role of fisher folks and other resource users in the planning and formulation of sustainable development of fisheries resources. Whenever necessary, the LGUs may create Barangay Fisheries and Aquatic Resources Management Councils (BFARMCs) and Lakewide Fisheries and Aquatic Resources Management Councils (LFARMCs). The BFARMCs and LFARMCs shall serve in an advisory capacity to the LGUs (Sec. 14, Fisheries Administrative Order No. 196, Series of 2000). In bays, gulfs, lakes, rivers and dams bounded by two or more barangays or municipalities/cities, Integrated FARMCs shall be created. At the national level, the National FARMC is an advisory body to the Department of Agriculture in the formulation of national policies for the protection, management and sustainable development of fisheries in the Philippines.



35. What is the strategy to expand Economic Opportunities in Agriculture, Forestry, and Fisheries?

Answer: The Philippine Development Plan 2017-2022 states that one of the strategies to expand Economic Opportunities in Agriculture, Forestry, and Fisheries is to pursue an ecosystem approach to fisheries management, through the regulation of fishery structures such as fish pens and cages in inland bodies of water.

36. Is Ecological Soundness included in the Philippine Government's commitment to pursue sustainable development?

Answer: As an expression of the Philippine Government's commitment to pursue sustainable development, the Philippine Agenda 21, the nation's blueprint for sustainable development, includes Ecological Soundness as one of its principles. It also includes specific activities and programs involving Coastal and Marine Ecosystem.

37. Who are the members of BFARMC?

Answer: The regular members of the BFARMC shall be composed of:

- (a) Chairperson of the Sangguniang Barangay Committee on Agriculture/Fisheries.
- (b) Representative from the Barangay Development Council.
- (c) Representative from an accredited non-government organization.
- (d) Representative from the private sector.

- (e) At least eight (8) representatives of the fisherfolk/ fishworkers including the youth and women sectors.

38. What are the functions of the BFARMCs?

Answer: The BFARMC shall have the following functions:

- (a) Assist in the preparation of the Barangay/Municipal Development Plan and submit such plan to the Barangay/Municipal Development Council;
- (b) Recommend the enactment of municipal fishery ordinances to the Sangguniang Barangay/Bayan through its Committee on Fisheries;
- (c) Assist in the enforcement of fishery laws, rules and regulations in municipal waters; and
- (d) Advise the Sangguniang Barangay/Bayan on fishery matters through its Committee on Fisheries.

39. What is the purpose of DILG Memorandum Circular No. 2018-59?

Answer: The purpose of this policy, dated April 23, 2018, is to ensure that LGUs play an active role, and hold them accountable to their action/inaction towards the monitoring and regulation of fishery activities in municipal waters as part of their territorial jurisdictions. This policy issuance shall serve as a reminder to LGUs to exercise their powers in ensuring that the law is strictly enforced, followed and implemented. This policy issuance intends to enjoin LGUs to undertake the responsibility of improving the management of water resources. Further, these guidelines are hereby issued in accordance with R.A. No. 8550 otherwise known as the “Philippine Fisheries Code of 1998” as amended by R.A. No. 10654, and other related laws and policies.

Barangay Human Rights Action Center (BHRAC)

27

The Barangay Human Rights Center (BHRAC) works in cooperation with government, as well as non-government entities, in the coordination with all kinds of cases, mobilization of the community and government organizations for human rights activities, and education and awareness on human rights and the role of government in preserving such for all individuals and groups. The center is composed of a Barangay Human Rights Action Officer (BHRAO) who heads the center and initiates all activities and an advisory group that serves as representatives for each sector.



40. Why is there a need to create BHRAC?

Answer: The reasons for its creation are:

- (a) to enable access to human rights education by all people;
- (b) to access the services of the Commission on Human Rights especially in far-flung barangays;
- (c) to provide human rights mechanisms whereby the human rights of barangay residents are respected, protected and fulfilled.

41. Who is the BHRAO?

Answer: The BHRAO is an officer designated through a barangay assembly to oversee all operations of the center. The BHRAO is chosen through 'viva voce voting' in a barangay assembly convened just for this purpose. The City/ Municipal Local Government Operations Officers (LGOs) and/ or the City/ Municipal Planning and Development Coordinators(PDCs)supervise this activity.

42. How will the BHRAC operate?

Answer: It will be manned by a BHRAO with the support of a Human Rights Support Group (HRSG) coming from varied sectors of the barangay.

43. What action shall the barangay council take after establishment of the BHRAC and election of the BHRAO?

Answer: The Barangay Council shall approve a barangay resolution designating the elected person to serve as BHRAO. This shall be disseminated in the barangay thru the Barangay Bulletin Board.

44. What are the qualifications for BHRAOs?

Answer. The qualifications for BHRAOs include the following:

- (a) He/She should be at least a high school graduate;
- (b) He/She should not be less than 21 years old;
- (c) He/She must be a person of probity and integrity;
- (d) He/She must not be an elective/appointive official of the government;
- (e) Once appointed he/she must not engage in partisan political activity/ies;

- (f) He/She must be committed to the cause of human rights;
- (g) He/She must be willing to undergo the BHRAO training.

The BHRAO does not function independently; he/she leads all operations and activities at the barangay level. Through his initiatives, the community will be apprised on how they can ensure that human rights are protected in their area.

45. Where does the BHRAO hold office? Where will BHRAC be located?

Answer: With assistance from the Punong Barangay and other officials, the BHRAC office shall be established preferably in the barangay hall, and in its absence, in any suitable place accessible to the people.

46. What are the general services offered by BHRAC?

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

(a) 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.

(b) 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.

Through the BHRAC, CHR brings its services closer to the people at the grassroots level.

Barangay Local GAD Focal Point System (LGFPS)

30

All LGUs shall establish and/or strengthen their GAD Focal Point System (GFPS) or similar Gender and Development (GAD) mechanisms to accelerate gender mainstreaming within their localities. The Local Chief Executive/s (LCEs) shall sign appropriate issuances to institutionalize the establishment, reconstitution and/or strengthening of the GFPS in their respective LGUs.

47. Who are the members of the LGFPS?

Answer. The Barangay GFPS shall be chaired by the Punong Barangay, co-chaired by the Chair of the Sangguniang Barangay Committee on Women, Children and Family, with the following as members:

- (a) Sangguniang Barangay Committee on Appropriations
- (b) SK Chairperson
- (c) Barangay Health Worker
- (d) Barangay Treasurer
- (e) Violence against Women (VAW) Desk Officer
- (f) Barangay Nutrition Scholar
- (g) Tanod Executive Officer
- (h) Day Care Worker
- (i) Lupong Tagapamayapa member
- (j) Women's organizations existing at the barangay level
- (k) Barangay Human Rights Action Officer, where existent
- (l) Members of the private sector and academe, as appropriate

The Barangay Secretary shall provide secretariat support to the Barangay GFPS.

48. What are the general functions of the LGU-GFPS?

Answer. Pursuant to the Magna Carta of Women and its IRR, the GFPS is tasked to ensure and sustain the LGU's critical consciousness in supporting gender and development, women's empowerment and responding to gender issues. It shall take a lead role in direction-setting, advocacy, planning, monitoring and evaluation, and technical advisory in mainstreaming GAD perspectives in the LGU programs, projects, activities, and processes. Specifically, the GFPS shall perform the following functions:

- (a) Lead in mainstreaming GAD perspectives in LGU policies, plans and programs. In the process, they shall ensure the assessment of the gender-responsiveness of systems, structures, policies, programs, processes, and procedures of the LGU based on the priority needs and concerns of constituencies and employees, and the formulation of recommendations including their implementation;
- (b) Assist in the formulation of new policies such as the GAD Code in advancing women's empowerment and gender equality;
- (c) Lead in setting up appropriate systems and mechanisms to ensure the generation, processing, review, and updating of sex-disaggregated data or GAD database to serve as basis in performance-based and gender-responsive planning and budgeting;
- (d) Coordinate efforts of different divisions/offices/units of the LGU and advocate for the integration of GAD perspectives in all their systems and processes;

- (e)** Spearhead the preparation of the annual and performance-based LGU-GAD Plan and Budget (GPB) in response to the gender issues and or concerns of their locality and in the context of the LGU mandate; and consolidate the same following the form and procedures prescribed in this Joint Memorandum Circular (JMC). The GFPS shall likewise be responsible for submitting the consolidated GPBs of the LGU;
- (f)** Lead in monitoring the effective implementation of the annual GPB, GAD Code, other GAD-related policies and plans;
- (g)** Lead the preparation of the annual LGU GAD Accomplishment Report (GAD-AR) and other GAD reports that may be required under the MCW and this JMC;
- (h)** Strengthen linkages with other LGUs, concerned agencies or organizations working on women's rights and gender and development to harmonize and synchronize GAD efforts at various levels of local governance;
- (i)** Promote and actively pursue the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle; giving attention to the marginalized sectors, and
- (j)** Ensure that all personnel of the LGU, including the planning and finance officers (e.g. accountants, budget officers, auditors), are capacitated on GAD. Along this line, the GFPS will recommend and plan an appropriate capacity development program on GAD for its employees as part of and implemented under its regular human resource development program.

Barangay Nutrition Committee (BNC)

33

The vision of the National and Local Government on Nutrition Program is to achieve a nutritional adequacy for all to strengthen the country Human Resources. DILG Memorandum Circular No. 96-03, dated May 31, 1996, requires the activation or reactivation of Nutrition Committee at the barangay level in order to be viable, functional and effective in the integration - implementation of nutritional programs and activities into barangay development plans.



49. What is the function of the Barangay Nutrition Committee (BNC)?

Answer: The Nutrition Committee's function is to formulate action program, coordinate, monitor nutrition activities, conduct periodic field visits and meeting to assess program implementation, serve as resource group and come up with nutritional action plan.

50. What is the Philippine Plan of Action for Nutrition (PPAN)?

Answer: The PPAN serves as the framework to guide stakeholders on how to contribute to improve nutrition of the country. Malnutrition is a multi-faceted problem requiring a multi-sectoral mix of interventions towards its sustained reduction. The PPAN embodies priority actions and are carried out by inter-agency local nutrition committees (LNCs) through the conduct of various nutrition and nutrition-related activities in their respective local government units (LGUs).

51. What is the National Nutrition Council (NNC)?

Answer: The NNC is the highest policy-making and coordinating body on nutrition which is developing a database on the functionality of the Local Nutrition Council at the provincial, city and municipal levels.

52. What is NNC's database?

Answer: Per DILG Memorandum Circular No. 2015-19, dated February 26, 2015, the proposed NNC's database will serve as a basis for provision of interventions to functional and non-functional local nutrition committees. Depending on the number of indicators an area obtains, a local nutrition committee can be categorized as follows: Fully Functional, Substantially Functional, Partially Functional, and Non-Functional.

53. What is Nutrition Surveillance Division?

Answer: It will be the repository of the database on functional local nutrition committees.

Barangay Peace and Order Committee (BPOC)

35

As stated under Article II, Section 5 of the 1987 Constitution: “The maintenance of peace and order, the protection of life, liberty, and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.” The people will always turn towards the government for their safety and security.

The creation of the Barangay Peace and Order Council which will help the Philippine National Police (PNP) and City and Municipal Peace and Order Councils in preventing crime, resolving traffic and managing disasters, and assisting in implementing national and local projects for the benefit of the community.



54. What law created the BPOC?

Answer: Pursuant to Section 116 of the Local Government Code of 1991, and EO 773, s. 2009, which calls for the further reorganization of the Peace and Order Council, every Province, City, and Municipality is mandated to create a Peace and Order Council (POC). Likewise, every Barangay, pursuant to E.O. No. 366, s. 1996, is mandated to create a Barangay Peace and Order Committee (BPOC) as the implementing arm of the City/Municipal POC.

55. What is the composition of the BPOC?

Answer: The BPOC shall be composed of the following:

- (a) Punong Barangay as the Chairperson
- (b) Sangguniang Kabataan Chairperson
- (c) A member of Lupon ng Tagapamayapa
- (d) A public school teacher
- (e) A PNP Officer
- (f) A representative from the interfaith group
- (g) A senior citizen
- (h) A barangay tanod
- (i) At least three (3) members of existing barangay based anti-crime or neighborhood watch groups or NGOs well-known in the community.

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

Answer: Yes. As may be necessary or depending upon the needs and situation in the area, the Punong Kagawad, in his capacity as Chairman of the Barangay Peace and Order Committee may appoint additional Sectoral Representatives to such Committee.

57. What are the functions of the BPOC?

Answer: The BPOC shall have the following functions and responsibilities:

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

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

Answer: The City/Municipal and Barangay Government shall appropriate the necessary funds for the operation of the Barangay Peace and Order Committee from any available local funds.

Barangay Physical Fitness and Sports Development Council (BPFSDC)

59. What law created the Barangay Physical Fitness and Sports Development Council?

Answer: The law which created the Barangay Physical Fitness and Sports Development Council was the Executive Order No. 63 issued by the President Ramos on 1993.

60. What are the bases for the creation of the sports council?

Answer: Section 19 (1), Article XIV of the 1987 Constitution provides that “the State shall promote physical education and encourage sports programs, league competitions and amateur sports programs, league competitions and amateur sports including training for international competition, to foster self-discipline, teamwork and excellence of a healthy and alert citizenry.”

Republic Act No. 8647 created the Philippine Sports Commission (PSC) under the Office of the President to carry out this constitutional mandate in coordination with the various government departments, agencies and private entities.

61. Who are the members of the council?

Answer. The barangay sports council are headed by the Punong Barangay as the Chairperson and the School Principal as the vice-chairperson with the following members:

- (a) SK Representative
- (b) Barangay Kagawad Sports Coordinator
- (c) Homeowners Association Representative
- (d) Two (2) NGO Representatives

62. What are their functions?

Answer: The PFSDC Chairman, officers and members shall designate the NGO Representatives, establish linkages and call on other public or private entities or individuals for assistance, convene the Council within sixty (60) days hereof, and assume the following functions and responsibilities:

- (a) meet at least once a month and plan and formulate a blueprint for the short, medium and long term 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”;
- (b) conduct local “Sports Summits” in consultation with other public and private entities concerned to identify and prioritize sports programs and activities in their respective localities and areas of concern and to monitor, review and validate their program;
- (c) oversee and ensure the implementation of the physical fitness and sports program and activities in their respective areas of concern, i.e. DECS for physical education and school sports, DILG and LGUs for community-based sports, DOLE for labor sports, POC and NSAs for elite sports for international competitions, and GAB for professional sports;
- (d) 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;
- (e) 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;

- (f) submit a quarterly report to the Chairman of the National PFSDC and furnish a copy of the same to the Philippine Sports Commission; and
- (g) perform other functions deemed necessary to promote and implement the National Policy and Program

Barangay Violence against Women (VAW) Desk

41

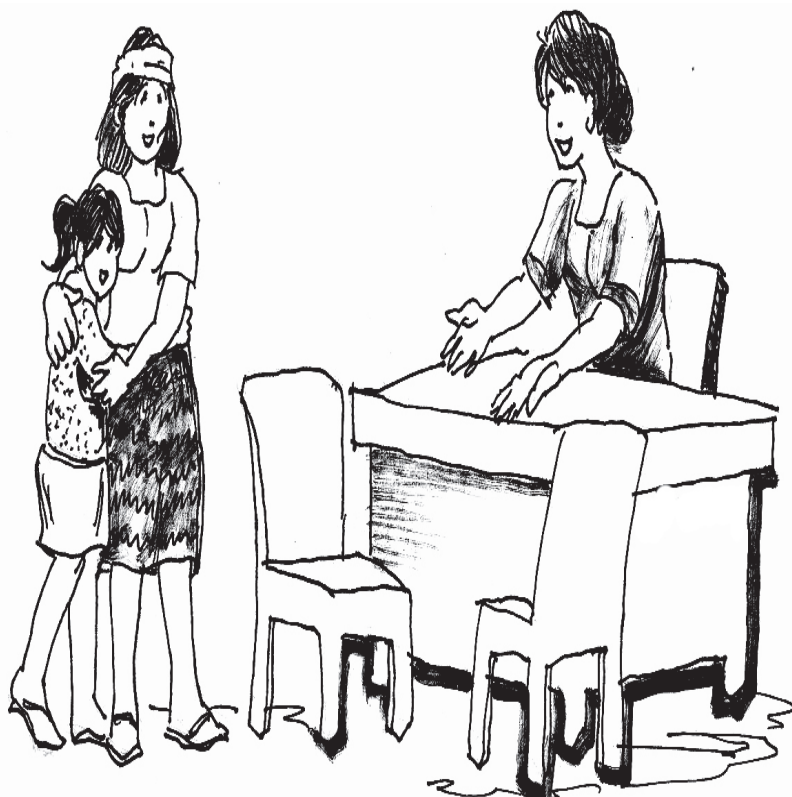
The State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the Elimination of all forms of discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party. In 2010, the State enacted the Magna Carta of Women, which seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors. 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 to ensure that violence against women cases are fully addressed in a gender-responsive manner.

63. What is Violence against Women (VAW)?

Answer: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to the following:

- (a) Physical, sexual, psychological and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institution and elsewhere, trafficking in women and prostitution; and
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.



64. What is Barangay Violence against Women (VAW) Desk?

Answer: A facility that addresses VAW cases in a gender-responsive manner, managed by a person designated by the Punong Barangay. It is situated within the premises of the barangay hall. In the absence of barangay hall, the VAW Desk shall be established within the premises where the Punong Barangay holds office.

65. Who shall set up the Barangay VAW Desk?

Answer: The Punong barangay shall designate an area within the barangay hall for the VAW desk.

66. Who shall designate VAW Desk person in the barangay?

Answer: The Punong barangay shall designate a VAW Desk person who is trained in gender-sensitive handling of cases; preferably a woman barangay kagawad or woman barangay tanod. In cases where there are no trained personnel, ensure that the person assigned shall undergo basic gender sensitivity training and orientation on anti-VAW laws.

67. What are the functions of VAW Desk?

Answer: The VAW Desk has the following functions:

- (a) Respond to gender-based violence cases brought to the barangay;
- (b) Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAW to the DILG City/Municipal Field Office and the City/Municipal Social Welfare Development Office (C/MSWDO);
- (c) Keep VAW case records confidential and

- secured, and ensure that only authorized personnel can access it;
- (d) Assist victims of VAW in securing Barangay Protection Order (BPO) and access necessary services;
 - (e) Develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
 - (f) Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
 - (g) Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups;
 - (h) Lead advocacies on the elimination of VAW in the community; and
 - (i) Perform other related functions as may be assigned (JMC 2010-2)

68. How is the VAW Desk to be established?

Answer: The VAW Desk must be established and VAW Desk Officer shall be designated through a Barangay Ordinance or an Executive Order. The VAW Desk Person must be designated by the Punong Barangay and must be gender sensitive in handling VAW cases.

69. Where can the VAW Desk be set up?

Answer: The VAW Desk should be located within the barangay hall or near it. If there is no barangay hall, the VAW Desk may be put up near or where the Punong Barangay holds office. Its location must be situated in a place where the confidentiality, privacy and safety of the client will not be compromised. It must have a separate room where the intake interview can be conducted.

70. What if there is no room available for the VAW Desk?

Answer: Find an enclosed area within the compound or the building where the barangay hall is located. If there is none, it is possible to use an enclosed area within the premises of another government institution. Another option is to have it in a private place approved by the Punong Barangay. Have the initiative and be creative in making sure that the privacy of the VAW victim-survivor is upheld.

71. What are the things needed for a VAW Desk?

Answer: The following resources must be available in the Barangay VAW Desk:

- (a) Furniture and vehicle.
- (b) Equipment and supplies.
- (c) Monitoring Tools
- (d) References
- (e) Supplies
- (f) Personal Amenities

72. What are the protocols in handling VAW case in the barangay?

Answer: The following protocols shall be observed by the Barangay VAW Desk person when responding to VAW situations:

- (a) A VAWC (R.A. No. 9262) victim-survivor is accompanied by someone to the barangay or the victim herself goes to the barangay.
- (b) Make the woman (and children, if applicable) comfortable in a safe and private room giving her water and other immediate needs, if any;
- (c) Assess the situation and get initial information to determine the risks on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest medical facility;

- (d) After the victim-survivor has stabilized, assist the Punong Barangay/Kagawad in the conduct of an investigation in a gender sensitive and non-judgmental manner in a language understood by her;
- (e) Inform the victim of her rights and the remedies available and the processes involved particularly in relation to the BPO. Assist her to file application, if she decides to have a BPO;
- (f) Record the incident using the National VAW Documentation System barangay form;
- (g) If victim-survivor desires to be in a safe shelter, seek the assistance of the other barangay officials, barangay tanod or the police in getting her belongings and refer to a shelter/women's center or to the C/MSWDO;
- (h) Assist the victim-survivor to file for a temporary protection order (TPO) or permanent protection order (PPO) with the nearest Family Court within 24 hours after issuance of the BPO, if the victim-survivor so desires or she applies directly for a TPO/PPO instead of a BPO;
- (i) Report the incident within four hours to the PNP and the C/MSWDO.

73. What if a community member reported a victim survivor of VAWC, what is the protocols?

Answer: The following protocols shall be observed by the Barangay VAW Desk person when the victim-survivor is reported by a community member:

- (a) Verify the information and if needed, seek assistance from the PNP;
- (b) Assess the situation and facilitate the rescue of the victim-survivor when necessary to ensure her

safety, and when applicable the safety of her children;

- (c) Inform the victim-survivor about her rights and remedies available particularly the BPO and its processes. Assist her to apply for a BPO, if she so desires;
- (d) Refer victim-survivor for medical care and temporary shelter and other needs when needed based on the assessment done;
- (e) Record the incident using the National VAW Documentation System barangay form;
- (f) If not done earlier, report the incident within four hours to the PNP and the C/MSWDO.

74. If the acts committed are rape and trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, what is the role of VAW Desk Officer?

Answer: The VAW Desk officer shall assist the victim-survivor to file a complaint at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

75. Does the VAW Desk have its own budget?

Answer: Yes. The VAW Desk shall have its own budget for operation and services that is integrated in the approved Barangay Gender and Development (GAD) Plan and Budget which shall be at least 5% of their budgetary allocation.

76. How will the VAW Desk Officer report its accomplishments?

Answer: The barangay shall prepare and submit a quarterly accomplishment reports to the City/Municipal Social Welfare and Development Office (C/MSWDO) and City/Municipality Local Governments Operations

Officer (C/MLGOO) within ten (10) working days of the ensuing month.

77. What will be included in the reports?

48

Answer: The report must be based on the database/ records of VAW cases reported in the barangay and contain relevant information such as:

- (a) Total number of VAW cases received;
- (b) Assistance provided to victim-survivors;
- (c) Total number of cases documented for violation of R.A. No. 9262 and other VAW related laws;
- (d) Total barangay population;
- (e) Number of male and female in the barangay; and
- (f) Minor and adult ratio

Bids and Awards Committee (BAC)

49

Each Procuring Entity shall establish in its head office a single BAC to undertake the functions specified in Section 12 of the 2016 Revised IRR of R.A. No. 9184, otherwise known as the Government Procurement Reform Act, in order to facilitate professionalization and harmonization of procedures and standards.

The Department of Interior and Local Government (DILG) Memorandum Circular No. 2016-97, dated July 19, 2016, does not apply to the Pre-qualifications, Bids and Awards Committees, now called Bids and Awards Committees established, considering that unlike the old PBAC, the composition of the BAC is now limited to local government personnel occupying plantilla positions in local government units (LGUs).



78. What is the purpose of the Bids and Awards Committee?

Answer: The BAC has the following purpose:

- (a) To purchase goods of acceptable quality at fair and reasonable prices from qualified and capable contractors/suppliers, with on-time delivery and satisfactory compliance of all contract terms and conditions;
- (b) To assure fair and equitable treatment of contractors/suppliers including arrangements for prompt payments;
- (c) To maintain a records refinement of procurement policies based on previous procurements executed;
- (d) To standardized the procurement process, consequently preventing confusion;
- (e) To uphold transparency and accountability; and
- (f) To provide uniformity among the various facilities and to ensure that bids are properly received.

79. How many is the composition of BAC in the Barangay level?

Answer: The BAC in the barangay level shall be composed of at least five (5) but not more than seven (7) members.

80. Is there a qualification as member of the BAC?

Answer: The only qualification for BAC member should have unquestionable integrity and procurement proficiency.

81. Who has the authority to designate members of the BAC?

Answer: The Punong Barangay, being the local chief executive, shall designate the members of the BAC. The members shall elect among themselves who shall act as the Chairperson and Vice-Chairperson.

82. What are the functions of the BAC?

Answer: The BAC shall:

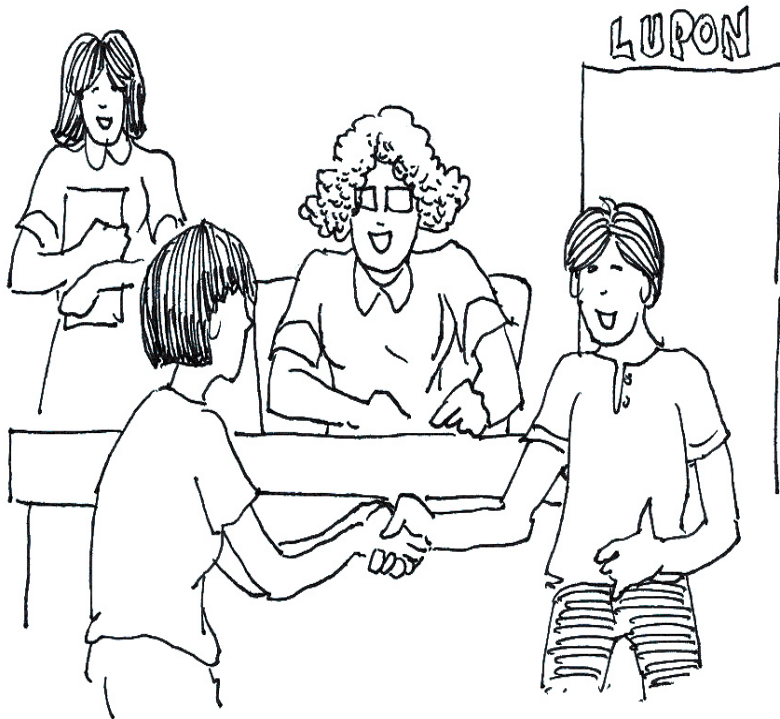
- (a) advertise and/or post the invitation to bid/request for expressions of interest;
- (b) conduct pre-procurement and pre-bid conferences;
- (c) determine the eligibility of prospective bidders;
- (d) receive and open bids;
- (e) conduct the evaluation of bids;
- (f) undertake post qualification proceedings;
- (g) resolve requests for reconsideration;
- (h) recommend award of contract to the Heads of Procuring Entities or his duly authorized representative;
- (i) recommend the imposition of sanctions in accordance with Rule XXIII;
- (j) recommend to the Heads of Procuring Entities the use of alternative methods of procurement as provided in Rule XVI;
- (k) conduct any alternative methods of procurement;
- (l) conduct periodic assessment of the procurement processes and procedures to streamline procurement activities pursuant to Section 3(c) of this IRR; and
- (m) perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts
- (n) The BAC shall be responsible for ensuring that the Procuring Entity abides by the standards set forth by the Act and this IRR,

Lupong Tagapamayapa

52

The Katarungang Pambarangay or Barangay Justice System is a community-based dispute settlement mechanism that is administered by the basic political unit of the country, the barangay. As a community-based mechanism for dispute resolution, it covers disputes between members of the same community (generally, same city/municipality) and involves the Punong Barangay and other members of the communities (the Lupon members) as intermediaries (mediators, conciliators, and, sometimes, arbitrators).

The establishment and operation of the Barangay Justice System is mandated by Republic Act No. 7160 or the Local Government Code of 1991. Prior to this law, however, the establishment of the Barangay Justice System had been covered by Presidential Decree 1508 in 1978 and Batas Pambansa Blg. 337 or the 1983 Local Government Code.



83. What is Katarungang Pambarangay?

Answer: Katarungang Pambarangay is a system of dispute resolution instituted in all barangays in the Philippines that seeks to promote, among others, the speedy administration of justice, by providing all avenues to an amicable settlement, thereby considerably reducing the dockets in our courts.

84. Which body/agency is tasked to administer the Katarungang Pambarangay?

Answer: The Lupon Tagapamayapa. It is the body organized in every barangay composed of the Punong Barangay as Chairperson and not less than ten (10) nor more than twenty (20) members from which the members of every Pangkat shall be chosen.

85. What are the qualifications and disqualifications of Lupon member?

Answer: A member of the lupon must be a person residing or working in the barangay, who is not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, sense of fairness, and reputation for probity.

86. How is the Lupon formed?

Answer: Within fifteen (15) days from the start of his term, the Punong Barangay prepares a notice to constitute a lupon. The notice shall include the names of the proposed members who have expressed their willingness to serve. Such notice shall be posted in three conspicuous places in the barangay continuously for a period of not less than three (3) weeks.

87. What will happen if there is an opposition to the list of proposed lupon members?

Answer: The Punong Barangay shall take into consideration any opposition to the proposed appointment made within the period of posting and within ten (10 days) thereafter, appoint those whom he determines to be suitable as members. The appointment shall be in writing signed by the Punong Barangay and attested by Barangay Secretary.

88. What is the term of office of a lupon member?

Answer: A lupon member holds office until a new lupon is constituted on the third year following his appointment unless sooner terminated by resignation, transfer of residence or place of work, or withdrawal of appointment by the Punong Barangay with concurrence of the majority of all the members of the lupon.

89. Can a lupon member's appointment be withdrawn?

Answer: Yes. A lupon member's appointment can be withdrawn by the Punong Barangay after due hearing and with the concurrence of a majority of all the Lupong Tagapamayapa members, a lupon member's appointment may be withdrawn on the grounds of incapacity to discharge the duties of his office or unsuitability.

90. In case of vacancies in the lupon, how it is filled?

Answer: Should a vacancy occur in the lupon for any cause, the Punong Barangay immediately appoints a qualified person who shall hold office only for the unexpired portion of the term.

91. What are the functions of the lupon?

Answer: The Lupong Tagapamayapa shall:
(a) Exercise administrative supervision over conciliation panels;

- (b) Meet regularly once a month to provide forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observation and experiences in effecting speedy resolution of disputes; and
- (c) Exercise such other powers and performs such other duties and functions as may be prescribed by law or ordinances

92. Who serves as the secretary of the lupon?

Answer: The barangay secretary concurrently serves as the secretary of the lupon.

93. What are the functions of the lupon secretary?

Answer: The following are the secretary's functions:

- (a) Record the results of mediation proceedings before the Punong Barangay;
- (b) Submit report of the mediation proceedings to the proper city or municipal courts; and
- (c) Receive and keep the records of proceedings submitted to him by the various conciliation panels.

94. What is Pangkat ng Tapagkasundo?

Answer: Pangkat ng Tagapagkasundo is the conciliation panel that hears each dispute brought before the lupon.

95. What is its composition?

Answer: The Pangkat ng Tagapagkasundo is composed of three (3) members who are chosen by the parties to the dispute from the list of members of the lupon.

96. How is the membership of the Pangkat determined if the parties concerned did not agree on its membership?

Answer: Should the parties fail to agree on the pangkat membership, the same shall be determined by lots drawn by the lupon chairperson.

97. In the event that there are vacancies in the Pangkat, how it is filled?

Answer: Any vacancy in the pangkat shall be chosen by the parties to the dispute from among the other members of the lupon. Should the parties fail to agree on a common choice, the vacancy shall be filled by lots drawn by the lupon chairperson.

98. Who are the officers of the Pangkat? What are their functions?

Answer: The three (3) members constituting the pangkat elect from among themselves the chairperson and the secretary.

The chairperson presides over the meetings or hearings before the pangkat

The secretary shall prepare the minutes of the pangkat proceedings and issues notices to the parties concerned. The same is also tasked with the issuance of the certified true copies of any public record in his custody that is not by law otherwise declared confidential.

99. If the lupon encounters a difficult question of law, whom may the lupon consult?

Answer: On matters involving questions of law necessary in the administration of the Katarungang Pambarangay, the following shall render legal advice:

- (a) Provincial legal Officer;
- (b) City Legal Officer;
- (c) Municipal Legal Officer;
- (d) Public Prosecutor

100. What are the cases covered by the Katarungang Pambarangay Law?

Answer: All disputes are subject to barangay conciliation pursuant to the Revised Katarungang Pambarangay (formerly P.D. No. 1508), repealed and now replaced by Sections 399-342, Chapter VII, Title I, Book III, and Section 515, Title I, Book IV, RA 7160, otherwise known as the Local Government Code of 1991, except in the following disputes:

- (a) Where one party is the government, or any subdivision or instrumentality thereof;
- (b) Where one party is a public officer or employee and the dispute relates to the performance of his official functions;
- (c) Where the dispute involves real properties located in different cities and municipalities, unless the parties thereto agree to submit their difference to amicable settlement by an appropriate Lupon;
- (d) Any complaint by or against corporations, partnerships or juridical entities, since only individuals shall be parties to Barangay conciliation proceedings either as complainants or respondents [Sec. 1, Rule VI, Katarungang Pambarangay Rules];
- (e) Disputes involving 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;
- (f) Offenses for which the law prescribes a maximum

- penalty of imprisonment exceeding one [1] year or a fine of over five thousand pesos (P5,000.00);
- (g) Offenses where there is no private offended party;
 - (h) Disputes where urgent legal action is necessary to prevent injustice from being committed or further continued, specifically the following:
 - (i) Criminal cases where accused is under police custody or detention [See Sec. 412 (b) (1), Revised Katarungang Pambarangay Law];
 - (j) Petitions for habeas corpus by a person illegally deprived of his rightful custody over another or a person illegally deprived of or on acting in his behalf;
 - (k) Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support during the pendency of the action; and
 - (l) Actions which may be barred by the Statute of Limitations.
 - (m) Any class of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice;
 - (n) Where the dispute arises from the Comprehensive Agrarian Reform Law (CARL) [Sections 46 & 47, R. A. No. 6657];
 - (o) Labor disputes or controversies arising from employer-employee relations [Montoya vs. Escayo, et al., 171 SCRA 442; Art. 226, Labor Code, as amended, which grants original and exclusive jurisdiction over conciliation and mediation of disputes, grievances or problems to certain offices of the Department of Labor and Employment];
 - (p) Actions to annul judgment upon a compromise which may be filed directly in court [See Sanchez vs. Tupaz, 158 SCRA 459].

Sangguniang Kabataan (SK)

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The Local Government Code of the Philippines of 1991 (R.A. No. 7160) institutionalized the Sangguniang Kabataan (SK) – a body that aims to provide an avenue for the youth to be trained as leaders. Under R.A. No. 7160, the main functions of the SK: are to promulgate resolutions necessary to carry out the objectives of the youth in the barangay; to initiate programs designed to enhance the social, political, economic, cultural, spiritual a physical development of the members; and, to conduct fund-raising activities.

This unique youth institution traces its roots from the Kabataang Barangay (Village Youth), instituted by virtue of Presidential Decree 684 dated April 15, 1975, which provided Filipino youth with a means and an “ample opportunity to express their views.” With the enactment of Republic Act 10742 on January 15, 2016, the SK received a new lease on life. It retains the Sangguniang Kabataan (youth council) of one chairman and seven members, who must be aged 18 to 24 at the day of the election, elected at large by the youth resident in the community. Each elected SK official has a 3-year term.

101. What is a Katipunan ng Kabataan?

Answer: There shall be in every barangay a Katipunan ng Kabataan to be composed of all citizens of the Philippines residing in the barangay for at least six (6) months, who are at least fifteen (15) but not more than thirty (30) years of age, and who are duly registered in the list of the Commission on Elections (COMELEC) and/or the records of the Sangguniang Kabataan secretary.

The Katipunan ng Kabataan (Youth Assembly) expands its membership to include all youth of 15 to 30 years of age, and living in the community for at least

6 months. Instead of being required to meet at least quarterly (as mandated since 1991), the youth assembly is now only mandated to meet once every 6 months, and to review the annual performance and financial reports of the Sangguniang Kabataan.

102. What are the powers and functions of the Katipunan ng Kabataan?

Answer: The Katipunan ng Kabataan shall:

- (a) elect the Sangguniang Kabataan chairperson and members; and
- (b) serve as the highest policy-making body to decide on matters affecting the youth in the barangay. As such, the Sangguniang Kabataan shall consult and secure the concurrence of the Katipunan ng Kabataan in the formulation of all its, programs, plans and activities.

103. Who are the members of the Sangguniang Kabataan?

Answer: There shall be in every barangay a Sangguniang Kabataan to be composed of a chairperson and seven (7) members who shall be elected by the registered voters of the Katipunan ng Kabataan.

104. What are the qualifications of a Sangguniang Kabataan official?

Answer: An official of the Sangguniang Kabataan, either elective or appointee, must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for not less than one (1) year immediately preceding the day of the elections, at least eighteen (18) years but not more

than twenty-four (24) years of age on the day of the elections, able to read and write Filipino, English, or the local dialect, must not be related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where he or she seeks to be elected, and must not have been convicted by final judgment of any crime involving moral turpitude.

105. Who appoints the secretary and the treasurer of the Sangguniang Kabataan?

Answer: The Sangguniang Kabataan Chairperson shall, with the concurrence of the majority of the Sangguniang Kabataan members, appoint from among the members of the Katipunan ng Kabataan, a Secretary and a Treasurer.

106. What are the powers and functions of the Sangguniang Kabataan?

Answer: The Sangguniang Kabataan shall:

- (a) in consultation and with the concurrence of the Katipunan ng Kabataan, and within three (3) months from assumption to office, formulate a three (3)-year rolling plan, which shall be known as the Comprehensive Barangay Youth Development Plan, which shall serve as basis in the preparation of the Annual Barangay Youth Investment Program. This plan shall be aligned with the Philippine Youth Development Plan (PYDP) and other Local Youth Development Plans in every level, municipal, city and provincial as is relevant;
- (b) approve the annual budget which is a slice of the Annual Barangay Youth Investment Program before the start of the succeeding fiscal year and, if the Sangguniang Kabataan funds allow, a supplemental budget. Any changes in the annual budget shall be in accordance with existing applicable budget rules and procedures;

- (c) promulgate resolutions necessary to carry out the objectives of the youth in the barangay in accordance with the Comprehensive Barangay Youth Development Plan and the applicable provisions of this Act;
- (d) initiate and implement, in coordination with any national government agency and/or any private or nongovernment institution, programs and projects designed to promote general welfare, development and empowerment of the youth;
- (e) hold fund-raising activities which are in line with the Comprehensive Barangay Youth Development Plan, the proceeds of which shall be tax-exempt and shall accrue to the general fund of the Sangguniang Kabataan: Provided, however, That in the appropriation thereof, the specific purpose for which such activity has been held shall be first satisfied: Provided, further, That any appropriation thereof shall be in accordance with existing applicable budget, accounting and auditing rules and regulations;
- (f) create regular and special committees and such other bodies whose chairpersons and members of which shall come from among the members of the Sangguniang Kabataan or from among the members of the Katipunan ng Kabataan, as it may deem necessary to effectively carry out its programs and activities;
- (g) submit the annual and end-of-term program accomplishments and financial reports to the Sangguniang Barangay and present the same during the Katipunan ng Kabataan assembly, copy furnished the Office of the Local Government Operations Officer and Local Youth Development Council (LYDC), all in accordance with the prescribed form by the DILG and the Commission;
- (h) Partner with the LYDC in planning and executing projects and programs of specific advocacies like good governance, climate change adaptation, disaster risk reduction and resiliency, youth employment and livelihood, health and anti-drug abuse, gender sensitivity, and sports development;

- (i) Adopt and implement a policy on full public disclosure of all its transactions and documents involving public interest; and
- (j) Exercise such other powers and perform such other functions as may be prescribed by law or ordinance, or delegated by the Sangguniang Barangay or the Commission.

107. Can the Sangguniang Kabataan Chairperson serve as a member of the Sangguniang Barangay?

Answer: Yes. The chairperson of the Sangguniang Kabataan shall automatically serve as an ex officio member of the Sangguniang Barangay upon assumption to office. As such, he or she shall exercise the same powers, discharge the same duties and functions, and enjoy the same privileges as the regular Sangguniang Barangay members; and shall be the chairperson of the Committee on Youth and Sports Development. He or she shall be entitled to pro-rata honoraria for every session of the Sangguniang Barangay he or she has attended.

108. Are the Sangguniang Kabataan Chairperson and members “Persons in Authority”?

Answer: Yes. For purposes of the Revised Penal Code, the Sangguniang Kabataan chairperson and members in each barangay shall be deemed as persons in authority in their jurisdictions.

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