

[REPUBLIC ACT NO. 3590, June 22, 1963]

**AN ACT TO AMEND AND REVISE REPUBLIC ACT NUMBERED
TWENTY-THREE HUNDRED AND SEVENTY, OTHERWISE KNOWN
AS "THE BARRIO CHARTER".**

Whereas, the people in the barrios of the Philippines are the backbone of the nation; and to better promote their welfare and happiness, it is necessary that they be granted greater autonomy and incentive for self-help, without the national, provincial and municipal governments relinquishing their respective obligations to them: Now, therefore,

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

ARTICLE I.—General Provisions

SECTION 1. *Title of Act.*—This Act shall be known and cited as the Revised Barrio Charter.

SEC. 2. *Definition and general powers of barrios.*—Barrios are units of municipalities or municipal districts in which they are situated. They are quasi-municipal corporations endowed with such powers as are herein provided for the performance of particular government functions, to be exercised by and through their respective barrio governments in conformity with law.

All barrios existing at the time of the approval of this amendatory Act come under the provisions hereof including poblaciones which, on December thirty-first, nineteen hundred and sixty-two, were already duly organized into one or more barrios or had already elected and organized their respective barrio councils: *Provided*, That in the latter case, such poblaciones are given a period of six months from and after the approval of this Amendatory Act within which to complete their organization into barrios, in accordance with section three hereof, otherwise they shall be excluded from the provisions of this Act.

It shall be competent for them in their proper corporate name to sue and be sued, to contract and be contracted with and to acquire, hold and convey real and personal property for purposes herein specified, and generally to exercise the powers herein or otherwise conferred upon them by law.

ARTICLE II.—*Organization of Barrios*

SEC. 3. *The creation of new barrios.*—Upon petition of a majority of the voters in the areas affected, a new barrio may be created or the name of an existing one

may be changed by the provincial board of the province, upon recommendation of the council of the municipality or municipalities in which the proposed barrio is situated. The recommendation of the municipal council shall be embodied in a resolution approved by at least two-thirds of the entire membership of the said council: *Provided, however,* That no barrio may be created if its population is less than five hundred persons, nor out of chartered cities or poblaciones of municipalities.

Barrios shall not be created or their boundaries altered nor their names changed except under the provisions of this Act or by Act of Congress.

Boundaries of Barrios shall be determined by the Municipal Councils within six months after the passage of this Act. For this purpose, municipal councils shall be assisted by the Provincial Assessors and the Director of Lands or their Deputies. In the absence of formal documentary basis for fixing the boundaries, municipal councils shall be guided initially by commonly accepted boundaries. If within thirty (30) days from determination of the same no boundary disputes arise, these boundary limits shall be deemed to be final, unless new barrios are created or formal proceedings for the relocation of boundaries are instituted within the said prescribed period.

Boundary disputes between barrios within the same municipality shall be heard and decided by the municipal council subject to appeal within thirty days from receipt of notice of the decision by the barrio council concerned to the corresponding provincial board, whose decision shall be final.

Boundary disputes between barrios belonging to different municipalities shall be treated as boundary disputes between municipalities under existing provisions of law.

Boundary disputes between barrios belonging to different provinces and/or chartered cities, shall be treated as boundary disputes between provinces under existing provisions of law.

All property rights of the barrio whose boundaries are altered shall be vested in the barrio in which the property is situated after the alteration has been made.

SEC. 4. *The Barrio assembly.*—The barrio assembly shall consist of all persons who are residents of the barrio for at least six months, eighteen years of age or over, citizens of the Republic of the Philippines and who are duly registered in the list of barrio assembly members kept by the Barrio Secretary.

The barrio assembly shall meet at least once a year to hear the annual report of the barrio council concerning the activities and finances of the barrio.

It shall meet also at the call of the barrio council or upon written petition of at least One-Tenth of the members of the barrio assembly.

No meeting of the barrio assembly shall take place unless notice is given one week prior to the meeting except in matters involving public safety or security in which case notice within a reasonable time shall be sufficient.

The barrio lieutenant, or in his absence, the councilman acting as barrio lieutenant, or any assembly member selected during the meeting, shall act as presiding officer at all meetings of the barrio assembly. The barrio secretary or in his absence, any member designated by the presiding officer to act as secretary shall discharge the duties of secretary of the barrio assembly.

For the purpose of conducting- business and taking any official action in the barrio assembly, it is necessary that at least one-fifth of the members of the barrio assembly be present to constitute a *quorum*. All actions shall require a majority vote of those present at the meeting, there being a *quorum*.

SEC. 5. *Powers of the barrio assembly.*— The powers of the barrio assembly shall be as follows:

- a. To recommend to the barrio council the adoption of measures for the welfare of the barrio;
- b. To decide on the holding of a plebiscite as provided for in section 6 of this Act;
- c. To act on budgetary and supplemental appropriations and special tax ordinances submitted for its approval by the barrio council and
- d. To hear the annual report of the barrio council concerning the activities and finances of the assembly.

SEC. 6. *Plebiscite.*—A plebiscite may be hold in the barrio when authorized by a majority vote of the members present in the barrio assembly, there being a *quorum*, or when called by at least four members of the barrio council: *Provided, however,* That no plebiscite shall be held until after thirty days from its approval by either body, and such plebiscite has been given the widest publicity in the barrio, stating the date, time, and place thereof, the questions or issues to be decided, action to be taken by the voters, and such other information relevant to the holding of the plebiscite.

All duly registered barrio assembly members qualified to vote may vote in the plebiscite. Voting procedures may be made either in writing as in regular elections, and/or declaration by the voters to the board of election tellers. The board of election tellers shall be the same board envisioned by section 8, paragraph 2 of this Act, in case of vacancies in this body, the barrio council may fl the same.

A plebiscite may be called to decide on the recall of any member of the barrio council. A plebiscite shall be called to approve any budgetary, supplemental appropriations or special tax ordinances.

For taking action on any of the above enumerated measures, majority vote of all the barrio assembly members registered in the list of the barrio secretary is necessary.

SEC. 7. *The barrio council.*—In each barrio, there shall be organized a barrio council which shall have as members the following:

- a. One barrio lieutenant; and

b. Six barrio councilmen.

SEC. 8. *Election of the barrio council.*— On the second Sunday of January immediately following the regular elections for municipal and provincial officials, a regular election shall be held to elect a barrio lieutenant and six councilmen. In case of failure of election on the second Sunday of January, it may be held on any day within the month of January to be determined by the barrio council: *Provided, That,* if for any reason no election is held within the month of January, the provincial governor shall, upon resolution of the barrio council or written petition by at least fifty members of the barrio assembly, fix the date, of the election which shall not be beyond forty days from receipt of said resolution or petition.

The same procedure shall be followed with regard to election of officials of newly-created barrios. Those who obtain the highest number of votes for the position for which they are candidates shall be declared elected by the election tellers who have been appointed by the provincial governor for the purpose of conducting the election in the newly-created barrio. In case of a tie, the same shall be decided by drawing lots immediately after the counting of votes and the winner shall be declared elected. The officials elected shall assume office immediately by taking oath before any person authorized to administer oaths and shall hold office for four years or until their successors shall have been elected and qualified.

Not later than the last Sunday of December of the year immediately preceding the elections, the barrio council shall elect a board of three election tellers, one of whom shall be a public school teacher, who shall be the chairman to conduct the election, count the votes, and proclaim the winners. The barrio council shall also designate the polling place and date of election. Immediately thereafter, it shall cause the publication of the date and place of election and the office to be filled.

Not later than the first Sunday of January of the election year in accordance with this section, there shall be a registration of new voters to be conducted by the board of tellers. Any voter may challenge the qualifications of any person seeking to register and said challenge shall be heard and decided on the same day by the board of tellers.

Voting shall be by secret ballot. It shall be held in the place designated by the Barrio Council. Voting shall start from seven o'clock in the morning up to six o'clock in the afternoon, except when there are still voters within thirty meters of the polling place, in which case they shall be allowed to vote. The voters shall have the right to vote in the order of their entrance to the polling place, identifying themselves to the board of election tellers, who will check their names against the certified list of voters furnished by the barrio secretary. Each candidate shall be allowed to appoint one watcher each, who, upon presentation of his appointment signed by the candidate concerned to the board of election tellers, may be allowed inside the polling place during the election proceedings. Any voter or watcher may challenge a voter. No person shall be allowed to enter the voting booths, except the voters actually voting.

Candidates shall file their certificates of candidacy with the barrio secretary, not later than the first Sunday of January of the election year. Any five registered

voters may also file the certificates of candidacy of any qualified person.

Any vote in favor of a person who has not filed a certificate of candidacy or in favor of a candidate for an office for which he did not present himself, shall be void and counted as a stray vote but shall not invalidate the whole ballot.

All disputes as to procedure before and during the balloting shall be decided by the Board of Election Tellers.

All disputes over barrio elections shall be brought before the justice of the peace court of the municipality concerned; And in the determination and decision thereof, the court shall follow as closely as possible the procedure prescribed for inferior courts in Rule 4, Rules of Court. The decision of the justice of the peace court shall be appealable pursuant to the Rules of Court to the Court of First Instance whose decision shall be final on questions of fact.

SEC. 9. The Commission on Election shall in addition to the powers and functions conferred upon it by the constitution have overall supervision over all elections of the members of the Barrio Council, with powers to promulgate the necessary rules and regulations consistent with the provisions of this Act,

SEC. 10. *Qualifications of Voters and Candidates.*—Every citizen of the Philippines, twenty one years of age or over, able to read and write, who has been a resident of the barrio during the six months immediately preceding the election, duly registered in the list of voters kept by the barrio secretary, who is not otherwise disqualified, may vote or be a candidate in the barrio elections.

The following persons shall not be qualified to vote:

- a. Any person who has been sentenced by final judgment to suffer one year or more of imprisonment, within two years after service of his sentence;
- b. Any person who has violated his allegiance to the Republic of the Philippines; and
- c. insane or feeble-minded persons.

SEC. 11. *Rights of Succession.*—Where no special elections are held to fill a permanent vacancy in the office of barrio lieutenant, arising from death, permanent incapacity, resignation, abandonment, and recall of the incumbent in a plebiscite held pursuant to section six of this Act; or where there is failure to elect a qualified candidate, the councilman who obtained the largest number of votes in the barrio elections immediately preceding shall assume the office of barrio lieutenant. If for some reason the councilman who obtained the largest number of votes is incapacitated from assuming the office of barrio lieutenant or refuses to assume such office, the councilman who obtained the next largest number of votes in the barrio elections immediately preceding shall assume the office of the barrio lieutenant, and so on until the permanent vacancy in the office of the barrio lieutenant is filled.

There is abandonment of office of barrio lieutenant if the incumbent fails or refuses