

[**REPUBLIC ACT NO. 2370, June 20, 1959**]

AN ACT GRANTING AUTONOMY TO BARRIOS OF THE PHILIPPINES

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

SECTION 1. This Act shall be known as the Barrio Charter.

ARTICLE I.—*General Provisions*

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.

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 and hold 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.*—All barrios existing at the time of the passage of this Act shall come under the provisions hereof.

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 new barrio may be created if its population is less than five hundred persons.

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.

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.

All property rights of the barrios 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 qualified electors, who are duly registered in the list of barrio assembly members kept by the secretary thereof, and have been residents of the barrio for at least six months.

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 when members of the barrio council are to be elected and/or at the call of the barrio council or upon written petition of at least one-fifth of the members of the barrio assembly.

For the purpose of conducting business and taking any official action in the barrio assembly, it is necessary for a quorum, which shall consist of at least one-third of the members of the barrio assembly, to be present. All actions involving the raising of taxes, payment of compensation and solicitation of voluntary contributions shall be by a two-thirds vote of those present at the meeting there being a quorum. All other actions may be by a majority vote of those present at the meeting there being a quorum.

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 shall act as presiding officer at all meetings of the barrio assembly. The barrio council secretary shall be the secretary of the barrio assembly; and, in his absence or inability, the assistant barrio council secretary shall discharge the duties of secretary of the barrio assembly: *Provided*, That the barrio lieutenant may designate a temporary barrio assembly secretary before the election and qualification of a permanent barrio council secretary and assistant secretary.

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

- a. to elect members of the barrio council; act upon their resignation, if presented, and fill vacancies therein by election;
- b. to provide for reasonable compensation of barrio council members when authorized- by two-thirds vote of the barrio assembly;
- c. to adopt measures for the raising of funds for the barrio by taxation and by voluntary contributions;
- d. to adopt measures for the good of the barrio;
- e. to decide on measures submitted to it in accordance with law; and
- f. to enter into contracts for and in behalf of the barrio and to authorize the barrio council so to do.

SEC. 6. *The barrio council.*—In each barrio there shall be organized a barrio council which shall have as members the following:

- a. a barrio lieutenant;

- b. a barrio treasurer;
- c. four council members;
- d. vice barrio lieutenants, in such number as there are sitios in the barrio; or where are no sitios, one vice barrio lieutenant for every two hundred inhabitants of the barrio: Provided, That no person shall be elected vice barrio lieutenant unless he is a resident of the sitio he shall represent.

SEC. 7. *Election of the barrio council.*—The barrio lieutenant, the barrio treasurer, the vice barrio lieutenants, and the four council members shall be elected at a meeting of the barrio assembly.

The election shall be held on the second Sunday of January of even-numbered years: *Provided*, That if the meeting is not held on the second Sunday of January, it may be held on any day thereafter within the month of January to be determined by the barrio council. The meeting shall be called by the barrio lieutenant who shall preside over the meeting. The Assembly shall elect a board of three election tellers, one of whom shall be a school teacher who shall act as the chairman, to conduct the election and count the votes.

All members of the barrio assembly as denned in section four shall have the right to vote at such elections. Voting shall be by secret ballot: *Provided*, That open voting may be allowed if two-thirds votes of the qualified voters present in the meeting shall so decide. No votes may be cast by proxy.

Those who obtain the highest number of votes for the position for which they are candidates shall be declared elected by the election tellers and shall assume office immediately by taking the oath of office before any person authorized to administer oaths. In case of a tie, the same shall be decided by drawing lots and the winner shall be proclaimed.

All disputes as to procedure before 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; 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.

The members of the barrio council shall hold office for two years from the time of their election and qualification or until their successors are duly elected and qualified. In no case shall a member of the council be elected to the same position for more than three consecutive terms, but after two years shall have elapsed from the expiration of his last term he shall again be eligible for election to the same position.

SEC. 8. *Qualifications for election to the barrio council.*—Candidates for election to the barrio council:

- a. Must be a qualified elector and must have been a resident of the barrio for at least six months prior to the election; and
- b. Must not have been convicted of a crime involving moral turpitude or of a crime which carries a penalty of at least one year's imprisonment.

SEC. 9. The municipal mayor shall exercise the power of supervision over barrio officials. He shall receive and investigate complaints made under oath against barrio officers for neglect of duty, oppression, corruption or other form of misconduct in office, and conviction by final judgment of any crime involving moral turpitude. For minor delinquency, he may reprimand the offender; and if a more severe punishment seems to be desirable, he shall submit written charges touching the matter to the municipal council, furnishing a copy of such charges to the respondent either personally or by registered mail. The municipal mayor may in such case suspend the officer pending action by the council, if in his opinion the charge be one affecting the official integrity of the officer in question, but in no case shall the period of suspension exceed thirty days. Where suspension is thus effected the written charges against the officer shall be filed within five days with the municipal council, which shall adopt the procedure specified in sections twenty-one hundred eighty-nine to twenty-one hundred ninety of the Revised Administrative Code.

The decision of the council shall be appealable within ten days from notice thereof to the provincial board, whose decision shall be final.

ARTICLE III.—*Powers, Rights and Duties*

SEC. 10. *Rights and duties of members of the barrio council.*—The barrio lieutenant, or in his absence or inability, the vice barrio lieutenant designated by the barrio council, shall discharge the following duties:

- a. To look after the maintenance of public order in the barrio and to assist the municipal councilor in the performance of his duties in such barrio;
- b. To preside over the meetings of the barrio assembly and the barrio council;
- c. To organize a fire brigade;
- d. To organize and lead an emergency group whenever the same may be necessary for the maintenance of peace and order within the barrio;
- e. To approve vouchers relating to the disbursement of barrio funds;
- f. To attend conventions of barrio lieutenants; and
- g. To enforce all laws and ordinances which are operative within the barrio and to sign and enter into contracts with the approval of the barrio council.

The vice barrio lieutenants shall be peace officers and as such shall take charge of the maintenance of public order, in their respective sitios.

The council members shall attend the meetings of the barrio council and cooperate with the barrio lieutenant and vice barrio lieutenants in the discharge of their duties.

SEC. 11. *Rights and privileges of incumbent barrio lieutenants.*—In addition to the rights and privileges now granted by existing laws to barrio lieutenants, they shall, if they have served their constituents properly, as shown by a resolution of the barrio council, other qualifications being equal:

- a. Have preference in appointments in and to any government office, agency, or instrumentality or in and to any government-owned or controlled corporation;