



Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 5TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2007-2010) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON FEBRUARY 3, 2010.

Present:

- SB Member Esel L. Flores, Presiding Officer Pro-Tempore
- Hon. John P. Yap, Municipal Vice Mayor
- SB Member Wilbec M. Gelito
- SB Member Gideon T. Siñel
- SB Member Rowen T. Aguirre
- SB Member Cristina C. Prado
- SB Member Charlie D. Villanueva
- SB Member Dante C. Pagsuguiron
- SB Member Mateo A. Tayco
- SB Member Roldan M. Casidsid, Liga President

Absent:

- SB Member Niño Elpe D. De Sullan, SK Federation President

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MUNICIPAL ORDINANCE NO. 284
Series of 2010

AN ORDINANCE ESTABLISHING THE BARANGAY SPECIAL BENEFIT AND SERVICE IMPROVEMENT SYSTEM (BSBSIS), CREATING THE NECESSARY FINANCE AND ORGANIZATIONAL MECHANISMS, AND APPROPRIATING FUNDS THEREOF.

*(SPONSORS: HON. ROLDAN M. CASIDSID, CHAIRMAN, SB COMMITTEE ON BARANGAY AFFAIRS/PRESIDENT, LIGA NG MGA BARANGAY - MALAY CHAPTER
HON. CRISTINA C. PRADO, CHAIR PERSON, SB COMMITTEE ON APPROPRIATIONS
HON. ROWEN T. AGUIRRE, CHAIRMAN, SB COMMITTEE ON LAWS)*

EXPLANATORY NOTE:

The Local Government Code of 1991 has set the directions for local government units to be creative and innovative in the exercise of its powers to become more attuned to the call of a more genuine and meaningful local autonomy within the bounds of decentralization. Over the years, local governments have managed to showcase countless and noteworthy experiences that manifest the gains of local autonomy- one that is attaining their fullest development as self-reliant communities and has proved to become more effective partners in the attainment of national goals.

In 2006, the Liga ng mga Barangay-Malay Chapter has launched a program designed to grant special benefit to barangay tanods by providing them financial assistance in case of untimely death during their incumbency, medical assistance, and human resource improvement, such as providing trainings, equipage, etc. The program was seen to be successful that it progressed by expanding the program coverage to include elective barangay officials, barangay secretaries, treasurers, and other appointive barangay officials and employees.

The program functions as a response to the various Local Government Code provisions on providing additional benefits, assistance and other forms of support for barangay officials and employees, to enumerate as follows:

1. Section 393 of the Local Government Code of 1991 provides that barangay officials shall be accorded the following benefits:

- A. Be entitled to free medical care including subsistence, medicines, and medical attendance in any government hospital or institution: Provided, that such hospital care shall include surgery or surgical expenses, medicines, X-rays, laboratory fees, and other hospital expenses.

In case of extreme urgency where there is no available government hospital or institution, the barangay official attendance to the nearest private clinic, hospital or institution and the expenses not exceeding Five thousand pesos (P5,000.00) that may be incurred therein shall be chargeable against the funds of the barangay concerned. [Section 393 (b) (3), LGC of 1991]

This codal provision however, cannot be effectively implemented by the barangays due to the lack or insufficiency of funds, especially so, that the same must be an item expenditure of the annual or supplemental budget. Most if not all barangays has scarcity of resources to finance its development projects, that setting-up a reasonable amount for said purposes is seen as unnecessary.

- B. All duly appointed members of the barangay tanod brigades, or their equivalent, which shall number not more than twenty (20) in each barangay, shall be granted insurance or other benefits during their incumbency, chargeable to the barangay or the city or municipal government to which the barangay belongs. [Section 393 (d), LGC of 1991].

Several barangays prior to the implementation of the program has allocated and bought insurance coverage for members of the barangay tanods with private insurance companies but the same must be renewed and paid annually, seemingly thought of as wasting resources.

The local chapter of the Liga ng mga Barangay proposed to pool financial resources by maintaining a fund which will address the grant of insurance or other benefits to barangay tanods with funds continuously growing and increasing.

Section 447 (a) (1), Local Government Code of 1991 provides that Sangguniang Bayan shall:

- A. Provide for legal assistance to barangay officials who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action. [Section 447 (a) (1) (xii)]; and
- B. Provide for group insurance or additional insurance coverage for barangay officials, including members of barangay tanod brigades and other service units, with public or private insurance companies, when the finances of the municipal government allow said coverage. [Section 447 (a) (1) (xii)].

SECTION 1. ESTABLISHMENT OF THE BARANGAY SPECIAL BENEFIT AND SERVICE IMPROVEMENT SYSTEM [BSBSIS]. - There is hereby established a system of granting benefits to barangay officials and employees, to be known as the Barangay Special Benefit and Service Improvement System.

SECTION 2. DEFINITION OF TERMS. - As used in this Ordinance, the following words or phrases are defined as follows:

- a. Benefits shall refer to cash benefit paid to the beneficiary(ies)/heir(s)/ claimant(s) of the barangay officials or employees which include additional death benefit, medical or hospital assistance, cash legal assistance or human resource improvement assistance.
- b. Beneficiary(ies) shall refer to the person or persons designated by the barangay official or employees in the Barangay Officials and Employees Information Sheet (BOEIS) filed with the Office of the Municipal Mayor during his/her incumbency, to receive the benefit in case of death or hospitalization, subject to the limitations provided under the New Civil Code.

The beneficiary(ies)/claimants herein referred are classified into the following:

- (1) The primary beneficiary(ies) are the legitimate dependent spouse and the legitimate, legitimated, legally adopted and illegitimate dependent children of the barangay official or employee;
 - (2) The secondary beneficiary(ies) are the dependent parent(s); and
 - (3) In the absence, any other person designated by the barangay official or employee in the Barangay Official's and Employee's Information Sheet (BOEIS)
- c. Barangay Official's and Employee's Information Sheet (BOEIS) shall refer to the duly filled -up document designed for the purpose of generating information for the System. The document shall be filed with the Office of the Mayor by the official or employee within thirty (30) days from the date of assumption to duty.
 - d. Barangay Special Benefit and Service Improvement Fund is a special account under the General Fund, managed by the BSBSIS Fund Management Committee.

SECTION 2. COVERAGE. -

- A. All component barangays of the Municipality shall be eligible to be part of the System.
- B. Incumbent elective and appointive barangay officials and employees. Elective Officials include the Punong Barangay, Sangguniang Barangay Members, SK Chairman and Sangguninang Kabataan Members while appointive officials and employees include barangay secretary, barangay treasurer, barangay tanods, barangay nutrition scholars, day care workers, members of the Lupong Tagapamayapa, barangay health workers and other employees duly appointed by local authorities.

SECTION 3. ENTITLEMENTS. - The beneficiary(ies)/heir(s)/claimant(s) of the officials or employees shall be entitled to the following benefits, upon submission of the required documents as prescribed under Section 6.2 of this Ordinance.

3.A **ADDITIONAL DEATH BENEFIT**

⇒ Barangay Officials and Employees, who at the time of his/her incumbency, encountered inevitable circumstances resulting to the death of the official or employee shall be entitled to death and financial Aid as follows:

POSITION	AMOUNT OF BENEFIT
Punong Barangay	Php 20,000.00
Sangguniang Barangay Members, SK Chairman, Barangay Secretary, and Barangay Treasurer	PhP 15,000.00
Barangay Tanods, SK Members, BNS and DCW	PhP 10,000.00
BHW's, Lupong Tagapamayapa and other employees	PhP 5,000.00

3.B **MEDICAL OR HOSPITAL ASSISTANCE**

Barangay Officials or employees, who have submitted himself/herself for medical attendance to hospitals or private clinics, shall be entitled to:

- ⇒ For non-PHILHEALTH member, THREE THOUSAND PESOS (₱3,000.00). The amount shall be extended as medical assistance for medical cases requiring surgical operations and confinement of more than three (3) days
- ⇒ Below 3 days confinement, the actual amount of hospital bills or an amount not exceeding 2,000, whichever is lower.
- ⇒ For PHILHEALTH members or beneficiary will be entitled to the following medical assistance:
 - THREE THOUSAND PESOS [₱3,000.00], if the hospital or cost of medical care incurred is in excess of Ten Thousand pesos after deducting PHILHEALTH assistance [confinement of more than three (3) days].
 - TWO THOUSAND PESOS [₱2,000.00], if the hospital or cost of medical care incurred is in excess of Six Thousand pesos after deducting PHILHEALTH assistance. [Actual amount of hospital bills or an amount not exceeding 2,000, whichever is lower.]

3.C **HUMAN RESOURCE IMPROVEMENT ASSISTANCE**

A reasonable portion of the system's fund shall be allocated to support the following:

- 3.c.1 Capacity development needs of barangay officials or employees which shall include training assistance and similar interventions, subject however, to the approval of the Fund Management Committee;
- 3.c.2 Awards and incentives to exemplary performing barangay officials and employees.

3.D **CASH LEGAL ASSISTANCE**

Cash Legal Assistance to barangay officials or employees in the amount of not exceeding Two Thousand Pesos (₱2,000.00) who, in the performance of their official duties or on the occasion thereof, have to initiate judicial proceedings or defend themselves against legal action.

SECTION 4. CREATION OF THE BARANGAY SPECIAL BENEFIT AND SERVICE IMPROVEMENT SYSTEM [BSBSIS] FUND. The funds intended to support the System is HEREBY CREATED and shall come from the following sources:

- A. **INITIAL FUNDING.** - The amount of THREE HUNDRED THOUSAND PESOS (₱300,000.00) shall be transferred from the account of the Liga ng mga Barangay to the Barangay Special Benefit and Service Improvement Fund.
- B. **BARANGAY CONTRIBUTION.** - The amount of Three Thousand Pesos (PhP 3,000.00) pesos shall be collected from the component barangays as Annual Contribution, chargeable against barangay funds, subject to the existing budgeting, accounting and auditing rules. For purposes of budgeting, the amount shall be one of the items of expenditures on the Barangay's Annual Budget.
- C. **CONTRIBUTION FROM THE MUNICIPAL AND PROVINCIAL GOVERNMENT.** The Municipal Government shall allocate not less than One Hundred Thousand Pesos (PhP 100,000.00) annually and the same shall be an item of expenditures of the Municipality's Annual Budget.

D. **DONATION/GRANTS AND AIDS**

SECTION 5. CREATION OF A FUND MANAGEMENT COMMITTEE; DEFINING IT'S DUTIES AND FUNCTIONS. -

- A. **THERE IS HEREBY CREATED A BSBSIS FUND MANAGEMENT COMMITTEE TO BE COMPOSED OF THE FOLLOWING:**

Chairperson : Municipal Mayor

Vice-Chairperson: SB Member, Chairman - Committee on Barangay Affairs/President, Liga ng mga Barangay

Members : (1) Punong Barangay [to be selected by the Liga ng mga Barangay
(2) MLGOO, DILG
(3) Municipal Accountant
(4) Municipal Treasurer

- B. **DUTIES AND FUNCTION.** - The BSBSIS Fund Management Committee shall exercise the following duties and functions:
1. Promulgate supplementary rules and regulations necessary to implement any provision(s) of this Ordinance;
 2. Evaluate and approve all application for benefits or assistance;
 3. Evaluate and approve duly submitted proposals or designs prescribed in the grant of Human Resource Improvement Assistance;
 4. Generate or access funds to adequately support the needs of the System;

5. Authorize the Municipal Treasurer to disburse funds from the Barangay Special Benefit and Services Improvement System (BSBSIS) Fund pursuant to the budget prepared and in accordance with existing rules and regulations; and
6. Exercise such other duties and functions necessary and appropriate.

C. THE COMMITTEE SHALL BE SUPPORTED BY A SECRETARIAT WHICH SHALL BE COMPOSED OF THE FOLLOWING:

Secretariat : Most Senior Staff, Office of the Mayor

Members : (1) Secretary, Liga ng mga Barangay
 (2) Treasurer, Lig ng mga Barangay
 (3) Other support designated by Municipal Mayor

THE COMMITTEE SECRETARIAT SHALL PERFORM THE FOLLOWING FUNCTIONS:

1. Provide administrative support to the needs of the BSBSIS Fund Management Committee;
2. Maintain and update Master List of barangay officials and employees once every six (6) months;
3. Receive and process application for additional benefit and/or assistance;
4. Other duties and function as may be directed by the BSBSIS Fund Management Committee.

SECTION 6. **PROCEDURES FOR AVAILMENT.** - The following procedures shall be observed in the grant of benefits or claim, to wit:

1. **Submission of the duly filled-up Application for the Benefit or Assistance** (BSBSIS Form No. 02-A, BSBSIS Form No. 02-B, and BSBSIS Form No. 02-C) duly endorsed by the Punong Barangay, in case of Sangguniang Barangay Members, appointive officials and employees or DILG Officer, in case of Punong Barangays. The application shall be supported by: (a) a certified true copy of death certificate, in case of death; (b) hospital billing, in case of medical or hospital assistance; (c) a certified true copy of the complaint, in case of cash legal assistance; and program design duly approved by the BSBSIS Fund Management Committee, in case of human resource improvement assistance.

All application shall be submitted to the Office of the Municipal Mayor through the Punong Barangay or DILG Officer, as the case may be, within which the barangay officials or employees is elected or employed. The document shall serve as reference in the issuance of checks to the claimants.

2. **Requirements in claiming payments of benefits or claims.** The claimant shall present any of the following documents, whichever is applicable, when claiming the payment of benefits or assistance:
 - a. Certified true copy of Marriage Certificate (If the claimant is the widow/widower.);
 - b. Certified true copy of Birth Certificate of the Claimant (If the claimant is the son/daughter/sibling.);

- c. Affidavit of Self-Adjudication (If the claimant is the sole heir.);
 - d. Deed of Extra-Judicial Adjudication and Waiver of Rights and Interests (To show proof that other claimant waives their rights over co-claimant or third person.);
 - e. Affidavit of Guardianship (If the surviving spouse has minor children.);
 - f. If single, Birth Certificate of the Deceased and Marriage Certificate of Parents (To show proof of relationship, if the claimant is the parent or sibling.);
 - g. In the absence of a primary and secondary beneficiary(ies), the claimant(s) may present valid ID's or a certification from the barangay that he/she is the qualified claimant;
 - h. Other documents
3. **Processing of Claims.** All claims for benefits and assistance shall be acted upon and settled by the BSBSIS Fund Management Committee within thirty (30) days upon submission of all required documents.
4. **Forms**
- (a) BSBSIS Form No. 1 - Barangay Officials and Employees Information Sheet
 - (b) BSBSIS Form No. 2-A - Application for Additional Death Benefit
 - (c) BSBSIS Form No. 2-B - Application for Medical or Hospital Assistance
 - (d) BSBSIS Form No. 2-C - Application for Cash legal Assistance

SECTION 7. LIMITATIONS ON THE GRANT OF ADDITIONAL DEATH BENEFIT OR MEDICAL AND HOSPITAL ASSISTANCE. In case of additional death benefit or medical or hospital assistance, No benefits shall be granted to the beneficiary official or employee or any of its rightful claimant if the cause of death or hospitalization is either SUICIDE, or unlawful acts resulting to such death or hospitalization.

SECTION 8. PERIODIC REVIEW AND EVALUATION. This Ordinance shall be reviewed not oftener than once every three years, upon the recommendation by the majority of all members of the Liga ng mga Barangay or the BSBSIS Fund Management Committee.

SECTION 9. REPEALING CLAUSE. - Any ordinances, policies, rules and regulations inconsistent herewith is hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. - If for any reason or reasons, any part or provision of these Ordinance shall be held invalid by a competent Court, other parts or provisions thereof that are not affected shall remain in force and effect.

SECTION 11. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after fifteen (15) days from the date of posting.

ENACTED. JANUARY 20, 2010.

APPROVED. FEBRUARY 3, 2010.


APPROVED: SP RESOLUTION NO. 085, S. 2010, dtd. 5-20-10

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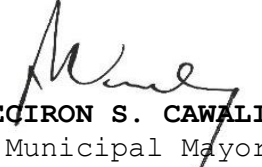
I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

ATTESTED:


ESEL L. FLORES
SB Member
Presiding Officer Pro-Tempore

APPROVED:


CEGIRON S. CAWALING
Municipal Mayor