

# POLITICAL HISTORY, AUTONOMY, AND CHANGE: THE CASE OF THE BARRIO CHARTER<sup>1</sup>

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ONE CAN BETTER UNDERSTAND THE HISTORY OF REPUBLIC Acts 1408 and 2370 and the present Barrio Council by examining its historical antecedents.<sup>2</sup> This paper outlines the major characteristics of local government during the pre-Hispanic, Spanish, and American periods as related to the creation in 1956 of the elective Philippine Barrio Council. A glance at the past partly explains some distinctive features of the present Council. The latter part of the paper traces the origin of rural councils to their present form as prescribed by Republic Act 1408 and as amended by Republic Act 2370.<sup>3</sup>

The contemporary Philippine barrio grew out of pre-Hispanic "family villages" called *barangais* or *barangays*. Barangay originally referred to a group of boats and their passengers who migrated to the Philippines. Each boat carried an entire family including relatives, friends, and slaves under the headship of a *datu* or leader. After landing, the group founded a village under its *datu*. Later on, *barangay* came to mean a village constituted by these settlers.

The *datu* (also called *rajah*, *hadji*, *sultan*, *gat* or *lakan*) of the barangay was the village leader by inheritance, wealth and/or physical prowess. He was lawmaker, judge and executive. Usually he was assisted in village administration by a council of elderly men (*maginoo*), mostly chiefs who had

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<sup>2</sup> This paper drew heavily from John H. Romani and M. Ladd Thomas, *A Survey of Local Government in the Philippines*, Institute of Public Administration, University of the Philippines (Manila, 1954), Chapter I, pp. 1-14; Graciano Lopez-Jaena, "Brief Description of and General Observation of Local Government in the Philippines" *Philippine Social Sciences and Humanities Review*, Vol. 18, No. 2 (June, 1953), pp. 195-214; Emma H. Blair and James A. Robertson (ed.), *The Philippine Islands*, etc. The Arthur H. Clark Co. (Cleveland, 1903); and Leslie R. Bundgaard, "Philippine Local Government," *The Journal of Politics*, Vol. 19, No. 2 (May, 1957).

<sup>3</sup> The latest developments on the Barrio Charter (R.A. 3590) are discussed in the postscript of this paper.

retired due to infirmity or old age. One function of the barangay was preservation of peace and mutual protection from hostile inhabitants of other barangays. To this end, there were occasional confederations of barangays, each governed by its own *datu* but under the overall authority of the chief of the largest or most prosperous barangay.

During the early part of the Spanish regime, the barangay organization was retained. The *datu* remained its head but his powers were nominal, restricted by both lay and ecclesiastical authorities. He became largely a figurehead to facilitate the barangay's cooperation with the Spanish administration, especially in tax collection. As Bundgaard writes, the *datu*s became tax collectors, "mere executors of Spanish policy."<sup>4</sup> Spanish administrators utilized existing local social institutions for the formation of a highly centralized, autocratic colonial regime. "The *datu* occasionally shared his power with the lesser *datu*s . . . but he did not share his power with the people."<sup>5</sup> During the Spanish era the changes made in local government were rarely drastic departures from the pre-Hispanic cast.

However, the Spaniards did make some changes in local government structure. The barangays were consolidated into towns (*pueblos*) that assumed most of the barangay's political functions. Still later, the town was divided, for administrative purposes, into barangays of about 50 to 100 families, each under a chief called *cabeza de barangay* who continued to be the agent of the town authorities. He received no salary but was exempted from paying taxes and could appoint one or two trustworthy assistants. The barangays were no longer composed solely of related families but became artificial units based on geographical location and administrative convenience.<sup>6</sup> The *cabeza de barangay's* main duties were collecting village taxes and maintaining law and order. This was the state of local government prior to the Maura Law of 1893.<sup>7</sup>

Though never implemented, the Maura Law represented Spain's belated attempt to grant Filipinos some semblance of local autonomy. Under the Law, the *cabeza de barangay* was to be given a place on the town's

<sup>4</sup> Bundgaard, *op. cit.*, p. 263.

<sup>5</sup> *Ibid*

<sup>6</sup> Romani and Thomas, *op. cit.*, p. 3.

<sup>7</sup> The Maura Law, May 19, 1893, was named after the Minister of Colonies of Spain, Antonio Maura y Montaner. The purpose of the law was to grant greater local autonomy to the provinces and towns in Luzon and Bisayas. Luzon and the Bisayas were subdivided territorially for administrative purposes. Each province, the largest administrative territorial division under the law, was under the provincial governor, assisted by a provincial council (*junta provincial*). Each province was in turn divided into towns or pueblos. Then towns were subdivided into barangays under *cabezas de barangay*. By a decree of the Spanish Governor-General, the operation of the law was suspended due to a brewing insurrection. See Felix M. Roxas y Fernandez, *Comentarios al Reglamento Provisional para el Regimen y Gobierno de las Juntas Provinciales*, Tipografia y Almacen, 'Amigos del Pais' (Manila, 1894), 204 pp. Cf. Jose P. Laurel, *Local Government in the Philippine Islands*, La Pilarica Press (Manila, 1926).

board of electors composed of members designated by lot by the town *principalia*<sup>8</sup> or prominent town citizens.

This board was to be composed of the outgoing *gobnadorcillo*<sup>9</sup> (little governor), popularly known as *capitan*, six *cabezas* and six *ex-gobnadorcillos*—all chosen by lot.<sup>10</sup> The board was to elect the five members of the municipal council, namely the *capitan* and four liutenants assisting him—the chief lieutenant (*teniente mayor*) and the lieutenants of police, fields, and livestock. The election of the town officials was to be largely controlled by an elite authority. The posts of *capitan* and his assistants were “honorary and gratuitous and . . . obligatory.”<sup>11</sup>

Under the proposed Maura Law, the *cabeza de barangay* was to be appointed for three years by the provincial governor from a list of candidates submitted to him by the municipal council and the town board of electors. His qualifications were: (1) a Filipino or a Chinese mestizo (offspring of a Filipino-Chinese marriage); (2) 25 years of age or over; (3) resident for two years in the town (*pueblo*) where he was to exercise his functions; and (4) a good reputation. He could be reelected for an indefinite number of times, receive 50 per cent of taxes collected in his village, and had authority to require the services of one or two persons to help him with his official duties. Though never implemented, the Maura Law laid the foundation for American municipal administration in the Philippines.

In sum, the Spaniards utilized local institutions at the incipient stage of their administration. The barangay structure was retained but the *datu*s became mainly tax collectors. Later, the barangays were consolidated into towns. These towns were eventually divided, for administrative convenience, into barangays of about 50 to 100 families, each under a *cabeza de barangay*. The barangay later was called *barrio* (ward or village) and the *cabeza*, *Teniente del Barrio* (Barrio Lieutenant). As Laurel states, the Spanish administrator “substituted barrios for barangays” and these barrios “served as bases for the formation of . . . new *pueblos*.”<sup>12</sup>

<sup>8</sup>The native *principalia* was composed of incumbent and *ex-cabezas de barangay*. This body of principal citizens were exempted from paying tribute for their services. The *principalia* was formally established as a social and political aristocracy in the village by Spanish legislation and native custom. O. D. Corpuz, *The Bureaucracy in the Philippines*, Institute of Public Administration (Manila, 1957), p. 108. Cf. Blair and Robertson, *op. cit.*, V, 17, p. 331.

<sup>9</sup>*Gobnadorcillo* was the representative of the provincial governor in the town, a position today equivalent to the mayor.

<sup>10</sup>Agustin Craig (ed.), *Dr. Feodor Jagor's Travels in the Philippine Islands*, National Book Company (Manila, 1925), pp. 222-223.

<sup>11</sup>Laurel, *op. cit.*, pp. 39, 40.

<sup>12</sup>Laurel, *op. cit.*, pp. 27, 28. Sibley states that the term *barrio* has in the Philippines “a clear, and unvarying legal meaning. It is a political subdivision of a municipality, marked off as a geographical area.” Willis E. Sibley, “Manalad, the Maintenance of Unity and Distinctiveness in a Philippine Village,” unpublished Ph.D. dissertation (University of Chicago, June, 1958), p. 14.

When the United States assumed administration of the Philippines in 1898, slight changes were made in the local government. The towns were renamed municipalities. The barrio continued as a subdivision, with the Barrio Lieutenant as its chief administrative officer.<sup>13</sup> President McKinley's Second Philippine Commission members were "to devote their attention . . . to the establishment of municipal governments in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent they are capable."<sup>14</sup>

However, as Bundgaard points out, the Commission finally decided to restrict local autonomy, believing the best method of teaching Filipinos self-government was by American supervision of local political parties. The municipal and provincial codes "were virtually duplications of the Maura Law and the colonial government was given the power to supervise local government and intervene in local affairs. This was the antithesis of the local autonomy which the Americans had wished to introduce" into the Philippines.<sup>15</sup> Though municipal officials made their own decisions concerning local affairs, these decisions were subject to revision or annulment by the central government in Manila.

During the later part of the American period, barrio affairs were administered through a rural council.<sup>16</sup> The rural council was composed of the Barrio Lieutenant and four Councilmen, all appointed, not elected, by the Municipal Council in charge of the barrio. He could suspend or remove rural Councilmen "for cause."<sup>17</sup> The Barrio Lieutenant's main function was to assist the Municipal Councilor assigned to the barrio in the performance of the latter's duties in the community. A Secretary was elected by the rural Councilmen from among themselves to prepare brief minutes of the proceedings and draft the Council's recommendations and suggestions for submission to the Municipal Council. The rural Councilmen were not paid and their terms were fixed in their appointments.

The powers and duties of the rural council were: (1) to represent the barrio or portion of barrio where it was located in cases where such representation was not incompatible with the personality of the Municipal Council; (2) to hold regular monthly sessions; (3) to make its own rules of

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<sup>13</sup> John H. Romani, "The Philippine Barrio," *The Far Eastern Quarterly*, V, 15, No. 2 (1956), pp. 230-231.

<sup>14</sup> *A Compilation of the Acts of the Philippine Commission* (Manila, 1908), pp. 10-11. Cf. Bundgaard, *op. cit.*, p. 265.

<sup>15</sup> Bundgaard, *op. cit.*, pp. 265-266.

<sup>16</sup> Juan F. Rivera, *The Legislative Process of Local Governments* (Diliman, Quezon City, University of the Philippines Press, 1956), p. 128. Act No. 3861 of the Philippine Legislature, November 13, 1931, and later incorporated as Section 2219 1/2 of the Revised Administrative Code of the Philippines.

<sup>17</sup> "For cause" not explained in Section 2219 1/2.

procedure to be approved by the barrio's Municipal Councilor before they took effect; (4) to submit to the Municipal Council through their Councilor suggestions or recommendations for barrio improvements; (5) to provide for the dissemination by the town crier, or any other appropriate means, of new laws and municipal ordinances the Council considered important; (6) to organize, at least three times a year, public lectures on citizenship; and (7) to cooperate with the government for the success of measures of general interest.<sup>18</sup> However, the rural councils were never effective in most parts of the country; they remained largely a "paper organization."

Before World War II, the Barrio Lieutenant was the main representative of the municipal government in the villages. He was appointed by municipal officials, was paid no salary and had no legal authority. His duties were: (1) keeping peace in the barrio; (2) presenting barrio needs and problems to the municipal officials; and (3) informing the barrio folk of municipal rules and ordinances.<sup>19</sup> His effectiveness depended largely on his party affiliation and kinship with key municipal and provincial officials. Of course the personal qualities of the Barrio Lieutenant were also important. Often the real leader of the barrio in local affairs was not appointed Barrio Lieutenant.<sup>20</sup>

With Philippine independence in 1946, "local government was neither sound, active, nor particularly democratic."<sup>21</sup> It was the realization of this fact, coupled with the desire to organize a legal entity at the rural level to centralize community development programs, that led to the creation of the elective Barrio Council in 1956.

### BACKGROUND OF REPUBLIC ACTS 1408 AND 2370

This section includes a discussion of the historical antecedents of Republic Acts 1408 (Barrio Council Law) and 2370 (Barrio Charter), the reasons behind the elective Barrio Council concept, a comparison and contrast

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<sup>18</sup> Section 2219 and Section 2219 1/2, *Revised Administrative Code of the Philippines* (Manila, Bureau of Printing, 1951), pp. 917-918.

<sup>19</sup> Robert T. McMillan, "Local Government in the Philippines," *Philippine Sociological Review*, Vol. 2, No. 2 (July, 1954), p. 21.

<sup>20</sup> Who the "real leader" is in the barrio is a moot question. Agaton Pal discusses what he calls "situational leadership"—that is, a leader in one area may not be the leader for another area because "people perceive competence as a specialized skill, not a general trait." Agaton P. Pal, "Channel of Communication with the Barrio People," *Philippine Journal of Public Administration*, Vol. I, No. 2 (April, 1957), p. 163. For another method of studying leadership, see Willis E. Sibley, "Leadership in a Philippine Barrio," *Philippine Journal of Public Administration*, Vol. I, No. 2 (April, 1957), pp. 154-159.

<sup>21</sup> Bundgaard, *op. cit.*, p. 262.

of laws related to the Council, and a summary examination of some basic concepts of barrio government.<sup>22</sup>

One significant feature of the postwar period is the "discovery" of the barrio. This "mounting interest" in rural life is the result of a number of factors, namely, the general revolution of "rising expectations" occurring in Asia, renewed agrarian and political unrest, the urban population exodus into rural regions during the Japanese regime, experiments in directed change in villages, the influx of foreign ideas of "rural reconstruction" and "community development" and some socio-economic studies undertaken jointly by Philippine and American social scientists.<sup>23</sup>

One study (*The Rivera-McMillan Report*) that discussed conditions in rural areas pointed out that one aspect of barrio life was its almost complete lack of legal self-government. The barrio had no taxing power and government funds were not regularly set aside for local improvements. The villagers could not collect taxes for roads, schools, water supply, police or fire protection. For taxes paid to the municipal treasury, the best the barrio folk could expect to receive was simple medical care by the municipal physician at his poblacion office, periodic visits of the sanitary inspector and a municipal policeman.<sup>24</sup> Puericulture (health) centers extended some assistance to the rural region, particularly in midwifery. Many centers, however, were financed by funds from the government-operated lottery and the midwife spent most of her time treating poblacion residents.

Before Republic Act 1408, many governmental and non-governmental agencies were sponsoring rural improvement programs independently. Governmental units engaged in multi-functional projects, covering all phases of rural life, were the Bureau of Public Schools, the Bureau of Agricultural Extension and the Social Welfare Administration. Other government agencies involved in rural improvement were the Economic Development Corps (EDCOR) of the National Defense Department and the National Rehabilitation and Resettlement Administration (NARRA). In addition, there were

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<sup>22</sup> The legal history of Republic Act 1408 (Barrio Council Law) began November 13, 1931, when the Philippine Legislature passed Act. No. 3861, creating the rural council. Act No. 3861 was later incorporated as Section 2219 ½ of the *Revised Administrative Code of the Philippines*, Senate Bill No. 372, which became Republic Act 1245, June 10, 1955, amended Section 2219 ½. Finally, Senate Bill No. 383, amending Republic Act 1245, was passed on September 9, 1955, becoming Republic Act 1408. On June 20, 1959, Republic Act 2370 amending Republic Act 1408, was passed. This new law took effect January 1, 1960. R.A. 3590 amended R.A. 2370.

<sup>23</sup> Jose V. Abueva, *Focus on the Barrio*, Institute of Public Administration (Manila, 1959), pp. 11-16.

<sup>24</sup> Generoso F. Rivera and Robert T. McMillan, *The Rural Philippines*, Mutual Security Agency, Office of Information (Manila, October, 1952), p. 157. Cf. Robert T. McMillan, "Governmental Responsibility for Barrio Councils," *Memorandum to Ramon Binamira* (Manila, June 21, 1955), mimeographed, p. 1.

many socio-civic organizations devoted to community development.<sup>25</sup> As a result, there was duplication of functions and services, dissipation of effort, confusion among the barrio folk, organizational friction, and many hindrances in promoting an effective, unified community development program.

To facilitate the coordination of government and non-government rural development agencies, Congress in 1954 established the Community Development Planning Council. In 1956 this Council was replaced (Executive Order No. 156, Sec. 2, January 6, 1956) by the Office of Presidential Assistant on Community Development (PACD). This agency is responsible for integrating "all and each of the departments and offices of the government engaged in community development." An Inter-Departmental Coordinating Committee (IDCCD) was created to assist the PACD. The IDCCD is composed of directors of bureaus and chiefs of national agencies of the government having interest in or directly concerned with community development.

A recent study of the coordination among these agencies indicates that the situation has not been drastically improved over the last five or six years. Suggestions for improving the coordination of the various community development agencies, based on PACD activities in six different provinces, include better communication among the agencies, minimizing the tendency of agencies for "grabbing credit," improved coordination in planning, etc.<sup>26</sup>

In accordance with the belief that rural improvements should be furthered by democratic means, the PACD also seeks to promote local autonomy by creating and strengthening Barrio Councils and other development councils in towns and provinces. To encourage such a development, legislators drafted a variety of bills. In 1959 Congress enacted R.A. 2370. The history of this act will now be traced.

Early in 1955, Senator Tomas L. Cabili (a member of the Nacionalista Party)<sup>27</sup> discussed rural conditions with some ICA (International Cooperation Administration) officials and other Americans in Manila who were interested in improving barrio life. During these conversations, there emerged the idea of a law providing for the election of the Barrio Council. Senator Cabili drafted a bill to that effect, assisted by an ICA official and

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<sup>25</sup> Other organizations working for barrio improvement: 4-H clubs, rural improvement clubs, puericulture centers, self-help centers, social welfare clubs, V-corps, women's clubs, Philippine Rural Reconstruction Movement (PRRM), World Neighbors, Inc., Philippine Rural Community Improvement Society (PRUCIS), National Movements for Free Elections (NAMFREL), and health centers. *Community Development Councils*, Office of the Presidential Assistant on Community Development (Manila, n.d.), p. 4; Cf. Abueva, *op. cit.*, p. 68.

<sup>26</sup> Remigia Carpio-Laus. *Coordination of Agencies in the Community Development Program* (Quezon City: Community Development Research Council, University of the Philippines, 1960), Study Series No. 9, [xiii] 130 pp., mimeo.

<sup>27</sup> For an extensive discussion of Senator Cabili's role in Philippine rural development, see Abueva, *op. cit.*, Chapters VI, XI, XII, and XIV.

other interested parties. All were convinced of the need to provide the barrio people with the legal means of governing themselves. Democracy, they felt, had to be encouraged in the barrios if initiated and increased interest in self-help were to develop more extensively at this level. In addition, it was hoped the Barrio Council would coordinate the various projects instituted by the ICA, by governmental and by non-governmental rural development agencies which often were working independently in the barrios.<sup>28</sup>

Three companion bills were drafted by Senator Cabili's group for the purpose of bringing greater autonomy and power to barrio government. One bill was to create an elective Barrio Council, enumerate its composition and duties. The second draft bill provided that the Municipal Councilor should be a resident of the barrio or barrio district he represents. (The practice then current was to have this official elected at large in the municipality and then assigned to a barrio or barrio district by the Municipal Council.) The third bill ruled that 50 per cent of the land tax levied by the Municipal Council should remain in the barrio for use as determined by the proposed council.<sup>29</sup>

The House of Representatives, where all tax bills originate, did not have time to consider the land tax bill (H. No. 2735) before the closing session, despite the support of Representatives Panfilo Manguera (Nacionalista, Marinduque) who introduced the bill, Pedro Lopez (Nacionalista, Cebu), and Constancio Castañeda (Nacionalista, Tarlac).<sup>30</sup> In the Senate, where Senator Cabili introduced the other two bills, the second bill, concerning the residence of the Municipal Councilor, was deferred for consideration with the proposed revision of the Election Code.<sup>31</sup>

Senator Cabili was determined, however, to push through Senate Bill No. 372, the elective Barrio Council Bill, entitled, "An Act Amending Section 2219 1/2 of the Revised Administrative Code and for Other Purposes." This Bill was referred to the Committee on Rural Development, May 13, 1955, of which he was Chairman<sup>32</sup> and passed substantially without change

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<sup>28</sup> From an informal discussion group with the late Senator Tomas L. Cabili, February 20, 1957.

<sup>29</sup> *Ibid.*

<sup>30</sup> "AN ACT TO AMEND THE FIRST, SECOND AND SIXTH PARAGRAPHS OF SECTION FIVE OF THE ASSESSMENT LAW, AS AMENDED, SO THAT A CERTAIN PERCENTAGE OF THE PROCEEDS OF THE REAL PROPERTY TAX LEVIED UPON ANY PROPERTY SITUATED IN A BARRIO OR SITIO SHALL BE SET ASIDE FOR THE BENEFIT AND USE OF SUCH BARRIO OR SITIO," H. No. 2735, House of Representatives, Third Congress of the Republic of the Philippines, Second Session, Manila, January 25, 1955. Introduced by Rep. Panfilo Manguera (Marinduque) but not passed. The bill sought to retain 50 per cent of the real property tax levied by Municipal Council for use by the Barrio Council.

<sup>31</sup> From an informal discussion group with the late Senator Tomas L. Cabili, February 20, 1957.

<sup>32</sup> For Senate debate on Senate Bill 372, see *Congressional Record*, Third Congress of the Republic, Second Session, Vol. II, No. 75, p. 133.



as Republic Act 1245, June 10, 1955.<sup>33</sup> The bill was "to prime some vigor or life into the rural councils as constituted by Section 2219 1/2, by making the members *elective*, specifying their respective duties and broadening the powers of the council."<sup>34</sup>

The prewar rural council was renamed the Barrio Council. The new council was to be composed of a Barrio Lieutenant, a Deputy Barrio Lieutenant for each *sitio* (a small cluster of dwellings) in the barrio, one Councilman each for Health, Education, and Livelihood. A Secretary was to be elected by the Councilmen from among their number.<sup>35</sup> All these officials were to be elected for one year and could be reelected for only four consecutive terms.

Like the former rural council members, the Barrio Councilmen were to receive no salary for their services except traveling expenses in attending legitimate barrio business in the poblacion, provincial, or national capital. A Barrio Council candidate could be any qualified barrio voter not less than 25 years of age, with the necessary training, experience, and fitness<sup>36</sup> for the post, regardless of political affiliation. All bona fide barrio folk 21 years old or over, resident in the barrio for at least six months prior to the Barrio Council election, could vote. A voter who could not attend the election could appoint a proxy in writing to cast his vote. The annual election was to be held on the third Tuesday in January. The Barrio Council was to have the same general duties as the former rural council.

### Republic Act 1408

Republic Act 1245 was never implemented for, three months after passage, it was amended by Republic Act 1408, originally Senate Bill 383. This bill was introduced by the late Senator Cipriano Primicias on July 7, 1955 and referred to the Committee on Rural Development of which Senator

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<sup>33</sup> Republic Act Number 1245, "AN ACT AMENDING SECTION TWENTY-TWO HUNDRED AND NINETEEN AND ONE-HALF OF THE REVISED ADMINISTRATIVE CODE AND FOR OTHER PURPOSES," Official Gazette, Vol 51, No. 6 (June, 1955), p. 2811.

<sup>34</sup> Juan F. Rivera, *op. cit.*, p. 129. Underscoring supplied.

<sup>35</sup> The titles of the Councilmen were suggested by the four major areas for rural development emphasized by the Philippine Rural Reconstruction Movement (PRRM): health, education, livelihood, and self-government. The PRRM, a non-governmental agency devoted to rural improvement, claims that, "Republic Act 1245 creating the Barrio Council, later amended by "Republic Act 1408, was inspired by the PRRM through its demonstration of the value and effectiveness of the Rural Council. The role played by the Rural Councils in the development of their respective barrios proved the strength of local lay leadership . . . This was what led Senator Tomas L. Cabili, member of the Board of Trustees of PRRM, to introduce in Congress Act 1245." *PRRM Progress Report* (Manila, 1956), mimeographed, p. 2, Cf. Felipe Lagon, " 'Resolution' in Five Barrios." *Philippines Free Press*, Vol. 49, No. 10 (March 8, 1957), p. 36.

<sup>36</sup> "Training, experience, and fitness" were not explained in either Republic Act 1245 or 1408.

Jose C. Locsin was Acting Chairman.<sup>37</sup> Republic Acts 1245 and 1408 were similar with regard to the organization of the Barrio Council, but the latter increased the Barrio Council's dependence on the Municipal Council. In fact, R.A. 1408, passed by the Senate on third reading, July 13, 1955, restored to the Municipal Councilor the power to recommend to the Municipal Council suspension or dismissal of any Barrio Council member for the still undefined "cause." This important provision had been part of Section 2219 1/2 of the Revised Administrative Code, but was purportedly omitted by Cabili in R.A. 1245. Furthermore, disbursements of Barrio Council funds by the newly created Treasurer were also made subject to the Municipal Council's approval.

Other revisions of R.A. 1408 changed the age qualification for Barrio Council candidates from 21 to 25 years and abolished voting by proxy. In addition, one major modification occurred between the passage of R.A. 1408 in the Senate and its final printing. The Senate had agreed that voters who qualified in the national election could vote in the Barrio Council election, and that one-half of the qualified voters constituted a quorum. However, the final bill limited Barrio Council voters to *heads of families* and with only one-third of the qualified voters necessary for holding the election. Senate Bill 383 was signed by President Ramon Magsaysay on September 9, 1955, one of the bills presented for his signature at the close of the Second Special Session of the Congress.

The composition of the Barrio Council under R.A. 1408 was the same as under R.A. 1245 except for the election of the Vice-Barrio Lieutenant, as they were now called, and a Treasurer. There were as many Vice-Barrio Lieutenants as there were *sitios* in the barrio, or one Vice-Barrio Lieutenant for every 200 barrio residents without *sitios*. A Treasurer was to be elected from among the Barrio Council members in the same manner as the Secretary. For example, a Vice-Barrio Lieutenant or a Councilman for Education could concurrently serve as Treasurer.

The Treasurer collected all fees and contributions due the barrio treasury, issued receipts and disbursed funds upon the signatures of the payee and Barrio Lieutenant with the approval of the Municipal Council. As custodian of barrio funds, all collections were deposited with the Municipal Treasurer within one week of their receipt. The powers and duties of the Barrio Council under Republic Act 1408, the term of office, and manner of

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<sup>37</sup> Senator Locsin took over as Acting Chairman when Senator Cabili went to the United States with Dr. James Yen, PRRM head, to seek a congressional appropriation to finance a large scale rural reconstruction project. Senator Cabili's absence prevented him from following up the new amendments to his original bill, enabling the insertion into R.A. 1408 of provisions decreasing the Barrio Council autonomy granted by R.A. 1245. The Cabili-Yen mission to United States is discussed in Abueva, *op. cit.*, pp. 300-333.

suspension or removal from office of the unpaid Barrio Councilmen were the same as under Republic Act 1245.

### Republic Act 2370

Considerable criticism was directed against this first Barrio Council Law, Republic Act No. 1408, by the Manila press and other publications. In 1960, a new law (Republic Act 2370),<sup>38</sup> known as the "Barrio Charter," amended Republic Act 1408 and converted the Barrio Council "from a mere recommendatory body into an autonomous organ, empowered to act for, and in behalf of, barrio residents."<sup>39</sup> Signed by President Carlos P. Garcia, June 20, 1959, the new law took effect January, 1960.

The most important innovations introduced by Republic Act 2370 center around: (1) Voting, office holding and the Barrio Assembly, (2) the Barrio Council's taxing powers, (3) the Barrio Council's legislative powers, (4) the Barrio Council members' tenure of office, (5) the removal or suspension of Barrio Council members, and (6) Barrio Council members' compensation.<sup>40</sup>

### Voting, Office-Holding, and the Barrio Assembly

Under R.A. 1408, only resident heads of families, 21 years of age or older, could vote or be candidates for the Barrio Council.<sup>41</sup> Thus individuals qualified to vote or candidates in national elections were disqualified from the same in Barrio Council elections if they were not family heads.<sup>42</sup> Ac-

<sup>38</sup>To make the "over 19,000 barrios all over the country . . . vigorous . . . political units" three Nacionalista legislators, namely Congressmen Antonio Y. de Pio (Cebu), Godofredo Reyes (Ilocos Sur), and Rogaciano Mercado (Bulacan) and twenty-four other lawmakers introduced some 42 bills which were consolidated into House Bill 3156 by the Committee on Provincial and Municipal Governments, April 1, 1959. House Bill 3156 was passed on second reading, May 7, 1959, third reading on May 15, 1959 and then sent to the Senate requesting concurrence on the same date. Passed by the Senate with amendments on May 21, 1959, it was subsequently referred to the Committee on Provincial and Municipal Governments on the same day. The Senate agreed to the amendments, May 21, 1959. House Bill 3156 was finally signed by President Garcia, June 20, 1959, becoming Republic Act 2370 (An Act Granting Autonomy to Barrios of the Philippines). See *Committee Report No. 1493*, Committee on Provincial and Municipal Governments, Bills and Index Division, House of Representatives, Congress of the Philippines.

<sup>39</sup>Emmanuel Pelaez, *Explanatory Note* on Senate Bill No. 317, Second Session, Fourth Congress, Republic of the Philippines (1959), mimeographed, p. 3.

<sup>40</sup>For the full text of R.A. 2370, see the appendix.

<sup>41</sup>However, public school teachers, often the best qualified individuals in the barrios, could not be elected to the Barrio Council because of the "constitutional and civil service prohibitions against participation of civil service employees in political activities." See, "Tuason Rules Against Teachers Serving as Barrio Councilors," *Manila Chronicle* (Feb. 15, 1957), p. 5.

<sup>42</sup>One critic proposed that qualifications for Barrio Council elections should be the same as those for national elections, but that literacy requirements must be waived. Banguis, *op. cit.*, p. 5.

cordingly, some barrio residents jokingly suggested that the Barrio Lieutenant's position was higher than that of the President of the Philippines.<sup>43</sup>

The creation of the Barrio Assembly by R.A. 2370 radically changed the qualifications for voting for and election to the Barrio Council by eliminating the provisions that restricted these privileges to family heads.

Section 4 provides that "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 . . . and have been residents of the barrio for at least six months." Candidates for election to the Barrio Council also must be qualified electors and residents of the barrio for at least six months prior to the election. They must not have been convicted of a crime, involving moral turpitude or of a crime which carries a penalty of at least a year's imprisonment.<sup>44</sup> Commenting on the Assembly, one writer noted:

Nothing has dramatized so effectively the birth of the barrio charter as the creation of the barrio assembly. It is the barrio Congress. . . it provides . . . a truly representative government and a solemn opportunity to discuss the barrio problems and their solutions.<sup>45</sup>

The barrio assembly meets annually for the Barrio Council's report on activities and finances and convenes for the Barrio Council election upon written petition of at least one-fifth of the members. One-third of the Barrio Assembly constitutes a quorum.<sup>46</sup>

The Barrio Lieutenant presides over the assembly in all meetings whereas the Barrio Council Secretary is concurrently the assembly Secretary. He is helped by an Assistant Secretary who takes over in his absence or incapacity.

### The Barrio Council's Taxing Powers

Act 1408 stated that the Barrio Council could not officially solicit funds for community development without the permission of the Social Welfare Administration. Red tape and long delays for approval often resulted in the abandonment of worthwhile projects. Since no taxes stay in the barrio for use by the Barrio Council, this agency is financially handicapped. To remedy this difficulty, some urged that the law be amended, giving the

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<sup>43</sup> Santos, *op. cit.*, p. 2.

<sup>44</sup> Republic Act 2370, Section 9, *op. cit.*

<sup>45</sup> Rama, "Barrio Folk At the Polls," *op. cit.*, p. 33.

<sup>46</sup> Republic Act 2370—"AN ACT GRANTING AUTONOMY TO BARRIOS OF THE PHILIPPINES," Second Session, Fourth Congress, Republic of the Philippines, Manila (1959), mimeographed, p. 2.

Barrio Council authority to conduct local fund campaigns without the formal approval of the Social Welfare Administration.<sup>47</sup>

According to the late Senator Tomas L. Cabili, a provision of his original bill which became R.A. 1245, was that one-half of the land tax collected should remain in the barrios where the funds were collected.

Other critics had also urged that the Barrio Council be authorized to retain for local use a part of the taxes collected in the barrio. The 1957 Baguio Community Development Conference recommended that Barrio Council members help collect local taxes and retain 3 per cent of the amount for local improvements.<sup>48</sup> The League of Governors and City Mayors, in a convention in Manila, February, 1957, recommended that the barrio folk be given "broad powers of taxation with a provision that at least five per cent of taxes imposed on barrios be placed at the disposal of the Barrio Council."<sup>49</sup>

In 1958 Senator Lorenzo M. Tañada introduced Senate Bill 100 designed to amend Republic Act 1408 with a view to giving greater autonomy to the Barrio Council. While the original proposal contained no new revenue provision, a clause was inserted on second reading in the Senate authorizing the Barrio Council "to collect fees and/or solicit contributions at such rates or amounts as it may decide by resolution."<sup>50</sup> This addition may, for the most part, be traced to a memorandum sent to the Senate by Ramon P. Binamira, Presidential Assistant on Community Development. He urged that the Barrio Council either be given the taxing power or that a substantial part of the taxes collected in the barrio and forwarded to the national government, revert to the Council treasury on a regular quarterly or yearly basis. The PACD head favored the first suggestion.<sup>51</sup> Senate Bill 100, however, was not passed in the first session of 1958.

The new Barrio Charter (Act 2370) vests taxing powers in the Barrio Council. The Council may now raise, levy, collect and/or accept monies and other contributions from the following sources.

1. Voluntary contributions annually from each male or female resident, 21 years or over;

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<sup>47</sup> Recommendation of Mr. E. C. Santos, Community Organizer, in a letter to Project Director Rural Community Self-Help Proj. No. 70, Bureau of Public Schools, Manila, datelined Cebu City, February 21, 1956, and Ramon Binamira, Presidential Assistant on Community Development, Memorandum on "Proposals to Promote Local Autonomy on the Barrio Level," p. 9.

<sup>48</sup> "Baguio Community Conference Ends," *Manila Times* (Jan. 14, 1957), p. 16; and "Final Report, Work Group No. 1, First Northern Seminar on Community Development," Pines Hotel, Baguio City (Jan. 10-13, 1957).

<sup>49</sup> "Autonomy Bill Is Endorsed," *op. cit.*

<sup>50</sup> Senate Bill No. 100, Fourth Congress of the Republic of the Philippines, First Session introduced by Senator Lorenzo M. Tañada.

<sup>51</sup> Ramon P. Binamira, "Proposals To Promote Local Autonomy on the Barrio Level," pp. 1 and 2.

2. Licenses on stores, signs, signboards, and bill boards displayed or maintained in any place exposed to public view except those displayed at the place or places where profession or business advertised is in whole or in part conducted;
3. A tax on gamecocks owned by barrio residents and on the cockpits therein; provided, that nothing herein shall authorize the Barrio Council to permit cockfights;
4. Monies, materials and voluntary labor for specific public works and cooperative enterprises of the barrio raised from residents, landholders, producers and merchants of the barrio;
5. Monies from grants-in-aid, subsidies, contributions and revenues made available to barrios from municipal, provincial, or national funds;
6. Monies from private agencies and individuals;
7. An additional percentage, not exceeding one-fourth of one per cent of the assessed valuation of the property within the barrio, collected by the municipal treasurer along with the tax on real property levied for municipal purposes by the municipality and deposited in the name of the barrio with the municipal treasurer; Provided, that no tax or license fee imposed by a barrio council shall exceed fifty per centum of a similar tax or fee levied, assessed or imposed by the municipal council.<sup>52</sup>

In addition to these sources, "ten per cent of all real estate taxes collected within the barrio shall accrue to the barrio general fund, which sum shall be deducted in equal amounts from the respective shares of the province and municipality."<sup>53</sup>

Diverse comments regarding the Barrio Council's new taxation power have been made. One adherent of the Council taxation idea stated:

the Charter is designed to overhaul the popular concepts and procedures in levying taxes. It has a built-in tax reform system . . . people evade taxes because they have not learned to associate taxes with public services . . . if the taxpayer knew beforehand that his money will return to him or his community in the form of a school for his children, a road . . . he would . . . contribute to such a public fund.<sup>54</sup>

On the other hand, critics see flaws in the taxation provisions. Their comments center on: (1) the objects subject to taxation; (2) the imposition of an additional percentage of real property in the barrio; (3) the Barrio Treasurer's filing of a bond; (4) the barrio collector's possible relationship with landlords; (5) the numerous responsibilities of the Council in relation to its limited financial resources; and (6) the employment of community development workers.

First, critics point out, objects subject to taxation include gamecocks, stores, signs, signboards and billboards. The difficulty in taxing gamecocks

<sup>52</sup> Republic Act 2370, Section 14, *op. cit.*

<sup>53</sup> Republic Act 2370, Section 15, *op. cit.*

<sup>54</sup> Napoleon G. Rama, "Home Rule for the Barrios," *Philippines Free Press*, Vol. 53, No. 2 (Jan. 9, 1960), p. 29.

lie in determining which cocks are gamecocks. Storeowners are usually barrio leaders who would be reluctant to pass ordinances taxing themselves. Signs and signboards are not found in most barrios.<sup>55</sup> Second, the imposition of an additional percentage of real property in the barrio is thought to be unwise. As pointed out by a recent Community Development Research Council (CDRC) study:

In Iloilo most landowners have been delinquent in the payment of their real property tax for some years . . . the most logical step therefore is not to increase taxation but to step up collection.<sup>56</sup>

Third, it is urged that the provision that barrio treasurers post a bond not exceeding ₱10,000.00 (US \$3,000) be eliminated. The barrio's 10 per cent share of the tax collected might just be enough to pay the bond premium.<sup>57</sup> Moreover, the post of barrio treasurer is viewed by some as a financial liability. As one critic wrote:

The Barrio Charter requires barrio treasurers to post a bond . . . which can be confiscated if anything goes wrong with barrio funds. So, "I can't afford it" was the usual reply of persons urged to run for the position. It's possible that many of those who did run were prevailed upon to do so, against their wishes.<sup>58</sup>

Fourth, it is argued that it will be difficult for the barrio collector to get the legal share of the real property taxes if he is a tenant trying to collect from his landlord. As one report pointed out:

In one of the barrios covered . . . the barrio lieutenant is a tenant of the municipal mayor. If the collector from the barrio cannot collect tax dues from his own landlord, how will he be able to convince other landowners to pay their taxes through him?<sup>59</sup>

Fifth, it is pointed out that the Barrio Council is invested with numerous duties and responsibilities. Council performance therefore will be affected by its limited and uncertain sources of income.<sup>60</sup> Finally, it is noted that the employment of, or contributions to the expenses of employing community development workers will add to the financial burden of the Barrio Council.<sup>61</sup>

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<sup>55</sup> Tito Fimalino, *Political Activities of Barrio Citizens in Iloilo as They Affect Community Development*, Community Development Research Council (University of the Philippines, Quezon City, 1960), p. 236.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> Delfin A. Salvosa, "The Barrio Treasurer," *Philippines Free Press*, Vol. 53, No. 9 (Feb. 27, 1960), p. 67.

<sup>59</sup> Fimalino, *op. cit.*, p. 237.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

On the whole, the taxation powers of the Barrio Council are not very extensive, and are unrealistic in light of rural conditions.

### **The Barrio Council's Legislative Powers**

Act 1408 had provided that "the barrio council shall have power to promulgate rules not inconsistent with the law or ordinances of the municipal council, and subject to the approval of the latter, which shall be operative within the barrio."<sup>62</sup>

This particular provision was designed, according to some knowledgeable informants, to permit municipal control of the Barrio Council. Some politicians perhaps fearing a diminution of their own power, argued that it is dangerous to permit the Council to become too independent of the Municipal government. Others felt Barrio Council members were less mature in governmental affairs than Municipal officials. This belief is brought into question by recent findings regarding congressional estimates of barrio competence for self-government. The study shows that 93 per cent of the congressmen-respondents believe barrio folk to be as competent to govern as themselves.<sup>63</sup>

Since one purpose of the Barrio Council law had been to encourage greater participation of the barrio folk in their own government, some argued that the law should be amended, making the Municipal Council only an advisory body. They felt that while the Municipal Council should be notified of the Barrio Council's decisions, it should not be able to set them aside.<sup>64</sup>

In the new Barrio Charter, R.A. 2370, however, municipal dominance over the Barrio Council is continued. Section 12 provides that "The barrio council shall have the power to promulgate barrio ordinances not inconsistent with law or municipal ordinances." In case of conflict between the Barrio Council and the Municipal Council, the dispute is referred for final action to the provincial fiscal.

### **The Barrio Council Members' Tenure of Office**

The tenure of office of Barrio Council members was extended, and more flexibility was introduced in regard to the days on which elections might be held.

R.A. 1408 had stated, "The election shall take place annually on the third Tuesday of January." Actually many barrios held their election on different days, although Justice Pedro Tuason ruled that elections held outside the specific date would be considered null and void since R.A. 1408

<sup>62</sup> Republic Act No. 1408, Section 2219½, *op. cit.*

<sup>63</sup> Buenaventura M. Villanueva. *A Study of the Competence of Barrio Citizens to Conduct Barrio Government*, Community Development Research Council (University of the Philippines, Quezon City, 1959), p. 190.

<sup>64</sup> Banguis, *op. cit.*, p. 4.



fixed the definite time and place for the holding of polls, making them mandatory.<sup>65</sup>

As for R.A. 1408's provision for the holding of annual elections, the objection to this was registered by Senator Lorenzo M. Tañada in his explanatory note to Senate Bill 100 that would have lengthened the Barrio Council members' term to four years. With an annual barrio election and biennial national election, Tañada argued:

...it will not be the least expected if we should find our barrio councilmen hopelessly and bitterly entangled in petty politics instead of faithfully discharging the functions of their office for the benefit of the community . . . the resultant one year term of office is too short a term of office even for an honest and capable councilman to pursue with success whatever useful or necessary improvements he may have planned for his community.<sup>66</sup>

The Senate discussion of this subject resulted in the following compromise:

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.<sup>67</sup>

The new Barrio Charter (R.A. 2370) also states:

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 Removal or Suspension of Barrio Council Members**

Act 1408 provided that Municipal Councilors might, "for cause,"<sup>68</sup> recommend to the Municipal Council suspension or dismissal of any Barrio Council members. It was suggested that this provision be amended so that no council officer could be suspended or dismissed without due process, that the member be removed from office only upon a

two-third vote of the barrio assembly, and only on specific grounds such as conviction of a crime involving moral turpitude, malversation of funds, membership in subversive organizations, insanity or incapacity. He cannot be removed from office at the mere pleasure of the municipal councilor.<sup>69</sup>

<sup>65</sup> "Tuason Rules Against Teachers Serving as Barrio Councilors," *op. cit.*

<sup>66</sup> Lorenzo M. Tañada, "Explanatory Note," Senate Bill 100, *op. cit.*

<sup>67</sup> R.A. 2370, Section 7, *op. cit.*

<sup>68</sup> R.A. 1408 does not define the term "cause."

<sup>69</sup> Banguis, *op. cit.*, p. 5.

Senate Bill 100, which failed to pass Congress, sought to give the Barrio Council rather than the Municipal Council the power "to remove or suspend any member for cause by two-thirds vote of all members of the Council."

Section 9 of R.A. 2370 now gives the municipal mayor the power of supervision over barrio officials which in the past was the responsibility of the Municipal Council. He shall, for instance, "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."<sup>70</sup>

### Barrio Council Members' Compensation

Act 1408 stated that "members of the Barrio Council shall not receive any compensation or emolument."<sup>71</sup> The elected officials, especially the Barrio Lieutenants, often complained that they must spend their own money to entertain the officials who often visit their barrios.<sup>72</sup> One Barrio Lieutenant suggested that they be paid a monthly salary of one peso per day and, when on official duty, a per diem of not more than two pesos a day.<sup>73</sup> Mr. Alvaro Martinez, formerly Executive Director of the Philippine Rural Reconstruction Movement (PRRM) and now with the PACD, believed, however, that Barrio Council members should not be paid; salaries for barrio officials, he felt, would destroy their voluntary spirit, making them a prey to materialism.<sup>74</sup> One Barrio Lieutenant wrote that if President Magsaysay's plan to pay a salary to Barrio Lieutenants would materialize they should be given a daily allowance or per diem to defray actual expenses.<sup>75</sup>

Under R.A. 2370, the Barrio Assembly is now empowered to provide for the reasonable compensation of Barrio Council officers by a two-thirds vote.

Furthermore, the 1959 Barrio Charter grants certain added rights and privileges to Barrio Lieutenants. They now have

preference in appointments in and to any government office, agency, or instrumentality or in and to any government-owned or controlled corporation and they also have priority to purchase public lands and government-owned or managed agricultural farms or sub-divisions, to obtain homesteads, concessions and fran-

<sup>70</sup> *Ibid.*, Section 9.

<sup>71</sup> Republic Act No. 1408, Section 2219½, paragraph 4, *Official Gazette*, Vol. 51, No. 10 (October, 1955), p. 981.

<sup>72</sup> Mario P. Chanco, "'Absentee Candidates' Mark First Barrio Polls," *Manila Daily Bulletin* (January 18, 1956), p. 1; and "Our Barrio Lieutenants Write," *This Week*, Vol. 12, No. 7 (February 30, 1957), pp. 30-31.

<sup>73</sup> "Our Barrio Lieutenants Write," *op. cit.*, p. 30.

<sup>74</sup> Interview with Mr. Alvaro Martinez, February 8, 1957.

<sup>75</sup> "Our Barrio Lieutenants Write," *op. cit.*, pp. 30-31.

chises, and other privileges for the exploitation of the natural resources which are permissible and made available by existing laws.<sup>76</sup>

In addition, an incumbent Barrio Lieutenant permanently incapacitated from work owing to sickness, disease, or injury incurred in line of duty shall receive free hospitalization and medical care from government hospitals. Finally, incumbent Barrio Lieutenants' children are exempted from paying tuition fees in public elementary and intermediate schools.<sup>77</sup>

### MINOR CHANGES INTRODUCED BY R.A. 2370

#### The Composition of the Barrio Council

The Council's composition was altered in two respects. First, the Barrio Treasurer was made subject to election by the Barrio Assembly in the same manner as other Barrio Council members. Under R.A. 1408 the treasurer had been selected by the barrio council itself, from among its own members. Second, instead of the three councilmen for health, education and welfare respectively, called for by R.A. 1408, R.A. 2370 provided for the election of four council members without portfolio.

#### Election Procedures

The Municipal Councilor has been stripped of the power to appoint a board of inspectors and canvassers; the new measure grants authority to the barrio assembly to elect a board of three election tellers, one of whom should be a teacher.

#### Voting

Voting is open or secret as decided by a majority of qualified voters in the meeting.

#### Election Disputes

While R.A. 1408 was silent on the manner of settling election disputes, R.A. 2370 vests decisions in a committee of three chosen by the barrio assembly before the balloting.

#### Meetings

Whereas under R.A. 1408, the Municipal Councilor convoked and presided over election meetings, the Barrio Lieutenant now presides over Council balloting.

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<sup>76</sup> Republic Act No. 2370, Section II, *op. cit.*

<sup>77</sup> *Ibid.*

## SUMMARY AND CONCLUSIONS

In sum, the original law (R.A. 1408) was found to be defective. Many serious flaws were accordingly corrected with the passage and implementation of the new Barrio Charter (R.A. 2370). Although certain Barrio Charter provisions are still felt to be inadequate, nevertheless this new law is a hopeful sign that official recognition and support has been finally extended to those who believe barrio home-rule to be crucial to community development and political democracy in the rural Philippines.

It may be useful to re-examine the present Barrio Council in the light of past traditions with regard to: (1) the role of a council in barrio government; (2) the Barrio Lieutenant; (3) his authority; and (4) his compensation.

*The Council:* During the pre-Hispanic period, a council of elders (*magingino*) assisted the *datu* in village administration. However, their authority and power varied with their prestige and wisdom as well as the leadership qualities of the *datu*. Under the Spaniards, the council was not continued, although the *datu*s, now called *cabezas*, were allotted a place on the board that elected town officials. Interestingly, during the 1957 convention of the League of Provincial Governors and City Mayors, it was suggested that the Barrio Lieutenants should have a non-voting consultative position on the Municipal Council or permission to attend two special sessions of the Municipal Council every month to represent their respective barrios.<sup>78</sup> During the latter part of the American regime, barrio welfare was to be guided by an appointive rural council (Act 3861). However, these councils, as a whole, were ineffective. Whereas the idea of a formal council is not completely alien to Philippine local government, it never played a vital role in the barrios during either the Spanish or American eras.

*The Barrio Lieutenant:* The position of the Pre-Hispanic *datu* was hereditary, buttressed by wealth and kinship. The Spaniards assimilated these leaders into the local government by recognizing their position. Furthermore, the *cabeza* was legally "charged with the responsibility of looking after the peace and order of his barangay, which consisted of about fifty families—the jurisdiction in this case being based on territory and no longer on blood relationships—and of collecting their tribute, taxes, and labor services."<sup>79</sup> The village leader was now appointive not hereditary, although kinship factors weighed heavily in his selection. Today the Barrio Lieutenant is elected, an innovation of considerable importance. However, wealth and kinship connections are often the prime qualifications for the "election" of a Barrio Lieutenant, as the case study of Tulayan illustrates.

<sup>78</sup> "Autonomy Bill Is Endorsed," *Manila Times* (Feb. 15, 1957), p. 1.

<sup>79</sup> Corpuz, *op. cit.*, p. 108.

*Authority:* The pre-Hispanic *datu* was lawmaker, judge, and executive; his authority, largely autocratic, was not used, however, without consultation with the village elders. Under the Spaniards, the *datu* became an appointive figurehead for both lay and ecclesiastical authorities. Though he collected tribute and contributions, settled minor disputes, disseminated official orders, and watched over the welfare of his community, he had little formal authority.

The contemporary attitude of Filipino officialdom toward the Barrio Lieutenant is remarkably similar to the Spaniard's concept of the *cabeza's* role in rural life. At a conference of governors and city mayors, the group stated: "The Barrio Lieutenant is the best agent for the dissemination of news, orders, ordinances, and practically all government requirements. The Barrio Lieutenant is the embodiment of a partriarch, a judge, and a police chief."<sup>80</sup> Yet, for all this, the Barrio Lieutenant before R.A. 2370 had no more authority than his past counterpart, the *cabeza*. The power structure in the Philippines, for the most part, does not give much authority and independence to the Barrio Lieutenant. In authority, the Barrio Lieutenant remains largely within the hierarchical structure of the past, "the lowest position in Philippine officialdom."<sup>81</sup> The enactment of the Barrio Charter is an ambitious attempt toward autonomy for the Barrio Council and its members.

*Compensation:* During the early part of the Spanish regime, the *cabeza* was not paid, although he was exempted from paying tribute. A provision of the abortive Maura Law of 1893 gave him 50 per cent of the taxes collected in his barrio. Before R.A. 2370 the Barrio Council members received no compensation except traveling expenses connected with official business. This provision, however, was seldom implemented. The *cabeza* and Barrio Lieutenant served largely because it was difficult to refuse appointment, and for increased personal prestige. As Sibley states: "On the barrio level, leadership is not sought but is imposed informally upon those who possess the necessary qualifications. Once selected . . . village leaders do not shirk their responsibilities."<sup>82</sup> R.A. 1408 and 2370, as previously described, give modest compensation to Barrio Council officers.

In sum, the present *elective* Barrio Council has no historical precedent. However, informal and voluntary committees are prominent in barrio life; they may manage the annual fiesta, form voluntary cooperative groups, and the like.<sup>83</sup> Though the Barrio Lieutenant is now elected, the importance of

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<sup>80</sup> Bundgaard, *op. cit.*, p. 287.

<sup>81</sup> *Philippines Free Press*, Vol. 49, No. 9 (March 1, 1957), p. 27. Comment was taken from a letter written by a reader to this magazine.

<sup>82</sup> Sibley, *Philippine Journal of Public Administration*, *op. cit.*, p. 158.

<sup>83</sup> For an extensive discussion of the role of informal and voluntary committees, see Buenaventura M. Villanueva, *The Barrio People and Barrio Government*, Community Development Research Council, University of the Philippines (Quezon City, 1959), 41 pp.

family connections and income often negates the democratic purposes of an election. On the other hand, the persons chosen often represent wisest selection because they possess the very qualifications necessary to obtain action from municipal and provincial officials.

Although elected, the Barrio Lieutenant can be removed "for cause." Before R.A. 2370, he was subservient to the municipal government for its approval of Barrio Council policies and the acquisition of funds. This relationship was in line with past tradition. Compensation apparently has never been a major factor in encouraging a man to become a *cabeza* or Barrio Lieutenant. One political scientist feels that in the past the Filipino official class at the rural level assumed "the posts of local administration which tradition and social expectation assigned to them (under vexatious conditions) . . . as . . . part of the natural order of things."<sup>84</sup> Today the general informed public's attitude toward adequate payment of the Barrio Lieutenant reflects this statement. Many Filipino officials and public leaders believe it almost immoral—besides financially impractical—to allot to this rural leader a regular salary. They reason that adequate rewards should be found in the knowledge he is performing his civic duty. Nonetheless, some material rewards are now extended him.

This brief historical sketch of the development of Philippine local government shows, in part, that the Barrio Council can expect to face many serious problems. Despite the vigorous steps taken by Congress and the PACD to invest more authority in the Council, its nationwide effectiveness is yet to be demonstrated. When one looks at the past, the present status and problems of the Barrio Council are more understandable.

#### Postscript

Republic Act (R.A.) 2370 (1959) was amended by R.A. 3590 (Revised Barrio Charter) on June 20, 1963. Under R.A. 3590, the title of the village executive was changed from Barrio Lieutenant to Barrio Captain and the Barrio Council's composition was increased from 4 to 6 Councilmen.

The Barrio Assembly's authority was enlarged to a great extent. For example, the Assembly's powers were expanded to include: (1) recommending the adoption of measures for barrio welfare; (2) hearing annual reports of the Council; (3) acting on budgetary and supplementary appropriation for special tax ordinances; and (4) calling plebiscites for the recall of erring barrio officials. The revised Barrio Charter also makes more explicit the duties and functions of the Barrio Council officials. (For a comprehensive summary on the developments of the Barrio Council from 1956 to 1966, the reader is referred to a forthcoming publication entitled "An Annotated Bibliography on the Barrio Council: 1956-1966" by Donn V. Hart, Mario D. Zamora, Mary Hollnsteiner and Celia M. Antonio.)

<sup>84</sup> Corpuz, *op. cit.*, p. 115.