

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session

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S E N A T E

S. No. 481

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Introduced by Senator S. R. Osmeña III

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EXPLANATORY NOTE

The future belongs to the youth. This is clearly acknowledged in Article II, Section 13 of the Constitution which reads as follows:

**"Sec. 13.** The State recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

In response to this Constitutional mandate, RA 7610, otherwise known as the Local Government Code provided for the creation of the Sangguniang Kabataan, which was envisioned to provide the venue for leadership training among the youth. The potential of the Sangguniang Kabataan in providing a venue for leadership training among the youth is however hampered by certain defects in its organizational structure and design.

This bill seeks to address these defect with provisions that will:

- a) grant the Sangguniang Kabataan a 20% share in the general fund of the barangay;
- b) grant Sangguniang Kabataan members other than the chairman, honoraria of not less than three hundred pesos (P300) which will be equitably based on their attendance at the regular and special sessions of the sanggunian; and
- c) allow the mayor to fill up vacancies in the sanggunian, for positions other than that of the Chairman, by the appointment of replacements recommended by the Sangguniang Kabataan.

In view of the foregoing, early passage of this bill is earnestly requested.

  
SERGIO OSMEÑA III  
Senator

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AN ACT  
AMENDING THE SANGGUNIAN KABATAAN PROVISIONS IN REPUBLIC ACT  
NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991,  
AND FOR OTHER PURPOSES

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

1        **SECTION 1.    *Short Title.***    – This Act shall be known as the  
2        **"Sangguniang Kabataan Reform Act of 2004."**

3        **Sec. 2.        *Declaration of Policy.*** - It is hereby declared to be the  
4        policy of the State to promote and protect the rights of the youth to enable them  
5        to participate actively and effectively in the democratic process of effecting  
6        social, economic and political developments in the country.

7        **Sec. 3.        *Local Funds.*** - Section 308 of R.A. 7160, otherwise  
8        known as the Local Government Code of 1991, is hereby amended to read as  
9        follows:

10        **"Sec. 329. *Barangay Funds.*** - Unless otherwise provided in this  
11        Title, all the income of the barangay from whatever source shall accrue  
12        to its general fund and shall, at the option of the barangay concerned,  
13        be kept as a trust fund in the custody of the city or municipal treasurer or  
14        to be deposited in a bank, preferably government-owned, situated in or  
15        nearest to its area of jurisdiction. Such funds shall be disbursed in  
16        accordance with the provisions of this Title. [Ten percent (10%)

1 TWENTY PERCENT (20%) of the general fund of the barangay shall be  
2 set aside for the Sangguniang Kabataan. THE SANGGUNIANG  
3 BARANGAY SHALL APPROPRIATE THE SANGGUNIANG KABATAAN  
4 FUND IN LIMP-SUM. AFTER THE BUDGET HAS BEEN APPROVED,  
5 THE SANGGUNIANG BARNGAY THROUGH A RESOLUTION SHALL  
6 TRANSFER THE FUND TO THE SANGGUNIANG KABATAAN, AND AT  
7 THE OPTION OF THE SANGGUNIANG KABATAAN CONCERNED, BE  
8 DEPOSITED IN A GOVERNMENT BANK AS SUCH, THE  
9 SANGGUINIANG KABATAAN WILL HAVE FISCAL AUTONOMY IN ITS  
10 OPERATIONS AS TO DISBURSEMENTS AND ENCASHMENT OF  
11 THEIR INCOME AND EXPENSES."

12 **Sec. 4. Creation and Election.** Section 423 of R. A, 7160 is also  
13 hereby amended to read as follows:

14 **"SEC. 423. Creation and Election.** - (a) There shall be in every  
15 barangay a Sangguniang Kabataan to be composed of a Chairman,  
16 seven (7) members, a secretary and a treasurer. THE SECRETARY  
17 AND TREASURER SHALL BE APPOINTED BY THE SANGGUNIANG  
18 KABATAAN CHAIRMAN FROM THE MEMBERS OF THE KATIPUNAN  
19 NG MGA KABATAAN IN CONCURRENCE WITH THE SANGGUNIANG  
20 KABATAAN.

21 "THE SANGGUNIANG KABATAAN CHAIRMAN WHO IS  
22 ELECTED AS PEDERASYON PRESIDENT SHALL AUTOMATICALLY  
23 SERVE AS AN EX-OFFICIO MEMBER IN THE SPECIAL BODIES LIKE  
24 LOCAL HEALTH BOARD, PEACE AND ORDER COUNCIL, LOCAL  
25 DEVELOPMENT COUNCIL, AND LOCAL TOURISM COUNCIL. AS  
26 SUCH, HE SHALL HAVE THE SAME POWERS, DISCHARGE THE  
27 SAME DUTIES AND FUNCTIONS, AND ENJOY THE SAME  
28 PRIVILEGESS ASS THE REGULAR MEMBERS.

1           “b) A Sangguniang Kabataan official who during his term of office  
2           shall be allowed to serve the remaining portion of the term for which he  
3           was elected.”

4           SEC. 6. Sangguniang Kabataan Treasurer. - Section 433 of R. A. No.  
5   7160 is hereby amended to read as follows:

6           “SEC. 433. Sangguniang Kabataan Treasurer. - The  
7           sangguniang Kabataan Treasurer shall:

8           “(a) Take custody of all Sangguniang Kabataan property and funds,  
9           THE LATTER TO BE DEPOSITED IN A BANK PREFERABLY  
10          GOVERNMENT-OWNED, SITUATED IN AND NEAREST TO ITS AREA  
11          OF JURISDICTION IN THE NAME OF THE SANGGUNIANG  
12          KABATAAN OR TO BE [not otherwise deposited] with the city or  
13          municipal treasurer AT THE OPTION OF THE SANGGUNIANG  
14          KABATAAN CONCERNED’

15          “(b) Collect and receive contributions, monies, materials and all  
16          other resources intended for the sangguniang kabataan and katipunan ng  
17          mga kabataan;

18          “(c ) Disburse funds in accordance with an approved budget of the  
19          sangguniang kabataan;

20          “(d) Certify to the availability of funds when necessary;

21          “(e) Submit to the sangguniang kabataan and to the sangguniang  
22          barangay certified and detailed statements of actual income and  
23          expenditures at the end of every [month] QUARTER AND THE SAME  
24          SHALL BE PUBLISHED OR POSTED IN THE AREA DESIGNATED FOR  
25          THIS PURPOSE; AND

26          “{f) Perform such other duties and discharge such other functions as  
27          the chairman of the sangguniang kabataan may direct.”

28          **SEC. 7. Privileges of Sangguniang Kabataan Officials.** – Section 434  
29   of R. A. No 7160 is hereby amended to read as follows:

1                   **“SEC. 435. Privileges Sangguniang Kabataan Officials.** - The  
2                   sangguniang kabataan chairman shall have the same privileges enjoyed  
3                   by other sangguniang barangay officials under this Code subject to such  
4                   requirements and limitations provided herein. THE MEMBERS OF THE  
5                   SANGGUNIANG KABATAAN, OTHER THAN THE CHAIRMAN, SHALL  
6                   RECEIVE HONORARIA AND ALLOWANCES WHICH SHALL NOT BE  
7                   LESS THAN THREE HUNDRED PESOS (P300) WHICH SHALL BE  
8                   APPROPRIATED FROM THE NATIONAL BUDGET, EQUITABLY  
9                   BASSED ON THEIR ATTENDANCE AT THE REGULAR OR SPECIAL  
10                  SESSIONS OF THE SANGGUNIAN. During their incumbency,  
11                  sangguniang kabataan officials shall be exempt from payment of tuition  
12                  matriculation fees while enrolled in public tertiary schools, including state  
13                  colleges and universities. The national government shall reimburse said  
14                  college or university the amount of the tuition and matriculation fees:  
15                  Provided, That to qualify for the privilege, the said official shall enroll in  
16                  the state college or university within or nearest their area of jurisdiction.”

17                  **SEC. 8. Succession and Filling of Vacancies.** - Section 435 of R. A.

18                  7160 is hereby amended to read as follows:

19                  **“SEC. 435. Succession and Filling of Vacancies.** - (a) In case a  
20                  sangguniang Kabataan chairman refuses to assume office, fails to  
21                  qualify, is convicted of a felony, voluntarily resigns, dies, is permanently  
22                  incapacitated, is removed from office, or has been absent without leave  
23                  for more than three (3) consecutive months, AS MANIFESTED IN THE  
24                  RECORDS OF THE SANGGUNIANG BARANGAY SESSIONS OR HAS  
25                  BEEN ABSENT WITHOUT VALID REASON FOR TWO (2)  
26                  CONSECUTIVE REGULAR MEETINGS OF THE SANGGUNIANG  
27                  KABATAAN OR FAILS TO CALL A REGULAR MEETING OF THE  
28                  SANGGUNIANG KABATAAN AND/OR OF THE KATIPUNAN NG  
29                  KABATAAN, the sangguniang kabataan member who obtained the next

1 highest number of votes in the election immediately preceding shall  
2 assume the office of the chairman for the unexpired portion of the term,  
3 AND SHALL DISCHARGE THE POWERS AND DUTIES, AND ENJOY  
4 THE RIGHTS AND PRIVILEGES APPURTENANT TO THE OFFICE. IN  
5 CASE THE SAID MEMBER REFUSES TO ASSUME THE POSITION OR  
6 FAILS TO QUALIFY, THE SANGGUNIANG MEMBER OBTAINING THE  
7 NEXT HIGHEST NUMBER OF VOTES SHALL ASSUME THE  
8 POSITION OF THE CHAIRMAN FOR THE UNEXPIRED PORTION OF  
9 THE TERM."

10 "(b) Where two (2) or more sangguniang kabataan members  
11 obtained the same next highest number of voted, the other sangguniang  
12 kabataan members shall conduct an election to choose the successor to  
13 the chairman among such members.

14 "(c) After the vacancy shall have been filled, [the sangguniang  
15 kabataan chairman shall call a special election to ] THE MUNICIPAL  
16 MAYOR SHALL, FROM AMONG THE NAMES RECOMMENDED BY  
17 THE SANGGUNIANG KABATAAN CONCERNED, APPOINT NEW  
18 MEMBERS TO complete the membership of said sanggunian. Such  
19 sanggunian kabataan member shall hold office for the unexpired portion  
20 of the term of the vacant seat."

21 "(d) In case of suspension of the sangguniang kabataan chairman,  
22 the successor as determined in subsections (a) and (b) of this Sections  
23 shall assume the position during the period of such suspension.

24 "(E) IN CASE OF VACANCIES IN THE POSITIONS OF  
25 SANGGUNIANG KABATAAN KAGAWADS, THE SANGGUNIANG  
26 KABATAAN CHAIRMAN SHALL SUBMIT, IN CONSULTATION WITH  
27 THE KATIPUNAN NG MGA KABATAAN OR THE BARANGAY  
28 CONCERNED IN CONCURRENCE WITH THE SANGGUNIANG  
29 KABATAAN, A LIST OF NOMINEES TO THE PRESIDENT OF THE

1 PANLUNGSOD/PAMBAYANG PEDERASYON NG SANGGUNIANG  
2 KABATAAN AS THE CASE MAY BE WITHIN THIRTY (30) DAYS FROM  
3 THE EXISTENCE OF THE VACANCY, AND LIKEWISE, MANDATING  
4 THE PRESIDENT OF THE PANGLUNGSOD/PAMBAYANG  
5 PEDERASYON NG MGA SANGGUNIANG KABATAAN TO ACT ON  
6 THE SUBMITTED LIST WITHIN TEN (10) DAYS FROM RECEIPT  
7 THEREOF.

8 "IN THE ABSENCE OF A REGULAR ELECTED CHAIRMAN AND  
9 KAGAWADS, THE PRESIDENT OF THE  
10 PANGLUNGSOD/PAMBAYANG PEDERASYON NG MGA  
11 SANGGUNIANG KABATAAN AS THE CASE MAY BE SHOULD SUBMIT  
12 A LIST OF NOMINEES, IN CONSULTATION WITH THE KATIPUNAN NG  
13 MGA KABATAAN OF THE BARANGAY CONCERNED, TO THE  
14 PRESIDENT OF THE PANLALAWIGANG PEDERASYON NG MGA  
15 SANGGUNIANG KABATAAN WITHIN FIFTEEN (15) DAYS AFTER THE  
16 ELECTION OF THE PANLUNGSOD/PAMBAYANG PEDERASYON.  
17 THE PRESIDENT OF THE PANLALAWIGANG PEDERASYON NG MGA  
18 SANGGUNIANG KABATAAN SHOULD ACT ON THE LIST WITHIN TEN  
19 (10) DAYS FROM RECEIPT THEREOF. IN CASE OF DELAY OR  
20 POSTPONEMENT OF FEDERATION ELECTIONS, THE DAYS  
21 EQUIVALENT TO THE DAYS OF POSTPONEMENT/DELAY BEFORE  
22 ITS FINAL COMMENCEMENT SHALL BE ADDED TO THE DAYS  
23 DURING WHICH THE RESPECTIVE PRESIDENT SHOULD ACT ON  
24 THE MATTERS HEREIN STATED.

25 "(F) THE SANGGUNIANG KABATAAN CHAIRMAN WHO IS  
26 ELECTED AS PRESIDENT OF A PEDERASYON SHALL BE  
27 AUTOMATICALLY SUCCEEDED BY THE SANGGUNIANG  
28 KABATAAN MEMBER WHO OBTAINED THE HIGHEST NUMBER OF  
29 VOTES IN THE ELECTION IMMEDIATELY PRECEDING AND SHALL

1        ASSUME THE OFFICE OF THE CHAIRMAN FOR THE UNEXPIRED  
2        PORTION OF THE TERM, AND SHALL DISCHARGE THE POWERS  
3        AND DUTIES, AND ENJOY THE RIGHTS AND PRIVILEGES  
4        APPURTENANT TO THE OFFICE.

5        “(G) THE PRESIDENT OF THE SANGGUNIANG KABATAAN  
6        PEDERASYON WHO SHALL BE ELECTED AS THE SANGGUNIANG  
7        KABATAAN REGIONAL DIRECTOR IN THE PAMBANSANG  
8        PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL SERVE  
9        AS AN EX-OFFICIO MEMBER OF THE REGIONAL DEVELOPMENT  
10       COUNCIL, THE REGIONAL PEACE AND ORDER COUNCIL AND  
11       THE REGIONAL TOURISM COUNCIL WITHOUT NEED OF FURTHER  
12       APPOINTMENT AND SHALL HAVE THE SAME POWERS,  
13       DISCHARGE THE SAME DUTIES AND FUNCTIONS, AND ENJOY THE  
14       SAME PRIVILEGES AS REGULAR MEMBERS.”

15       **SEC. 9. *Pederasyon ng mga Sangguniang Kabataan.*** - Section 436  
16 of R. A. 7160 is hereby amended to read as follows:

17       **“SEC. 436. *Pederasyon ng mga Sangguniang Kabataan.*** - a)

18       There shall be an organization of all Pederasyon ng mga Sangguniang  
19       Kabataan to be known as follows:

20       “(1) In the municipalities, pambayang pederasyon ng mga sangguniang  
21       kabataan;

22       “(2) In cities, panlungsod pederasyon ng mga sangguniang kabataan;

23       “(3) In the provinces, panlalawigang pederasyon ng mga sangguniang  
24       kabataan;

25       “(4) In special metropolitan political subdivisions, pangmetropolitang  
26       pederasyon ng mga sanggunian;

27       “(5) On the national level, pambansang pederasyon ng mga sangguniang  
28       kabataan.



1           “b) The pederasyon ng mga sangguniang kabataan shall at all levels,  
2           elect from among themselves the president, vice president and such  
3           other officers as may be necessary, and they shall be organized in the  
4           following manner:

5           (1)    The panlungsod and pambayang pederasyon shall be composed of  
6           the sangguniang kabataan chairmen of barangays in the city or  
7           municipality, respectively;

8           (2)    The panlalawigang pederasyon shall be composed of the presidents  
9           of the panlungsod and pambayang pederasyon;

10          (3)    The pangmetropolitang pederasyon shall be composed of the  
11          presidents of the panglungsod and pambayang pederasyon;

12               “(c ) The elected president of the pederasyon at the provincial,  
13               highly urbanized city, and metropolitan political subdivision levels shall  
14               constitute the pambansang katipunan ng mga sangguniang kabataan.]

15               “(D) THE PRESIDENT OF THE PAMBANSANG PEDERASYON  
16               NG MGA SANGGUNIANG KABATAAN SHALL SERVE AS EX-OFFICIO  
17               COMMISSIONER OF THE NATIONAL YOUTH COMMISSION AS  
18               PROVIDED FOR BY REPUBLIC ACT 8044. AS EX-OFFICIO  
19               COMMISSIONER, HE SHALL BE ENTITLED TO THE SAME RANK,  
20               COMPENSATION, RIGHTS AND PRIVILEGES OF A DEPARTMENT  
21               ASSISTANT SECRETARY, THE VICE-PRESIDENT OF THE ELECTED  
22               PRESIDENT OF THE PAMBANSANG PEDERASYON NG MGA  
23               SANGGUNIANG KABATAAN SHALL AUTOMATICALLY ASSUME THE  
24               POSITION AS PRESIDENT OF THE LOWER PEDERASYON  
25               WITHOUT NEED FOR FURTHER APPOINTMENT.

26               “(E) THE PAMBANSANG PEDERASYON NG MGA  
27               SANGGUNIANG KABATAAN SHALL MAINTAIN ITS OWN  
28               SECRETARIAT FOR EFFICIENT COORDINATION AND EFFECTIVE  
29               IMPLEMENTATION OF ITS PROGRAMS. FUNDS FOR THIS

PURPOSE SHALL BE INCLUDED IN THE ANNUAL BUDGET APPROPRIATION OF THE NATIONAL GOVERNMENT, WHEREBY THE AMOUNT OF FIFTEEN MILLION PESOS (P15,000,000) IS APPROPRIATED FOR THE CALENDAR YEAR THAT THIS BILL IS ENACTED INTO LAW AND THE SAME AMOUNT EVERY CALENDAR YEAR THEREAFTER, UNTIL OTHERWISE PROVIDED BY LAW.

“(F) THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION SHALL ALLOCATE TO THE PAMBANSANG PEDERASYON TEN MILLION PESOS (P10,000,000) EVERY YEAR.

“(G) THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL BE INDEPENDENT OF ALL GOVERNMENT OFFICES AND AGENCIES IN ITS OPERATIONS. IT SHALL DEVELOP ACTIVE LINES OF COORDINATION AND COMMUNICATION WITH GOVERNMENT OFFICES AND AGENCIES AND SHALL BE SOLELY RESPONSIBLE FOR ALL ITS POLICIES AND OPERATIONS. AT THE END OF EACH CALENDAR YEAR, IT SHALL SUBMIT AN ANNUAL REPORT OF ITS ACTIVITIES, RECEIPTS OR DISBURSEMENTS FOR THE YEAR TO THE PRESIDENT OF THE PHILIPPINES THROUGH THE NATIONAL YOUTH COMMISSION.

“(H) THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN IS HEREBY AUTHORIZED TO RECEIVE DONATIONS, BEQUEATHS, THE NET RECEIPT FROM ONE DRAW OF THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE, AND FUNDS FROM OTHER SOURCES.

“(I) THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL BE EXEMPTED FROM ALL FORMS OF TAXATION OR OTHER IMPOSITIONS, AND SHALL BE FREE FROM ALL DUTIES AND ALL OTHER IMPOSTS ON ANY

1 EQUIPMENT, ARTICLES OR GOODS WHICH IT MAY IMPORT WHEN  
2 NECESSARY FOR ITS OPERATIONS.”

3 **SEC. 10. Constitution and By-Laws.** – Section 437 of R.A. 7160 is  
4 hereby amended to read as follows:

5 “SEC. 437. Constitution and By-Laws. - A) The term of office,  
6 manner of election, removal, suspension AND DISCIPLINARY ACTION  
7 of the officers and MEMBERS of the Pederasyon ng mga Sangguniang  
8 Kabataan at all levels AND THE SANGGUNIANG KABATAAN AT THE  
9 BARANGAY LEVEL shall be governed by the Constitution and By-Laws  
10 of the Sangguniang Kabataan in conformity with the provisions of this  
11 code and national policies of the youth.

12 .“B) THE PAMBANSANG PEDERASYON NG MGA  
13 SANGGUNIANG KABATAAN SHALL PROMULGATE THE  
14 APPROPRIATE GUIDELINES FOR THE CONDUCT OF THE  
15 PEDERASYON ELECTIONS AT ALL LEVELS IN CONSULTATION  
16 WITH THE COMMISSION ON ELECTIONS AND THE DEPARTMENT  
17 OF INTERIOR AND LOCAL GOVERNMENT; *PROVIDED*, THAT THE  
18 GROUNDS AND THE MANNER FOR THE REMOVAL FROM OFFICE  
19 SHALL BE CLEARLY STATED THEREIN.

20 “C) THE PRESIDENT OF THE PEDERASYON AT ANY LEVEL,  
21 WHO IS REMOVED FROM HIS POSITION OF THE GROUNDS  
22 PROVIDED IN THE CONSTITUTION AND BY-LAWS SHALL ALSO BE  
23 AUTOMATICALLY REMOVED IN THE SANGGUNIAN WHERE HE IS  
24 AN EX-OFFICIO MEMBER. THE PRESIDENT F THE PEDERASYON  
25 AT ANY LEVEL, WHEN REMOVED AS EX-OFFICIO MEMBER OF THE  
26 SANGGUNIAN ON THE GROUND PROVIDED IN THE LOCAL  
27 GOVERNMENT CODE, SHALL BE AUTOMATICALLY REMOVED AS  
28 PRESIDENT OF THE PEDERASYON CONCERNED.”

1           **SEC. 11. *Appropriations.*** - The amount necessary for the  
2   implementation of this Act shall be incorporated in the General Appropriations  
3   Act.

4           **SEC. 12. *Separability Clause.*** If any section or provision of this Act  
5   shall be declared unconstitutional or invalid, the other sections or provisions not  
6   affected thereby shall remain in full force and effect

7           **SEC. 13. *Repealing Clause.*** - All laws, decrees, orders, rules and  
8   regulations and other issuances inconsistent with the provisions of this Act are  
9   deemed modified, revoked or repealed accordingly.

10          **SEC. 14. *Effectivity.*** This Act shall take effect fifteen (15) days after its  
11   publication in two (2) leading newspapers of national circulation.

          Approved,