


13th Congress of the Republic)
of the Philippines)
First Regular Session)

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RECEIVED BY: 

SENATE

S. No. 1126

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Constitution provides:

"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 compliance with this constitutional mandate, a provision for the creation of the Sangguniang Kabataan was incorporated in R.A. No. 7610, otherwise known as the "Local Government Code." The Sanggunian is a collegial body is tasked, among other things, to "initiate programs designed to enhance the social, political, economic, cultural, intellectual, moral, spiritual, and physical development of the members." Thus, it needs to be strengthened for efficiency and better delivery of services to the young populace.

Under the Code, the members of the Sanggunian, other than the chairman, is not entitled to honoraria or any allowance. This circumstance causes demoralization to its members resulting in their non-attendance, non-cooperation and eventual resignation. The tedious and expensive process of filling up vacancies through the calling of special elections results in many SKs not being able to function more effectively due to lack of quorum.

In another light, the ten percent (10%) share of the Sangguniang Kabataan in the general fund of the barangay is too small for the Sanggunian to effectively implement its programs.

All these deficiencies defeat the very purpose of putting up an organization for the youth wherein they can utilize their vigor and

creativity for activities that will be useful in nation building.

This bill is being filed upon the request of the Sangguniang Kabataan National Federation and to actualize the proposal of Hon. Romeo Ceasar Manikan, Sangguniang Kabataan City Federation President of Iloilo City. As filed, the bill will, among others: (a) grant the Sangguniang Kabataan a twenty percent (20%) share in the general fund of the barangay; (b) grant Sangguniang Kabataan members, other than the chairman, an honoraria of not less than three hundred pesos (P300.00), equitably based on their attendance at the regular and special sessions of the Sanggunian; and (c) allow the mayor to fill-up the vacancies in the Sanggunian except the position of Chairman, by filling up vacancies in the SK from the list of nominees submitted by the incumbent members of said SK.

In view of the above, the urgent passage of the bill is hereby recommended.




AQUILINO Q. PIMENTEL JR.

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AN ACT
TO STRENGTHEN THE SANGGUNIANG KABATAAN BY AMENDING
REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL
GOVERNMENT CODE OF 1991 AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known as "The Sangguniang Kabataan Reform Law of 2004."

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

SEC. 3. *Local Funds.* - Section 308 of R.A. No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SEC. 308. *Local Funds.* Every local government unit shall maintain a General Fund which shall be used to account for such monies and resources as may be received by and disbursed from the local treasury. The General Fund shall consist of monies and resources of the local government which are available for the payment of expenditures, obligations or purposes not specifically declared by law as accruing and chargeable to, or payable from any

other fund.

“FIVE PERCENT (5%) OF THE GENERAL FUND OF THE MUNICIPALITY/CITY, AND PROVINCE SHALL BE SET ASIDE TO THE SANGGUNIANG KABATAAN MUNICIPALITY/CITY AND PROVINCIAL FEDERATIONS.”

SEC. 4. *Barangay Funds.* - Section 329 of R.A. No. 7160 is hereby amended to read as follows:

“SEC. 329. *Barangay Funds.* - Unless otherwise provided in this Title, all the income of the barangay from whatever source shall accrue to its general fund and shall, at the option of the barangay concerned, be kept as trust fund in the custody of the city or municipal treasurer or be deposited in a bank, preferably government-owned, situated in or nearest to its area of jurisdiction. Such funds shall be disbursed in accordance with the provisions of this Title. [Ten percent (10%)] TWENTY PERCENT (20%) of the general fund of the barangay shall be set aside for the Sangguniang Kabataan. THE SANGGUNIANG BARANGAY SHALL APPROPRIATE THE SANGGUNIANG KABATAAN FUND IN LUMP SUM. AFTER THE BUDGET HAS BEEN APPROVED, AND AT THE OPTION OF THE SANGGUNIANG KABATAAN CONCERNED, BE DEPOSITED IN A GOVERNMENT BANK. AS SUCH, THE SANGGUNIANG KABATAAN WILL HAVE FISCAL AUTONOMY IN ITS OPERATIONS AS TO DISBURSEMENTS AND ENCASHMENT OF THEIR INCOME AND EXPENSES.”

SEC. 5. *Creation and Election.* - Section 423 of R.A. No. 7160 is also hereby amended to read as follows:

“SEC. 423. *Creation and Election.* - (a) There shall be in every

barangay, a Sangguniang Kabataan to be composed of a Chairman, seven (7) members, as secretary and a treasurer. THE SECRETARY AND TREASURER SHALL BE APPOINTED BY THE SANGGUNIANG KABATAAN CHAIRMAN FROM THE MEMBERS OF THE KATIPUNAN NG MGA KABATAAN IN CONCURRENCE WITH THE SANGGUNIANG KABATAAN.

“THE SANGGUNIANG KABATAAN CHAIRMAN WHO IS ELECTED AS PEDERASYON PRESIDENT SHALL AUTOMATICALLY SERVE AS AN EX-OFFICIO MEMBERS IN THE SPECIAL BODIES LIKE LOCAL HEALTH BOARD, PEACE AND ORDER COUNCIL, LOCAL DEVELOPMENT COUNCIL AND LOCAL TOURISM COUNCIL. AS SUCH, HE SHALL HAVE THE SAME POWERS, DISCHARGE SAME DUTIES AND FUNCTIONS, AND ENJOY THE SAME PRIVILEGES AS THE REGULAR MEMBERS.

“(b) A *sangguniang kabataan* official who during his term of office shall be allowed to serve the remaining portion of the term for which he was elected.”

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

“SEC. 433. *Sangguniang Kabataan Treasurer.* – The *sangguniang kabataan treasurer* shall:

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

SANGGUNIANG KABATAAN CONCERNED;

“(b) Collect and received contributions, monies, materials and all other resources intended for the *sangguniang kabataan* and *katipunan ng kabataan*;

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

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

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

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

SEC. 7. *Privileges of Sangguniang Kabataan Officials.* - Section 434 of R.A.

No. 7169 is hereby amended to read as follows:

“SEC. 434. *Privileges of Sangguniang Kabataan Officials.* The *sangguniang kabataan* chairman shall have the same privileges enjoyed by other *sangguniang barangay* officials under this Code subject to such requirements and limitations provided herein. THE MEMBERS OF THE SANGGUNIANG KABATAAN, OTHER THAN THE CHAIRMAN, SHALL RECEIVE HONORARIA AND ALLOWANCES WHICH SHALL NOT BE LESS THAN THREE HUNDRED PESOS (₱300.00) WHICH SHALL BE APPROPRIATED FROM THE NATIONAL BUDGET, EQUITABLY BASED ON THEIR ATTENDANCE AT THE REGULAR OR SPECIAL SESSIONS OF THE SANGGUNIANG. During their incumbency, *sangguniang kabataan* officials shall be exempt from payment of tuition

matriculation fees while enrolled in public, tertiary schools, including state colleges and universities. The national government shall reimburse said college or university the amount of the tuition and matriculation fees: *Provided*, That to qualify for the privilege, the said official shall enroll in the state college or university within or nearest their area of jurisdiction."

SEC. 8. *Succession and Filling of Vacancies.* - Section 435 of R.A. No. 7160 is hereby amended to read as follows:

"SEC. 435. *Succession and Filling of Vacancies.* - (a) In case a sangguniang kabataan chairman refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated, is removed from office, or has been absent without leave for more than three (3) consecutive months, AS MANIFESTED IN THE RECORDS OF THE SANGGUNIANG BARANGAY SESSIONS OR HAS BEEN ABSENT WITHOUT VALID REASON FOR TWO (2) CONSECUTIVE REGULAR MEETINGS OF THE SANGGUNIANG KABATAAN OR FAILURE TO CALL A REGULAR MEETING OF THE SANGGUNIANG KABATAAN AND/OR OF THE KATIPUNAN NG KABATAAN, the sangguniang kabataan member who obtained the next highest number of votes in the election immediately preceding shall assume the office of the chairman for the unexpired portion of the term, AND SHALL DISCHARGE THE POWERS AND DUTIES, AND ENJOY THE RIGHTS AND PRIVILEGES APPURTENANT TO THE OFFICE. IN CASE THE SAID MEMBER REFUSES TO ASSUME THE POSITION OR FAILS TO QUALIFY, THE SANGGUNIANG MEMBER OBTAINING THE NEXT HIGHEST NUMBER OF VOTES SHALL ASSUME THE POSITION OF THE CHAIRMAN FOR THE

UNEXPIRED PORTION OF THE TERM.”

“(b) Where two (2) or more sangguniang kabataan members obtained the same next highest number of votes, the other sangguniang kabataan members shall conduct an election to choose the successor to the chairman among such members.

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

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

“(E) IN CASE OF VACANCIES IN THE POSITIONS OF SANGGUNIANG KABATAAN KAGAWADS, THE SANGGUNIANG KABATAAN CHAIRMAN SHALL SUBMIT, IN CONSULTATION WITH THE KATIPUNAN NG MGA KABATAAN OF THE BARANGAY CONCERNED IN CONCURRENCE WITH THE SANGGUNIANG KABATAAN, A LIST OF NOMINEES TO THE PRESIDENT OF THE PANLUNGSOD/PAMBAYANG PEDERASYON NG SANGGUNIANG KABATAAN AS THE CASE MAY BE WITHIN THIRTY (30) DAYS FROM THE EXISTENCE OF VACANCY, AND LIKEWISE, MANDATING THE PRESIDENT OF THE PANLUNGSOD/PAMBAYANG PEDERASYON NG MGA SANGGUNIANG KABATAAN TO ACT ON THE SUBMITTED

LIST WITHIN TEN (10) DAYS FROM RECEIPT HEREOF.

“IN THE ABSENCE OF A REGULAR ELECTED CHAIRMAN AND KAGAWADS, THE PRESIDENT OF THE PANLUNGSOD/PAMBAYANG PEDERASYON NG MGA SANGGUNIANG KABATAAN AS THE CASE MAY BE SHOULD SUBMIT A LIST OF NOMINEES, IN CONSULTATION WITH THE KATIPUNAN NG MGA KABATAAN OF THE BARANGAY CONCERNED, TO THE PRESIDENT OF THE PANLALAWIGANG PEDERASYON NG MGA SANGGUNIANG KABATAAN WITHIN FIFTEEN (15) DAYS AFTER THE ELECTION OF THE PANLUNGSOD/PAMBAYANG PEDERASYON. THE PRESIDENT OF THE PANLALAWIGANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHOULD ACT ON THE LIST WITHIN TEN (10) DAYS FROM RECEIPT HEREOF. IN CASE OF DELAY OR POSTPONEMENT OF FEDERATION ELECTIONS, THE DAYS EQUIVALENT TO THE DAYS OF POSTPONEMENT/DELAY BEFORE ITS FINAL COMMENCEMENT SHALL BE ADDED TO THE DAYS DURING THE RESPECTIVE PRESIDENT SHOULD ACT ON THE MATTERS HEREIN STATED.

“(F) THE SANGGUNIANG KABATAAN CHAIRMAN WHO IS ELECTED AS PRESIDENT OF A PEDERASYON SHALL BE AUTOMATICALLY SUCCEEDED BY THE SANGGUNIANG KABATAAN MEMBER WHO OBTAINED THE HIGHEST NUMBER OF VOTES IN THE ELECTION IMMEDIATELY PRECEDING AND SHALL ASSUME THE OFFICE OF THE CHAIRMAN FOR THE UNEXPIRED PORTION OF THE TERM, AND SHALL DISCHARGE THE POWERS AND DUTIES, AND ENJOY THE RIGHTS AND PRIVILEGES APPURTENANT TO THE

OFFICE.

“(G) THE PRESIDENT OF THE SANGGUNIANG KABATAAN PEDERASYON WHO SHALL BE ELECTED AS THE SANGGUNIANG KABATAAN REGIONAL DIRECTOR IN THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL SERVE AS AN *EX OFFICIO* MEMBER OF THE REGIONAL DEVELOPMENT COUNCIL WITHOUT NEED OF FURTHER APPOINTMENT AND SHALL HAVE THE SAME POWERS, DISCHARGE THE SAME DUTIES AND FUNCTIONS, AND ENJOY THE SAME PRIVILEGES AS REGULAR MEMBERS.”

SEC. 9. *Pederasyon ng mga Sangguniang Kabataan.* - Section 436 of R.A.

No. 7160 is hereby amended to read as follows:

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

There shall be an organization of all pederasyon ng mga sangguniang kabataan to be known as follows:

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

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

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

“(4) In special metropolitan political subdivisions, pangmetropolitang pederasyon ng mga sangguniang;

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

“(b) The pederasyon ng mga sangguniang kabataan shall at all levels, elect from among themselves the president, vice president and such other officers as may be necessary, and they shall be

organized in the following manner:

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

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

(3) The pangmetropolitang pederasyon shall be composed of the presidents of the panlungsod and pambayang pederasyon;

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

“(D) THE PRESIDENT OF THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL SERVE AS *EX OFFICIO* COMMISSIONER OF THE NATIONAL YOUTH COMMISSION AS PROVIDED FOR BY REPUBLIC ACT NO. 8044.

AS *EX OFFICIO* COMMISSIONER, HE SHALL BE ENTITLED TO THE SAME RANK, COMPENSATION, RIGHTS AND PRIVILEGES OF A DEPARTMENT ASSISTANT SECRETARY. THE VICE PRESIDENT OF THE ELECTED PRESIDENT OF THE PAMPANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL AUTOMATICALLY ASSUME THE POSITION AS PRESIDENT OF THE LOWER PEDERASYON WITHOUT NEED FOR FURTHER APPOINTMENT.

“(E) THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL MAINTAIN ITS OWN SECRETARIAT FOR EFFICIENT COORDINATION AND EFFECTIVE 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 (₱15,000,000.00) IS APPROPRIATED FOR THE CALENDAR YEAR THAT THIS BILL IS ENACTED INTO LAW AND THE SAME AMOUNT EVERY CALENDAR YEAR THEREAFTER, AND UNTIL OTHERWISE PROVIDED BY LAW.

“(F) THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION SHALL ALLOCATE TO THE PAMBANSANG PEDERASYON TEN MILLION PESOS (₱10,000,000.00) 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 OF 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 EQUIPMENT, ARTICLES OR GOODS WHICH IT MAY BE IMPORTED WHEN NECESSARY FOR ITS OPERATIONS.”

SEC. 10. *Constitution and By-Laws.* - Section 437 of R.A. No. 7160 is hereby amended to read as follows:

“SEC. 437. *Constitution and By-Laws.* - (a) The term of office, manner of election, removal, suspension AND DISCIPLINARY ACTION of the officers and MEMBERS of the Pederasyon ng mga Sangguniang Kabataan at all levels AND THE SANGGUNIANG KABATAAN AT THE BARANGAY LEVEL shall be governed by the Constitution and By-Laws of the Sangguniang Kabataan in conformity with the provisions of this Code and national policies of the youth.

“B. THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL PROMULGATE THE APPROPRIATE GUIDELINES FOR THE CONDUCT OF THE PEDERASYON ELECTIONS AT ALL LEVELS IN CONSULTATION WITH THE COMMISSION ON ELECTIONS AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT: PROVIDED, THAT THE GROUNDS AND THE MANNER FOR THE REMOVAL FROM OFFICE SHALL BE CLEARLY STATED THEREIN.

“C. THE PRESIDENT OF THE PEDERASYON AT ANY LEVEL, WHO IS REMOVED FROM HIS POSITION ON THE GROUNDS PROVIDED IN THE CONSTITUTION AND BY-LAWS, SHALL ALSO BE AUTOMATICALLY REMOVED IN THE

SANGGUNIAN WHERE HE IS AN *EX OFFICIO* MEMBER. THE PRESIDENT OF THE PEDERASYON AT ANY LEVEL, WHEN REMOVED AS *EX OFFICIO* MEMBER OF THE SANGGUNIAN ON THE GROUNDS PROVIDED IN THE LOCAL GOVERNMENT CODE, SHALL BE AUTOMATICALLY REMOVED AS PRESIDENT OF THE PEDERASYON CONCERNED.”

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

SEC. 12. *Separability Clause.* - If any section or any part of this Act shall be declared unconstitutional by competent authority, the remaining sections or part of this Act shall not thereby be affected.

SEC. 13. *Repealing Clause.* - All laws, presidential decrees, executive orders, letters of instruction, and rules and regulations which are inconsistent with any of the provisions of this Act are hereby repealed or amended accordingly.

SEC. 14. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after the completion of its publication in the *Official Gazette* or in any national newspaper of general circulation.

Approved,