

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



12 MAY -9 AS 38

SENATE
Senate Bill No. **3188**

RECEIVED BY: *[Signature]*

Introduced by Senator Aquilino "Koko" L. Pimentel III

EXPLANATORY NOTE

Section 13, Article II of the 1987 Constitution provides that 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. Furthermore, the state shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Scouting, or the skill of scoutcraft, is one of the strongest means of promoting physical, moral, spiritual and social growth in our children and youth. Its mission is to imbue in the youth the love of God, country, and fellow men; to train young people to become responsible leaders; and to contribute in nation-building.

This proposed measure known as "Boy Scouts of the Philippines Charter of 2012" seeks to reorganize and restructure the government entity created under Commonwealth Act No. 111 in October 31, 1936, as amended, that would handle such a crucial role in the molding and upbringing of our children and the youth. In this bill, the Boy Scouts of the Philippines, along with its powers, functions and duties will be redefined so that our Scouts may have a formal and organized corporation that is more attuned to the times and adapted to the growing challenges that they face. It also seeks to install a more concrete institution in order that the Boy Scouts of the Philippines may be more developed to achieve its goals in the guidance and in the moral, civic and social development of

our children and youth in this rapidly changing world.


In light of the foregoing, the passage of this bill is earnestly sought.



AQUILINO "KOKO" L. PIMENTEL III

'12 MAY -9 11:38

SENATE
Senate Bill No. **3188**

RECEIVED BY: 

Introduced by Senator Aquilino "Koko" L. Pimentel III

1 **AN ACT INSTITUTING THE BOY SCOUTS OF THE PHILIPPINES**
2 **CHARTER, DEFINING ITS OBJECTIVES, POWER AND**
3 **FUNCTIONS, REPEALING FOR THE PURPOSE COMMONWEALTH**
4 **ACT NO.111, AS AMENDED**
5

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

6 **SECTION 1.** *Short Title.* – This Act shall be known and cited as
7 the *"Boy Scouts of the Philippines Charter of 2012"*.

8 **SECTION 2.** *Declaration of Policy.* - Recognizing the vital role
9 of the children and youth under the ages 4 to 25 in nation-building,
10 it is therefore the policy of the State to ensure and protect their
11 physical, moral, intellectual, emotional, social and spiritual growth
12 by promoting Scouting as an integral component of the basic
13 education system.

14 **SECTION 3.** *Objectives.* - The objectives of this Act are:

- 15 (a) To promote through organizations and the cooperation
16 with other agencies, the ability of the young people
17 and/or the Filipino youth to do useful things for
18 themselves and others;
- 19 (b) To train the young people and/or the Filipino youth in
20 the attitudes, skills, and the habits of responsible
21 citizenship;
- 22 (c) To inculcate in the young people and/or the Filipino
23 youth patriotism, civic consciousness and responsibility,
24 environmental protection awareness and activities,

1 courage, self-reliance, selflessness, discipline and kindred
2 virtues, as well as moral and spiritual values, using the
3 methods which are in common use by Scouts.

4 **SECTION 4.** *Boy Scouts of the Philippines.* - The Boy Scouts of
5 the Philippines (BSP) hereinafter referred to shall have its principal
6 office in Metropolitan Manila. It may establish such other offices,
7 agencies or branches anywhere in the Philippines as its operations
8 would require and its National Executive Board would determine.

9 **SECTION 5.** *Corporate Powers.* - As a juridical entity, the BSP
10 shall have perpetual succession and shall enjoy the following
11 corporate powers:

- 12 (a) To sue and be sued;
- 13 (b) To acquire, hold and convey such real and personal
14 properties, rights and choses in action as shall be
15 deemed necessary and desirable for its purposes as
16 hereinafter set forth;
- 17 (c) To receive funds, real and personal properties by gift,
18 devise and donation, contribution or other means;
- 19 (d) To adapt a seal and to alter and destroy the same at its
20 pleasure;
- 21 (e) To have offices and conduct its business and affairs in
22 the Metropolitan Manila area and in the provinces, cities,
23 municipalities and barangays in the Philippines; and,
- 24 (f) Generally, to exercise all the powers of a corporation and
25 do all such acts and things as may be necessary to carry
26 into effect the provisions of this Act and promote the
27 purposes of said organization.

28 **SECTION 6.** *Vision and Mission.* - Vision and Mission of the Boy
29 Scouts of the Philippines.

30 **Vision.** - We are the leading provider of progressive outdoor-
31 based non-formal education committed to develop morally straight,

1 disciplined, concerned, self-reliant citizens in the best tradition of
2 world Scouting.

3 **Mission.** -To inculcate in our Scouts, love of God, country and
4 fellowmen. To prepare the youth for responsible leadership. To
5 contribute to nation building according to the ideals, principles, and
6 program of Scouting.

7 **SECTION 7. *Nature and Purpose.*** - The BSP is an independent
8 and voluntary, non-stock, non-profit, non-sectarian, non-political
9 entity which shall willingly cooperate with other persons, natural
10 and judicial, public and private, whose ideals and procedures are in
11 accord with those conferred or authorized by this Act.

12 **SECTION 8. *Chief Scout.*** - The President of the Republic of the
13 Philippines shall be the Chief Scout of Boy Scouts of the
14 Philippines.

15 **SECTION 9. *Vice Chief Scout.***- The Vice-President of the
16 Republic of the Philippines shall be the Vice Chief Scout of the Boy
17 Scouts of the Philippines.

18 **SECTION 10. *Authority and Powers of the Chief Scout and Vice***
19 ***Chief Scout.***- The Chief Scout and Vice Chief Scout are honorary
20 members of the Boy Scouts of the Philippines but are not deemed to
21 be members of the National Executive Board unless they are duly
22 elected as members thereof in accordance with the provisions of
23 this Act and of the Corporation's bylaws.

24 **SECTION 11. *National Executive Board.*** - The governing body
25 of the said corporation shall consist of a National Executive Board,
26 the members of which shall be Filipino citizens of good moral
27 character. The Board shall be composed of the following:

- 28 (a) The Secretary of the Department of Education;
29 (b) The Secretary of the Department of Interior and Local

1 Government;

2 (c) The National President of the Boy Scouts of the
3 Philippines;

4 (d) Regional Chairmen of the geographical regions of the
5 Corporation to be known as Scout Regions who shall be
6 elected by the representatives of all the chartered
7 Provincial, City or conglomerate of cities and
8 municipalities to be known as Local Councils within
9 the region during its meeting called for this purpose;

10 (e) One Senior/Rover Scout each from Luzon, Visayas and
11 Mindanao areas, to be elected during the conference of
12 Scouts ages 13 to 25 known as the Scout Youth Forum in
13 their respective Philippine geographical areas;

14 (f) Twelve (12) regular members to be elected by the
15 members of the National Council in its meeting called for
16 this purpose; and,

17 (g) Five (5) additional members from the private sector.

18 Thereafter, the National Executive Board as herein fully
19 constituted shall elect from among themselves the following officers
20 of the corporation:

21 (a) President;

22 (b) Senior Vice-President;

23 (c) One (1) Vice-President each from Luzon, Visayas and
24 Mindanao areas;

25 (d) Treasurer; and,

26 (e) Such other officers as the Board may deem necessary.

27 The numerical composition of the National Executive Board
28 shall also be provided for in the bylaws of the Boy Scouts of the
29 Philippines.

30 The qualification, term of office and manner of electing the
31 above-mentioned members of the National Executive Board shall be
32 prescribed within the bylaws of the corporation.

1 The term of office of the members of the Board shall be three
2 (3) years. However all incumbent elective officers of the BSP whose
3 terms have not yet expired at the effectivity of this Act shall be
4 allowed to serve the unexpired portion of their terms as herein
5 provided for and the President of the Corporation shall be eligible
6 for re-election.

7 Vacancies in the National Executive Board shall be filled by a
8 majority vote of the remaining members and a member thus elected
9 shall serve only for the unexpired term.

10 The bylaws may prescribe the number of members of the
11 National Executive Board necessary to constitute a quorum of the
12 board.

13 **SECTION 12.** *Powers and Functions of the National Executive*
14 *Board.* - The National Executive Board shall exercise the following
15 powers and functions:

- 16 (a) To make and to amend the bylaws subject to the
17 ratification by a majority vote of the members present at
18 a meeting of the National Council or at a special meeting
19 called for this purpose;
- 20 (b) To authorize and cause to be executed mortgages and
21 liens upon the property of the Corporation by a two-
22 thirds (2/3) vote of the whole Board at a meeting called
23 for this purpose;
- 24 (c) To designate five (5) or more of their number to constitute
25 an executive or governing committee, of which a majority
26 shall constitute a quorum, through a resolution passed
27 by a majority of the whole Board. Such Committee, to the
28 extent provided in said resolution or in the bylaws of the
29 corporation, shall have and exercise the powers of the
30 National Executive Board in the management of the
31 business affairs of the Corporation, and may have the
32 power to authorize the seal of the corporation to be

1 affixed to all papers which may require it;

2 (d) To create standing and special committees and appoint
3 the chairmen and members thereof from among
4 themselves by affirmative vote of a majority of the whole
5 Board. Such standing committees shall exercise such
6 powers as may be authorized by the bylaws;

7 (e) To dispose in any manner a part or the whole property of
8 the Corporation with the consent in writing and pursuant
9 to an affirmative vote of two-thirds (2/3) of the members
10 of the National Council; and,

11 (f) To hold regular meetings at a time and place to be
12 designated in the bylaws. Special meetings of the Board
13 may be called by the National President or upon such
14 notice as may be prescribed in the bylaws.

15 **SECTION 13. National Council.** – The National Council is the
16 highest corporate policy making body of the Boy Scouts of the
17 Philippines that shall manage the affairs and business of the
18 corporation. The National Council shall be composed of the
19 following members:

20 (a) The members of the National Executive Board;

21 (b) The Regional Scout Commissioner, a person duly
22 appointed and commissioned by the National Executive
23 Board;

24 (c) The Chairmen and Commissioners of all Local Councils;
25 and,

26 (d) Other duly accredited delegates of all local Scout
27 Councils as may be provided in the bylaws.

28 The qualifications, terms of office, and the manner of electing
29 the above-mentioned members of the National Council shall be
30 prescribed in the bylaws of the corporation.

31 The numerical composition of the National Council shall be
32 provided for in the bylaws of the Boy Scouts of the Philippines.

1 Provided, that all regions and all local councils shall be duly
2 represented therein by a least two (2) duly accredited delegates in
3 addition to those who are members of the National Executive Board
4 as provided for under Section 11 of this Act.

5 The National Council shall convene once every three (3) years
6 in a convention assembled for the purpose. Special meetings of the
7 National Council may be called upon such notice as may be
8 prescribed in the bylaws. One-third (1/3) of the members of the
9 National Council shall constitute a quorum to do business during
10 meetings.

11 The National Council and the National Executive Board shall
12 have the power to hold their meetings and keep the seal, books,
13 documents, and papers of the corporation within or out of
14 Metropolitan Manila.

15 The National President of the corporation shall preside over
16 the meetings of the National Council.

17 Each local scout council represented in the annual or special
18 meeting of the National Council shall be entitled to four (4) votes
19 plus one (1) vote for every ten thousand (10,000) of their scout
20 membership. The members of the National Executive Board and the
21 life members shall each be entitled to one (1) vote.

22 **SECTION 14. Powers and Duties of the National Council.** – The
23 National Council shall exercise the following powers and functions:

24 (a) To hold a Triennial Council Meeting at a time and place
25 to be designated in the bylaws. The purpose of such
26 meetings is to discuss the national concerns and issues
27 of each Local Scout Council for the proper governance of
28 the Boy Scouts of the Philippines;

29 (b) To require the majority vote of the National Council
30 before causing any lien, encumbrance or disposition of

- 1 any real property;
- 2 (c) To propose the creation of any committee either
- 3 governing or special to govern or do any legal task that
- 4 the Regional of Local Councils may require; and,
- 5 (d) All other powers necessary for the effective management
- 6 of the affairs of the Regional and Local Councils as long
- 7 as they are not inconsistent with the decisions and
- 8 powers of the National Executive Board and the powers
- 9 and duties provided for in the bylaws.

10 **SECTION 15. *Exclusivity Clause.*** - The corporation created by

11 this Act shall adopt and shall have the sole and exclusive right to

12 use distinctive titles, emblems, descriptive or designing marks,

13 words and phrases, badges, uniforms and insignia for the Boy

14 Scouts of the Philippines in carrying out its program in accordance

15 with the purposes of this Act, which shall be published in the

16 Official Gazette or in any newspaper of general circulation in the

17 Philippines.

18 (a) The BSP shall adopt distinctive emblems, badges,

19 insignias, uniforms and other equipment which shall be

20 made available to and used only by registered Scouts or

21 officials who have satisfactorily complied with the

22 international requirements and which BSP shall use in

23 carrying out its programs consistent with purpose of this

24 Act. The BSP shall cause the registration of said

25 emblems, badges, insignias, uniforms and other

26 equipment in accordance with the provisions of Republic

27 Act No. 8293, otherwise known as the Intellectual

28 Property Code of the Philippines, as amended. The

29 Intellectual Property Office (IPO) is hereby directed to

30 cause said registration free of charge.

31 (b) The Securities and Exchange Commission, the IPO and

32 the Department of Trade and Industry shall refuse the

33 registration of associations, the registration of trade

34 names and the filling of trademarks, commercial marks

1 and industrial models and designs making use of the
2 emblems, badges, insignias, uniforms and other
3 equipment of the Boy Scouts of the Philippines or their
4 translation in any official language and dialect in
5 violation of this Act.

6 **SECTION 16. *Fiscal Incentives.*** – Any donation or contribution
7 which from time to time may be made to the Boy Scouts of the
8 Philippines by the Government or any of its subdivisions, branches,
9 offices, agencies or instrumentalities or by a foreign government or
10 by private entities and individuals shall be expended by the
11 National Executive Board in pursuance of this Act. The Corporation
12 shall be entitled to the following tax and duty privileges:

- 13 (a) Exemption from income tax pursuant to Section 30 (e), (g)
14 and (h) of the National Internal Revenue code of 1997, as
15 Amended;
- 16 (b) Tax and/or duty exemption of donations from foreign
17 countries as provided under relevant laws such as but
18 not limited to Section 105 of the Tariff and Customs Code
19 of the Philippines, as amended, and Section 109 (q) of the
20 National Internal Revenue code of 1997, as amended;
- 21 (c) Exemption from all direct and indirect taxes, including
22 value-added tax (VAT) fees and other charges of all kinds
23 on all income derived from its operations, including the
24 use, lease or sale of its real properties and the provision
25 of services;
- 26 (d) Exemption from the direct and indirect taxes, including
27 VAT, duties, fees and other charges on importations and
28 purchases for its exclusive use; and,
- 29 (e) Tax and/or duty exemption of donations from foreign
30 countries as provided under relevant laws such as, but
31 not limited to, Section 105 of the Tariff and Customs
32 Code of the Philippines, as amended, and Section 109(K)
33 of the National Internal Revenue Code of 1997, as
34 amended.

1 (f) Exemption from payment of real property taxes on all real
2 properties owned by it.

3 (g) The BSP shall likewise be exempt from payment from all
4 other taxes, duties, imposts, and charges.

5 Likewise, all donations, legacies and gifts of the Boy Scouts of
6 the Philippines to support its purposes and objectives as embodied
7 in this Act shall, subject to the limitations and conditions under the
8 National Internal Revenue Code of 1997, as amended, be exempt
9 from the donor's tax and shall be deductible from the gross income
10 of the donor for income tax purposes. Such donations, legacies and
11 gifts shall be expended by the National Executive Board in
12 pursuance of this Act.

13 **SECTION 17. Penal Clause.** - From and after the passage of
14 this Act, it shall be unlawful for any person within the jurisdiction
15 of the Philippines to falsely and fraudulently wear the Boy Scouts of
16 the Philippines uniform, call himself as, or represent himself to be
17 a member of, or an agent for, the Boy Scouts of the Philippines.

18 It shall be unlawful for any person to manufacture, sell or
19 distribute or cause to be manufactured, sold or distributed
20 fraudulently or without the official knowledge and written approval
21 of the National Executive Board of the Boy Scouts of the Philippines
22 badges, uniforms, insignia, or Scouting paraphernalia or the photos
23 or visuals of a Scout or Scouts in uniform, or the logo, seal or
24 corporate name of the Boy Scouts of the Philippines, in any print
25 ad, radio or television commercial, billboard, collateral material or
26 any form of advertisement, including the internet; or to use the
27 name of the Boy Scouts of the Philippines in any illegal purpose or
28 personal gain.

29 Any violation of the provisions of this section shall be
30 punished by prison correctional in its maximum period to prison
31 mayor in its medium period and fine of not less than Two Hundred

1 Thousand Pesos (Php200,000.00) nor more than Five Hundred
2 Thousand Pesos (Php500,000.00). Provided, that in case of
3 corporations, partnership, associations, societies or companies, the
4 manager, administrator or the person in charge of the management
5 or administration of the business shall be criminally responsible for
6 any such violation.

7 This shall be without prejudice to the applicable penalties for
8 violations of the intellectual property rights of the BSP under the
9 Intellectual Code of the Philippines, as amended.

10 **SECTION 18.** *Transitory Clause* - Until such time as the
11 organization and restructuring of the Boy Scouts of the Philippines
12 in accordance with this Act is effected, the incumbent officers and
13 members of the National Executive Board of the Boy Scouts of the
14 Philippines shall conduct the affairs of the Boy Scouts of the
15 Philippines and take the necessary steps to effect such
16 reorganization until a new National Executive Board and a new set
17 of national officers shall have been elected within six (6) months
18 from the effectivity of this Act.

19 **SECTION 19.** *Repealing/Amending Clause.* - Commonwealth
20 Act No. 111, Presidential Decree No. 460, Republic Act No. 7278,
21 and Executive Order 509 (series of 1992) are hereby amended. All
22 other laws, orders and proclamations, rules and regulations or
23 parts thereof, inconsistent with or contrary to the provisions of this
24 Act or its purposes are hereby amended or modified accordingly.

25 **SECTION 20.** *Separability Clause.* - If any provision or part
26 hereof, is held invalid or unconstitutional, the remainder of the law

1 or provision not otherwise affected shall remain valid and
2 subsisting.

3 **SECTION 21. *Effectivity Clause.*** - This act shall take effect
4 fifteen (15) days after its publication in the Official Gazette or in at
5 least two (2) newspapers of general circulation.

Approved,