

1978 MAY 20 8:48

SENATE
S. No. 3212

Cur


INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

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. It shall inculcate in the youth patriotism and nationalism, and exchange their involvement in public and civic affairs." (Section 13, Article II). Additionally, Section 17 of the same article also provides that the "State shall give priority to education, science and technology, arts and culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."

We all know that Scouting, or the skill of scoutcraft, is one of the effective means of promoting physical, moral, spiritual and social growth and development in the Filipino children and youth. The proposed measure seeks to amend the Boy Scouts of the Philippines – BSP's original enabling law, the Commonwealth Act No. 111, as amended by Republic Act No. 7278, to make it more attuned to the needs of the two million Boy Scouts nationwide as well as to the current trend of World Scouting.

The BSP Charter was amended exactly twenty (20) years ago, thus it is timely and appropriate that a new Charter for the BSP be enacted immediately to make it more responsive to the changing landscape of youth training and development as well as to be in line and consistent with the rules and policies of the World Organization of the Scout Movement (WOSM) of which the BSP is a member of good standing. In view of the foregoing, immediate passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA

17 MAY 20 12 28

SENATE
S. No. 3212

RS
12

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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

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

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

SEC. 2. Declaration of Policy. – Recognizing the vital role of young people (children and youth) under the ages 4 to 25 in nation-building, it is therefor the policy of the State to ensure and protect their physical, moral, intellectual, emotional, social and spiritual by promoting Scouting as an integral component of the basic education system.

SEC. 3. Recognition of the Boy Scouts of the Philippines – Pursuant to the ideals of the World Organization of Scouting Movement (WOSM), the “Boy Scouts of the Philippines,” hereinafter referred to as the “BSP” is hereby recognized and known as the body corporate as originally and duly created by virtue of Commonwealth Act No. 111. The principal office of the BSP shall be located in Metropolitan Manila, Philippines.

SEC. 4. Objectives. – The objectives of this Act are as follows:

- (a) To promote through organizations and cooperation with other agencies, the ability of the young people and/or the Filipino youth to do useful things for themselves and others;
- (b) To train the young people and/or the Filipino youth in the attitudes, skills and the habits of responsible citizenship;
- (c) To inculcate in the young people and/or the Filipino youth patriotism, civic consciousness and responsibility, environmental protection awareness and activities, courage, self-reliance, selflessness, discipline and kindred virtues, as well as moral and spiritual values, using the method which are in common use by Scouts.

SEC. 5. Boy Scouts of the Philippines - The Boy Scouts of the Philippines (BSP) hereinafter referred to shall have its principal office in Metropolitan Manila. They may establish such other offices, agencies or

branches anywhere in the Philippines as its operations would require and its National Executive Board would determine.

SEC. 6. Corporate Powers – As a juridical entity, the BSP shall have perpetual succession and shall enjoy the following corporate powers:

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

SEC. 7. Vision and Mission. – Vision and Mission of the Boy Scouts of the Philippines:

VISION

We are the leading provider of progressive outdoor-based, non-formal education committed to develop morally straight, disciplined, concerned, self-reliant citizens in the best tradition of world Scouting.

MISSION

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

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

SEC. 9. Chief Scout. – The President of the Republic of the Philippines shall be the Chief Scout of the Boy Scouts of the Philippines.

SEC. 10. Vice Chief Scout. – The Vice-President of the Republic of the Philippines shall be the Vice Chief Scout of the Boy Scouts of the Philippines.

SEC. 11. Authority and Powers of the Chief Scout and Vice Chief Scout. – The Chief Scout and Vice Chief Scout are honorary members of the Boy Scouts of the Philippines but are not deemed to be members of the National Executive Board unless they are duly elected as members thereof in accordance with the provisions of this Act and of the Corporation's by-laws.

SEC. 12. National Executive Board. – The governing body of the said corporation shall consist of not more than thirty three (33) members of the National Executive Board, the members of which shall be Filipino citizens of good moral character. The Board shall be composed of the following:

- (a) The National President of the Girl Scouts of the Philippines;

- (b) Regional Chairmen of the geographical regions of the Corporation to be known as Scout Regions who shall be elected by the representatives of all the chartered Provincial, City or conglomerate of cities and municipalities to be known as Local Councils within the region during its meeting called for this purpose;
- (c) One Senior/Rover Scout each from Luzon, Visayas and Mindanao areas, to be elected during the conference of Scouts ages 13 to 25 known as the Scout Youth Forum in their respective Philippine geographical areas;
- (d) Twelve (12) regular members to be elected by the members of the National Council in its meeting called for this purpose, and;
- (e) Five (5) additional members from the private sector.

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

- (a) President;
- (b) Senior Vice-President;
- (c) One (1) Vice-President each from Luzon, Visayas and Mindanao areas;
- (d) Treasurer; and,
- (e) Such other officers as the Board may deem necessary.

The qualification, term of office and manner of electing the abovementioned members of the National Executive Board shall be prescribed within the By-Laws of the corporation which shall serve as the Executive Committee.

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

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

The By-Laws may prescribe the number of members of the National Executive Board necessary to constitute a quorum of the board.

SEC. 13. Powers and Functions of the National Executive Board. –

The National Executive Board shall exercise the following powers and functions:

- (a) To make and to amend the By-Laws subject to the ratification by a majority vote of the members present at a meeting of the National Council or at a special meeting called for this purpose;
- (b) To authorize and cause to be executed mortgages and liens upon the property of the Corporation by a two-thirds (2/3) vote of the whole Board at meeting called for this purpose;
- (c) To designate five (5) or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, through a resolution passed by a majority of the whole Board. Such Committee, to the extent provided in said resolution or in By-Laws of the corporation, shall have and exercise the powers of the National Executive Board in the management of the business affairs of the Corporation, and may have the power to authorize the seal of the corporation to be affixed to all papers which may require it;
- (d) To create standing and special committees and appoint the chairmen and members thereof from among themselves by affirmative vote of a

- majority of the whole Board. Such standing committees shall exercise such powers as may be authorized by the By-Laws;
- (e) To dispose in any manner a part or the whole property of the Corporation with the consent in writing and pursuant to an affirmative vote of two-thirds (2/3) of the members of the National Council; and,
 - (f) To hold regular meetings at a time and place to be designated in the bylaws. Special meetings of the Board may be called by the National President or upon such notice as may be prescribed in the By-Laws.

SEC. 14. National Council. – The National Council in highest corporate policy making body of Boy Scouts of the Philippines that shall manage the affairs and business of the corporation. The National Council shall be composed of the following members:

- (a) The members of the National Executive Board;
- (b) The Regional Scout Commissioner; a person duly appointed and commissioned by the National Executive Board;
- (c) The Chairmen and Commissioners of all Local Councils and,
- (d) Other duly accredited delegates of all local Scout Councils as may be provided in the By-Laws.

The qualifications, terms of office, and the manner of electing the abovementioned members of the National Council shall be prescribed in the By-Laws of the corporation.

The numerical composition of the National Council shall be provided for in the By-Laws of the Boy Scouts of the Philippines. *Provided*, That all regions and all local councils shall be duly represented therein by at least two (2) duly accredited delegates in addition to those who are members of the National Executive Board as provided for under Section 11 of this Act.

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

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

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

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

SEC. 15. Powers and Duties of the National Council. – The National Council shall exercise the following powers and functions:

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

- (b) To require the majority vote of the National Council before the cause of any lien, encumbrance or disposition of any real property;
- (c) To propose the creation of any committee either governing or special to govern or do any legal task that the Regional or Local Councils may require, and,
- (d) All other powers necessary for the effective management of the affairs of the Regional and Local Councils as long as they are not inconsistent with the decisions and powers of the National Executive Board and the powers and duties provided for in the By-Laws.

SEC. 16. Exclusivity Clause. – The corporation created by this Act shall adopt and shall have the sole and exclusive right to use distinctive titles, emblems, descriptive or designing marks, words and phrases, badges, uniforms and insignia for the Boy Scouts of the Philippines in carrying out its program in accordance with the purposes of this Act, and which shall be published in the Official Gazette or in any newspaper of general circulation in the Philippines.

- (a) The BSP shall adopt distinctive emblems, badges, insignias, uniforms and other equipment which shall be made available to and used only by registered Scouts or officials who have satisfactorily complied with the international requirements and which BSP shall use in carrying out its programs consistent with purpose of this Act. The BSP shall cause the registration of said emblems, badges, insignias, uniforms and other equipment in accordance with the provisions of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, as amended. The Intellectual Property Office (IPO) is hereby directed to cause said registration free of charge;
- (b) The Securities and Exchange Commission, the IPO and the Department of Trade and Industry shall refuse the registration of associations, the registration of trade names and the filing of trademarks, commercial marks and industrial models and designs making use of the emblems, badges, insignias, uniforms and other equipment of the Boy Scouts of the Philippines or their translation in any official language and dialect in violation of this Act.

SEC. 17. Fiscal Incentives. – Any donation or contribution which from time to time may be made to Boy Scouts of the Philippines by the Government or any of its subdivisions, branches, offices, agencies or instrumentalities or by a foreign government or by private entities and individuals shall be expended by the National Executive Board in pursuance of this Act. The Corporation shall be entitled to the following tax and duty privileges:

- (a) Exemption from income tax pursuant to Section 30 (e), (g) and (h) of the National Internal Revenue Code of 1997, as amended;
- (b) Tax and/or duty exemption of donations from foreign countries as provided under relevant laws such as but not limited to Section 105 of the Tariff and Customs Code of the Philippines, as amended, and Section 109 (q) of the National Internal Revenue Code of 1997, as amended;
- (c) Exemption from all direct and indirect taxes, including value-added tax (VAT) fees and other charges of all kinds on all income derived from its operations, including the use, lease or sale of its real properties and the provision of services;
- (d) Exemption from the direct and indirect taxes, including VAT, duties, fees and other charges on importations and purchases for its exclusive use; and,

- (e) Tax and/or duty exemption of donations from foreign countries as provided under relevant laws such as, but not limited to, Section 105 of the Tariff and Customs Code of the Philippines, as amended, and Section 109 (K) of the National Internal Revenue Code of 1997, as amended;
- (f) Exemption from payment of real property taxes on all real properties owned by it;
- (g) The BSP shall likewise be exempt from payment from all other taxes, duties, imposts and charges.

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

SEC. 18. Penal Clause. From and after the passage of this Act, it shall be unlawful for any person within the jurisdiction of the Philippines to falsely and fraudulently wear the Boy Scouts of the Philippines uniform, call himself as, or represent himself to be a member of, or an agent for, the Boy Scouts of the Philippines. It shall be unlawful for any person to manufacture, sell or distribute or cause to be manufactured, sold or distributed fraudulently or without the official knowledge and written approval of the National Executive Board of the Boy Scouts of the Philippines badges, uniforms, insignia or Scouting paraphernalia or the photos or visuals of a Scout or Scouts in uniform, or the logo, seal or corporate name of the Boy Scouts of the Philippines, in any print ad, radio or television commercial, billboard, collateral material or any form of advertisement, including the internet; or to use the name of the Boy Scouts of the Philippines in any illegal purpose or personal gain.

Any violation of the provisions of this section shall be punished by prison correctional in its maximum period to prison mayor in its medium period and fine of not less than Two Hundred Thousand Pesos (P200,000.00) nor more than Five Hundred Thousand Pesos (P500,000.00). *Provided*, that in case of corporations, partnership, associations, societies or companies, the manager, administrator or the person in charge or the management or administration of the business shall be criminally responsible for any such violation.

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

SEC. 19. Transitory Clause. – Until such time as the organization and restructuring of the Boy Scouts of the Philippines in accordance with this Act is affected, the incumbent officers and members of the National Executive Board of the Boy Scouts of the Philippines shall conduct the affairs of Boy Scouts of the Philippines and take the necessary steps to effect with this Act is affected, the incumbent officers and members of the National Executive Board of the Boy Scouts of the Philippines shall conduct the affairs of the Boy Scouts of the Philippines and take the necessary steps to effect such reorganization until a new National Executive Board and a new set of national officers shall have been elected within six (6) months from the effectivity of this Act.

SEC. 20. Repealing Clause. – Commonwealth Act No. 111, Presidential Decree No. 460, Republic Act No. 7278, and Executive Order 509 (series of

1992) are hereby amended. All other laws, orders and proclamations, rules and regulations or parts thereof, inconsistent with or contrary to the provisions of this Act or its purposes are hereby amended or modified accordingly.

SEC. 21. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 22. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,