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SENATE

Senate Bill No. 1371

RECEIVED BY: Ji

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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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  
Senator

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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:*

1        **SECTION 1. Short Title.** – This Act shall be known and cited as the “*Boy*  
2        *Scouts of the Philippines Charter of 2013*”.

3  
4  
5        **SEC. 2. Declaration of Policy.** – Recognizing the vital role of young  
6        people (children and youth) under the ages 4 to 25 in nation-building, it is  
7        therefor the policy of the State to ensure and protect their physical, moral,  
8        intellectual, emotional, social and spiritual by promoting Scouting as an integral  
9        component of the basic education system.

10  
11  
12        **SEC. 3. Recognition of the Boy Scouts of the Philippines** – Pursuant  
13        to the ideals of the World Organization of Scouting Movement (WOSM), the “*Boy*  
14        *Scouts of the Philippines*,” hereinafter referred to as the “*BSP*” is hereby  
15        recognized and known as the body corporate as originally and duly created by  
16        virtue of Commonwealth Act No. 111. The principal office of the *BSP* shall be  
17        located in Metropolitan Manila, Philippines.

18  
19  
20        **SEC. 4. Objectives.** – The objectives of this Act are as follows:

- 21  
22        (a) To promote through organizations and cooperation with other agencies,  
23        the ability of the young people and/or the Filipino youth to do useful things  
24        for themselves and others;  
25  
26        (b) To train the young people and/or the Filipino youth in the attitudes, skills  
27        and the habits of responsible citizenship;  
28  
29        (c) To inculcate in the young people and/or the Filipino youth patriotism, civic  
30        consciousness and responsibility, environmental protection awareness  
31        and activities, courage, self-reliance, selflessness, discipline and kindred

1 virtues, as well as moral and spiritual values, using the method which are  
2 in common use by Scouts.  
3  
4

5 **SEC. 5. *Boy Scouts of the Philippines*** - The Boy Scouts of the  
6 Philippines (BSP) hereinafter referred to shall have its principal office in  
7 Metropolitan Manila. They may establish such other offices, agencies or  
8 branches anywhere in the Philippines as its operations would require and its  
9 National Executive Board would determine.  
10

11  
12 **SEC. 6. *Corporate Powers*** – As a juridical entity, the BSP shall have  
13 perpetual succession and shall enjoy the following corporate powers:  
14

- 15 (a) To sue and be sued;  
16  
17 (b) To acquire, hold and convey such real and personal properties, rights and  
18 chooses in action as shall be deemed necessary and desirable for its  
19 purposes as hereinafter set forth;  
20  
21 (c) To receive funds, real and personal properties by gift, devise and  
22 donation, contribution or other means;  
23  
24 (d) To adapt a seal and to alter and destroy the same at pleasure;  
25  
26 (e) To have offices and conduct its business and affairs in the Metropolitan  
27 Manila area and in the provinces, cities, municipalities and barangays in  
28 the Philippines; and,  
29  
30 (f) Generally, to exercise all the powers of a corporation and do all such acts  
31 and things as may be necessary to carry into effect of the provisions of  
32 this Act and promote the purposes of said organization.  
33  
34

35 **SEC. 7. *Vision and Mission***. – Vision and Mission of the Boy Scouts of  
36 the Philippines:  
37

38 **VISION**

39 We are the leading provider of progressive outdoor-based, non-formal  
40 education committed to develop morally straight, disciplined, concerned, self-  
41 reliant citizens in the best tradition of world Scouting.  
42

43 **MISSION**

44 To inculcate in our Scouts, love of God, country and fellowmen. To  
45 prepare the youth for responsible leadership. To contribute to nation building  
46 according to the ideals, principles and program of Scouting.  
47  
48

49 **SEC. 8. *Nature and Purpose***. – The BSP is an independent and  
50 voluntary, non-stock, non-profit, non-sectarian, non-political entity which shall  
51 willingly cooperate with other persons, natural and judicial, public and private,  
52 whose ideals and procedures are in accord with those conferred or authorized by  
53 this Act.  
54  
55

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

1           **SEC. 10. Vice Chief Scout.** – The Vice-President of the Republic of the  
2 Philippines shall be the Vice Chief Scout of the Boy Scouts of the Philippines.  
3  
4

5           **SEC. 11. Authority and Powers of the Chief Scout and Vice Chief**  
6 **Scout.** – The Chief Scout and Vice Chief Scout are honorary members of the  
7 Boy Scouts of the Philippines but are not deemed to be members of the National  
8 Executive Board unless they are duly elected as members thereof in accordance  
9 with the provisions of this Act and of the Corporation's by-laws.  
10

11           **SEC. 12. National Executive Board.** – The governing body of the said  
12 corporation shall consist of not more than thirty three (33) members of the  
13 National Executive Board, the members of which shall be Filipino citizens of good  
14 moral character. The Board shall be composed of the following:  
15

- 16           (a) The National President of the Girl Scouts of the Philippines;  
17  
18           (b) Regional Chairmen of the geographical regions of the Corporation to be  
19 known as Scout Regions who shall be elected by the representatives of all  
20 the chartered Provincial, City or conglomerate of cities and municipalities  
21 to be known as Local Councils within the region during its meeting called  
22 for this purpose;  
23  
24           (c) One Senior/Rover Scout each from Luzon, Visayas and Mindanao areas,  
25 to be elected during the conference of Scouts ages 13 to 25 known as the  
26 Scout Youth Forum in their respective Philippine geographical areas;  
27  
28           (d) Twelve (12) regular members to be elected by the members of the  
29 National Council in its meeting called for this purpose; and,  
30  
31           (e) Five (5) additional members from the private sector.  
32

33           Thereafter, the National Executive Board as herein fully constituted shall elect  
34 from among themselves the following officers of the corporation:  
35

- 36           (a) President;  
37           (b) Senior Vice-President;  
38           (c) One (1) Vice-President each from Luzon, Visayas and Mindanao areas;  
39           (d) Treasurer; and,  
40           (e) Such other officers as the Board may deem necessary.  
41  
42

43           The qualification, term of office and manner of electing the abovementioned  
44 members of the National Executive Board shall be prescribed within the By-Laws  
45 of the corporation which shall serve as the Executive Committee.  
46

47           The term of office of the members of the Board shall be three (3) years.  
48 However, all incumbent elective officers of the BSP whose terms have not yet  
49 expired at the effectivity of this Act shall be allowed to serve the unexpired  
50 portion of their terms as herein provided for and the President of the Corporation  
51 shall be eligible for reelection.  
52

53           Vacancies in the National Executive Board shall be filled by a majority vote of  
54 the remaining members and a member thus elected shall serve only for the  
55 unexpired term.  
56

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

3  
4  
5 **SEC. 13. Powers and Functions of the National Executive Board.** –  
6 The National Executive Board shall exercise the following powers and functions:

- 7  
8 (a) To make and to amend the By-Laws subject to the ratification by a  
9 majority vote of the members present at a meeting of the National  
10 Council or at a special meeting called for this purpose;  
11  
12 (b) To authorize and cause to be executed mortgages and liens upon the  
13 property of the Corporation by a two-thirds (2/3) vote of the whole  
14 Board at meeting called for this purpose;  
15  
16 (c) To designate five (5) or more of their number to constitute an executive  
17 or governing committee, of which a majority shall constitute a quorum,  
18 through a resolution passed by a majority of the whole Board. Such  
19 Committee, to the extent provided in said resolution or in By-Laws of  
20 the corporation, shall have and exercise the powers of the National  
21 Executive Board in the management of the business affairs of the  
22 Corporation, and may have the power to authorize the seal of the  
23 corporation to be affixed to all papers which may require it;  
24  
25 (d) To create standing and special committees and appoint the chairmen  
26 and members thereof from among themselves by affirmative vote of a  
27 majority of the whole Board. Such standing committees shall exercise  
28 such powers as may be authorized by the By-Laws;  
29  
30 (e) To dispose in any manner a part or the whole property of the  
31 Corporation with the consent in writing and pursuant to an affirmative  
32 vote of two-thirds (2/3) of the members of the National Council; and,  
33  
34 (f) To hold regular meetings at a time and place to be designated in the  
35 bylaws. Special meetings of the Board may be called by the National  
36 President or upon such notice as may be prescribed in the By-Laws.  
37  
38

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

- 43  
44 (a) The members of the National Executive Board;  
45 (b) The Regional Scout Commissioner, a person duly appointed and  
46 commissioned by the National Executive Board;  
47 (c) The Chairmen and Commissioners of all Local Councils and,  
48 (d) Other duly accredited delegates of all local Scout Councils as may be  
49 provided in the By-Laws.  
50

51 The qualifications, terms of office, and the manner of electing the  
52 abovementioned members of the National Council shall be prescribed in the By-  
53 Laws of the corporation.  
54

55 The numerical composition of the National Council shall be provided for in the  
56 By-Laws of the Boy Scouts of the Philippines. *Provided*, That all regions and all  
57 local councils shall be duly represented therein by at least two (2) duly accredited

1 delegates in addition to those who are members of the National Executive Board  
2 as provided for under Section 11 of this Act.

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

9  
10 The National Council of the National Executive Board shall have the power to  
11 hold their meetings and keep the seal, books, documents and papers of the  
12 corporation within or out of Metropolitan Manila.

13  
14 The National President of the corporation shall preside over the meetings of  
15 the National Council.

16  
17 Each local scout council represented in the annual or special meeting of the  
18 National Council shall be entitled to four (4) votes plus one (1) for every ten  
19 thousand (10,000) of their scout membership. The members of the National  
20 Executive Board and the life members shall each be entitled to one (1) vote.

21  
22  
23 **SEC. 15. Powers and Duties of the National Council.** – The National  
24 Council shall exercise the following powers and functions:

- 25  
26 (a) To hold a Triennial Council Meeting at a time and place to be  
27 designated in the By-Laws. The purpose of such meetings is to  
28 discuss the national concerns and issues of each Local Scout Council  
29 for the proper governance of the Boy Scouts of the Philippines;  
30  
31 (b) To require the majority vote of the National Council before the cause  
32 of any lien, encumbrance or disposition of any real property;  
33  
34 (c) To propose the creation of any committee either governing or special  
35 to govern or do any legal task that the Regional or Local Councils may  
36 require; and,  
37  
38 (d) All other powers necessary for the effective management of the affairs  
39 of the Regional and Local Councils as long as they are not  
40 inconsistent with the decisions and powers of the National Executive  
41 Board and the powers and duties provided for in the By-Laws.

42  
43  
44 **SEC. 16. Exclusivity Clause.** – The corporation created by this Act shall  
45 adopt and shall have the sole and exclusive right to use distinctive titles,  
46 emblems, descriptive or designing marks, words and phrases, badges, uniforms  
47 and insignia for the Boy Scouts of the Philippines in carrying out its program in  
48 accordance with the purposes of this Act, and which shall be published in the  
49 Official Gazette or in any newspaper of general circulation in the Philippines.

- 50  
51 (a) The BSP shall adopt distinctive emblems, badges, insignias, uniforms  
52 and other equipment which shall be made available to and used only  
53 by registered Scouts or officials who have satisfactorily complied with  
54 the international requirements and which BSP shall use in carrying out  
55 its programs consistent with purpose of this Act. The BSP shall cause  
56 the registration of said emblems, badges, insignias, uniforms and other  
57 equipment in accordance with the provisions of Republic Act No. 8293,

1 otherwise known as the Intellectual Property Code of the Philippines,  
2 as amended. The Intellectual Property Office (IPO) is hereby directed  
3 to cause said registration free of charge;  
4

- 5 (b) The Securities and Exchange Commission, the IPO and the  
6 Department of Trade and Industry shall refuse the registration of  
7 associations, the registration of trade names and the filling of  
8 trademarks, commercial marks and industrial models and designs  
9 making use of the emblems, badges, insignias, uniforms and other  
10 equipment of the Boy Scouts of the Philippines or their translation in  
11 any official language and dialect in violation of this Act.  
12  
13

14 **SEC. 17. Fiscal Incentives.** – Any donation or contribution which from  
15 time to time may be made to Boy Scouts of the Philippines by the Government or  
16 any of its subdivisions, branches, offices, agencies or instrumentalities or by a  
17 foreign government or by private entities and individuals shall be expended by  
18 the National Executive Board in pursuance of this Act. The Corporation shall be  
19 entitled to the following tax and duty privileges:  
20

- 21 (a) Exemption from income tax pursuant to Section 30 (e), (g) and (h) of  
22 the National Internal Revenue Code of 1997, as amended;  
23  
24 (b) Tax and/or duty exemption of donations from foreign countries as  
25 provided under relevant laws such as but not limited to Section 105 of  
26 the Tariff and Customs Code of the Philippines, as amended, and  
27 Section 109 (q) of the National Internal Revenue Code of 1997, as  
28 amended;  
29  
30 (c) Exemption from all direct and indirect taxes, including value-added tax  
31 (VAT) fees and other charges of all kinds on all income derived from  
32 its operations, including the use, lease or sale of its real properties and  
33 the provision of services;  
34  
35 (d) Exemption from the direct and direct taxes, including VAT, duties, fees  
36 and other charges on importations and purchases for its exclusive use;  
37  
38 (e) Tax and/or duty exemption of donations from foreign countries as  
39 provided under relevant laws such as, but not limited to, Section 105 of  
40 the Tariff and Customs Code of the Philippines, as amended, and  
41 Section 109 (K) of the National Internal Revenue Code of 1997, as  
42 amended;  
43  
44 (f) Exemption from payment of real property taxes on all real properties  
45 owned by it; and,  
46  
47 (g) The BSP shall likewise be exempt from payment from all other taxes,  
48 duties, imposts and charges.  
49

50 Likewise, all donations, legacies and gifts of the Boy Scouts of the Philippines  
51 to support its purposes and objectives as embodied in this Act shall, subject to  
52 the limitations and conditions under the National Internal Revenue Code of 1997,  
53 as amended, be exempt from the donor's tax and shall be deductible from the  
54 gross income of the donor for income tax purposes. Such donations, legacies  
55 and gifts shall be expended by the National Executive Board in pursuance of this  
56 Act.  
57

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

14  
15           Any violation of the provisions of this section shall be punished by prison  
16 correctional in its maximum period to prison mayor in its medium period and fine  
17 of not less than Two Hundred Thousand Pesos (P200,000.00) nor more than  
18 Five Hundred Thousand Pesos (P500,000.00). *Provided*, that in case of  
19 corporations, partnership, associations, societies or companies, the manager,  
20 *administrator or the person in charge or the management or administration of the*  
21 *business shall be criminally responsible for any such violation.*

22  
23           This shall be without prejudice to the applicable penalties for violations of the  
24 intellectual property rights of the BSP under the Intellectual Code of the  
25 Philippines, as amended.

26  
27  
28           **SEC. 19. Transitory Clause.** – Until such time as the organization and  
29 restructuring of the Boy Scouts of the Philippines in accordance with this Act is  
30 affected, the incumbent officers and members of the National Executive Board of  
31 the Boy Scouts of the Philippines shall conduct the affairs of Boy Scouts of the  
32 Philippines and take the necessary steps to effect with this Act is affected, the  
33 incumbent officers and members of the National Executive Board of the Boy  
34 Scouts of the Philippines shall conduct the affairs of the Boy Scouts of the  
35 Philippines and take the necessary steps to effect such reorganization until a  
36 new National Executive Board and a new set of national officers shall have been  
37 elected within six (6) months from the effectivity of this Act.

38  
39  
40           **SEC. 20. Repealing Clause.** – Commonwealth Act No. 111, Presidential  
41 Decree No. 460, Republic Act No. 7278, and Executive Order 509 (series of  
42 1992) are hereby amended. All other laws, orders and proclamations, rules and  
43 regulations or parts thereof, inconsistent with or contrary to the provisions of this  
44 Act or its purposes are hereby amended or modified accordingly.

45  
46  
47           **SEC. 21. Separability Clause.** – If any provision, or part hereof, is held  
48 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
49 affected shall remain valid and subsisting.

50  
51  
52           **SEC. 22. Effectivity Clause.** – This Act shall take effect fifteen (15) days  
53 after its publication in at least two (2) newspapers of general circulation.

54  
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57           *Approved,*