

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)




Senate
Office of the Secretary

'16 JUL 21 AIO :49

SENATE

S. B. No. 746

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

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 AMMENDED

EXPLANATORY NOTE

Scouting, or the skill of scout craft, is one of the strongest means of promoting physical, moral, spiritual and social growth in our children and youth. As a tool to develop various holistic traits in our children and youth - from moral values and civic consciousness to environment protection and civic responsibility, this bill aims to reorganize the Boy Scouts of the Philippines in order to better serve its purpose.

The 1987 Constitution encourages rearing our children and youth towards civic consciousness and moral values so that they may be productive and patriotic members of society. (Section 13, Article II) In this regard, this bill seeks to reorganize and restructure the government entity created under Commonwealth Act No. 111, as amended, that would handle such a crucial role in molding and upbringing our children and the youth. In this bill, the new acting entity, 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 growing challenges they face.

Attempts to formulate an organized law for such purpose has existed since the 8th Congress, but this bill 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 moral, civic and social development of our children and youth in this rapidly changing world.


In light of the foregoing and for better government service to our children and youth in the form of a more organized Scouts Philippines, the passage of this bill is earnestly sought.

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "Boy Scouts of the
2 Philippines Charter".

3 SECTION 2. *Declaration of Policy.* - Recognizing the vital role of young people
4 ages 4 to 25 in nation building, it is therefore the policy of the State to ensure and
5 protect their physical, moral, intellectual, emotional, social and spiritual growth by
6 promoting Scouting as an integral component of the basic education system.

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

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

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

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

- 24 (a) To sue and be sued;

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

13 **SECTION 6. *Vision and Mission.*** - Vision and Mission of the Boy Scouts of the
14 Philippines

15 Vision

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

19 Mission

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

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

27 **SECTION 8. *Chief Scout.*** - The President of the Republic of the Philippines shall
28 be the Chief Scout of the Boy Scouts of the Philippines.

29 **SECTION 9. *Vice Chief Scout.*** - The Vice-President of the Republic of the
30 Philippines shall be the Vice Chief Scout of the Boy Scouts of the Philippines.

31 **SECTION 10. *Authority and Powers of the Chief Scout and Vice Chief Scout.*** - The
32 Chief Scout and Vice Chief Scout are honorary members of the Boy Scouts of the
33 Philippines but are not deemed to be members of the National Executive Board unless
34 they are duly elected as members thereof in accordance with the provisions of this Act
35 and of the Corporation's by-laws.

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

- 39 (a) The Secretary of the Department of Education;
- 40 (b) Secretary of the Department of Interior and Local Government;
- 41 (c) The National President of the Girl Scouts of the Philippines;
- 42 (d) Regional Chairmen of the geographical regions of the Corporation to be
43 known as Scout Regions who shall be elected by the representatives of all the
44 chartered Provincial, City or conglomerate of cities and municipalities to be

1 known as Local Councils within the region during its meeting called for this
2 purpose;

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

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

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

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

11 (a) President;

12 (b) Senior Vice-President;

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

14 (d) Treasure; and,

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

16 The numerical composition of the National Executive Board shall also be
17 provided for in the Bylaws of the Boy Scouts of the Philippines.

18 The qualification, term of office and manner of electing the abovementioned
19 members of the National Executive Board shall be prescribed within the By-laws of the
20 corporation.

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

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

27 The bylaws may prescribe the number of the National Executive Board necessary
28 to constitute a quorum of the board.

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

31 (a) To make and to amend the bylaws subject to the ratification by a majority
32 vote of the members present at a meeting of the National Council or at a
33 special meeting called for this purpose;

34 (b) To authorize and cause to be executed mortgages and liens upon the property
35 of the Corporation by a two-thirds (2/3) vote of the whole Board at meeting
36 called for this purpose;

37 (c) To designate five (5) or more of their number to constitute an executive or
38 governing committee, of which a majority shall constitute a quorum, through
39 a resolution passed by a majority of the whole Board. Such Committee, to the
40 extent provided in said resolution or in the bylaws of the corporation, shall
41 have and exercise the powers of the National Executive Board in the
42 management of the business affairs of the Corporation, and may have the
43 power to authorize the seal of the corporation to be affixed to all papers
44 which may require it;

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

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

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

11 **SECTION 13. National Council.** - The National Council is the highest corporate
12 policy making body of the Boy Scouts of the Philippines that shall manage the affairs
13 and business of the corporation. The National Council shall be composed of the
14 following members:

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

16 (b) The Regional Scout Commissioner; a person duly appointed and
17 commissioned by the National Executive Board;

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

19 (d) Other duly accredited delegates of all local Scout councils as may be provided
20 in the bylaws.

21 "The qualifications, terms of office, and the manner of electing the
22 abovementioned members of the National Council shall be prescribed in the bylaws of
23 the corporation.

24 "The numerical composition of the National Council shall provided for in the
25 bylaws of the Boy Scouts of the Philippines. Provided, that all regions and all local
26 councils shall be duly represented therein by at least two (2) duly accredited delegates
27 in addition to those who are members of the National Executive Board as provider for
28 under Section 11 of this Act.

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

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

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

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

42 **SECTION 14. Powers and Duties of the National Council.** - The National Council
43 shall exercise the following powers and functions:

- 1 (a) To hold a Triennial Council Meeting at a time and place to be designated in
2 the bylaws. The purpose of such meetings is to discuss the National concerns
3 and issues of each Local Scout Council for the proper governance of the Boy
4 Scouts of the Philippines;
- 5 (b) To require the majority vote of the National Council before the cause of any
6 lien, encumbrance or disposition of any real property;
- 7 (c) To propose the creation of any committee either governing or special to
8 govern or do any legal task that the Regional or Local Councils may require;
9 and,
- 10 (d) All other powers necessary for the effective managements of the affairs of the
11 Regional and Local Councils as long as they are not inconsistent with the
12 decisions and powers of the National Executive Board and the powers and
13 duties provided for in the by-laws.

14 **SECTION 15. *Exclusivity Clause.*** - The corporation created by this Act shall
15 adopt and shall have the sole and exclusive rights to use distinctive titles, emblems,
16 descriptive or designing marks, words and phrases, badges, uniforms and insignia for
17 the Boy Scouts of the Philippines in carrying out its program in accordance with the
18 purposes of this Act, and which shall be published in the Official Gazette or in any
19 newspaper of the general circulation in the Philippines.

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

36 **SECTION 16. *Fiscal Incentives.*** - Any donations or contribution which from
37 time to time may be made to the Boy Scouts of the Philippines by the Government or
38 any of its subdivisions, branches, offices, agencies or instrumentalities or by a foreign
39 government or by private entities and individuals shall be expended by the National
40 Executive Board in pursuance of this Act. The Corporation shall be entitled to the
41 following tax and duty privileges:

- 42 (a) Exemption from income tax pursuant to Section 30 (e), (g) and (h) of the
43 National Internal Revenue code of 1997, as Amended;
- 44 (b) Tax and/or duty exemption of donations from foreign countries as
45 provided under relevant laws such as but not limited to Section 105 of the
46 Tariff and Customs Code of the Philippines, as amended, and Section 109
47 (q) of the National Internal Revenue code of 1997, as Amended;

- 1 (c) Exemption from all direct and indirect taxes, including value-added tax
2 (VAT) fees and other charges of all kinds on all income derived from its
3 operations, including the use, lease or sale of its real properties and the
4 provisions of services;
- 5 (d) Exemption from the direct and indirect taxes, including VAT, duties, fees
6 and other charges on importations and purchases for its exclusive use;
7 and,
- 8 (e) Tax and/or duty exemption of donations from foreign countries as
9 provided under relevant laws such as, but not limited to, Section 105 of
10 the Tariff and Customs Code of the Philippines, as amended, and Section
11 109(K) of the National Internal Revenue Code of 1997, as Amended.
- 12 (f) Exemption from payment of real property taxes on all real properties
13 owned by it.
- 14 (g) The BSP shall likewise be exempt from payment from all other taxes,
15 duties, imposts, and charges.

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

22 **SECTION 17. *Penal Clause.*** - From and after the passage of this Act, it shall
23 be unlawful for any person within the jurisdiction of the Philippines to falsely and
24 fraudulently wear the Boy Scouts of the Philippines uniform, call himself as, or
25 represent himself to be a member of, or an agent for, the Boy Scouts of the Philippines.
26 It shall be unlawful for any person to manufacture, sell or distribute or cause to be
27 manufactured, sold or distributed fraudulently or without the official knowledge and
28 written approval of the National Executive Board of the Boy Scouts of the Philippines
29 badges, uniforms, insignia, or Scouting paraphernalia or the photos or visuals of a Scout
30 or Scouts in uniform, or the logo, seal or corporate name of the Boy Scouts of the
31 Philippines, in any print ad, radio or television commercial, billboard, collateral
32 material or any form of advertisement, including the internet; or to use the name of the
33 Boy Scouts of the Philippines in any illegal purpose or personal gain. Any violation of
34 the provisions of this section shall be punished by prison correctional in its maximum
35 period to prison mayor in its minimum period and fine of not less than Two Hundred
36 Thousand Pesos (Php200,000) nor more than Five Hundred Thousand Pesos
37 (Php500,000). Provided, that in case of corporations, partnerships, associations, societies
38 or companies, the manager, administrator or the person in charge or the management
39 or administration of the business shall be criminally responsible for any such violation.

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

43 **SECTION 18. *Transitory Change.*** - Until such time as the organization and
44 restructuring of the Boy Scouts of the Philippines in accordance with this Act is affected,
45 the incumbent officers and members of the National Executive Board of the Boy Scouts
46 of the Philippines shall conduct the affairs of Boy Scouts of the Philippines and take the
47 necessary steps to effect with this Act is affected, the incumbent officers and members

1 of the National Executive Board of the Boy Scouts of the Philippines shall conduct the
2 affairs of the Boy Scouts of the Philippines and take the necessary steps to effect such
3 reorganization until a new National Executive Board and a new set of national officers
4 shall have been elected within six (6) months from the effectivity of this Act.

5 **SECTION 19. *Repealing/Amending Clause.*** - Commonwealth Act No. 111,
6 Presidential Decree No. 460, Republic Act No. 7278, and Executive order 509 (series of
7 1992) are hereby amended. All other laws, orders and proclamations, rules and
8 regulations or parts thereof, inconsistent with or contrary to the provisions of this Act or
9 its purposes are hereby amended or modified accordingly.

10 **SECTION 20. *Separability Clause.*** - If for any reason, any provision of this Act
11 or the application thereof to any person or circumstances, is held invalid, the remaining
12 provision not affected thereby shall be in full force and effect.

13 **SECTION 21. *Effectivity Clause.*** This Act shall effect fifteen (15) days after its
14 publication in the Official Gazette or in at least (2) newspapers of general circulation.

15 *Approved,*