

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



Senate
Office of the Secretary

20 MAR -4 P5:48

SENATE
S. B. No. 1401

RECEIVED

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
STRENGTHENING YOUTH PARTICIPATION IN LOCAL GOVERNANCE,
AMENDING FOR THIS PURPOSE REPUBLIC ACT 10742 OTHERWISE
KNOWN AS THE "SANGGUNIANG KABATAAN REFORM ACT OF 2015",
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 13 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. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."*

In line with this Constitutional mandate, the *Sangguniang Kabataan* (SK) was created by virtue of Republic Act No. 7160, otherwise known as "the Local Government Code of 1991." On 4 December 1992, the first SK leaders were elected in nearly 42,000 barangays all over the country.

Thereafter, in 1995, the National Youth Commission (NYC) was created by virtue of Republic Act No. 8044, or the "Youth in Nation Building Act." The NYC, in effect, replaced the Presidential Council for Youth Affairs (PCYA) and is meant to exercise secretariat functions of the SK.

Despite the noble intent to allow youth participation in local governance, the SK remained confused and often powerless, certain observers even commenting harshly that it was a "training ground for the young scions to learn how to be corrupt."

In an attempt to engender more meaningful youth participation, Republic Act No. 10742 was enacted in 2015, known as the "SK Reform Act of 2015," repealing various provisions on R.A. No. 7160 in relation to the SK.

Nearly five years after the effectivity of R.A. 10742, many issues continue to hound youth governance. The SK elections prove to be very costly, and with no clear indication in law which government agency should supervise them, nor any provision for additional funds for either the Commission on Elections (COMELEC) or the Department of Interior and Local Government (DILG). There is the persistent inability to complete required seven (7) youth *kagawads*, given that large number of students reside in urban centers, or work outside their barangays. The SK has widespread difficulty in obtaining the 10% of the annual budget, supposedly earmarked for them. The *Sanggunians*, more often than not, are unable to appoint Treasurers, as public funds can only be released to bonded officers, but the SK fails to provide a salary for what is a demanding and highly accountable position involving potentially big amounts.

Also, there is no clear link between the functions and duties of the SK, NYC, or the DILG. On its face, there appears to be a duplication, if not an overlap of functions among these three (3) two government entities.

This bill seeks to address these concerns by consolidating the SK functions in one (1) Youth Representative who shall be elected at large by the Katipunan ng Kabataan (KK), making a separate SK election unnecessary. The duly-appointed SK Treasurer shall now be a bonded officer, and shall receive a salary one grade lower than that of the SK-Youth Representative. A strict menu of projects that may be pursued by the SK is also provided, such as education-related endeavors, sports, and the development of well-being, among others, while at the same time expressly prohibiting the use of SK funds for beauty pageants, "junkets", and other expenses not driven by meaningful

youth development . A National Youth Representative shall also be elected at large by the SK to serve as an ex-officio member of the NYC.

For the reasons mentioned above, the passage of this bill is earnestly sought.


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

1 **Section 1.** Section 5 of Republic Act No.10742 is hereby amended to read as
2 follows:

3 "SEC. 5. Powers and Functions of the Katipunan ng Kabataan. – The
4 Katipunan ng Kabatan shall:

5 (a) Elect the Sangguniang Kabataan chairperson [and members]; and

6 (b) Serve as the highest policy-making body to decide on matters affecting
7 the youth in the barangay. As such, the Sangguniang Kabataan shall consult
8 and secure the concurrence of the Katipunan ng Kabataan in the formulation
9 of all its, programs, plans and activities."

10 **SEC. 2.** Section 6 of Republic Act No. 10742 is hereby amended to read as
11 follows:

12 "SEC. 6. Meetings of the Katipunan ng Kabataan. – The Katipunan ng
13 Kabataan shall meet at least once every six (6) months, or at the call of the

1 [chairperson of the] Sangguniang Kabataan or upon written petition of at
2 least one-twentieth (1/20) of its members, to decide on important issues
3 affecting the youth of the barangay.”

4 **SEC. 3.** Section 7 of Republic Act No. 10742 is hereby amended to read as follows:

5 “SEC. 7. *Creation and Election of the Sangguniang Kabataan.* – There shall
6 be in every barangay a Sangguniang Kabataan. **THE SANGGUNIANG**
7 **KABATAAN SHALL NO LONGER** [to] be composed of a chairperson and
8 seven (7) members **BUT BY AN OFFICIAL** who shall be elected **AT LARGE**
9 by the registered voters of the Katipunan ng Kabataan. The Sangguniang
10 Kabataan [chairperson] shall [, with the concurrence of the majority of the
11 Sangguniang Kabataan members,] appoint from among the members of the
12 Katipunan ng Kabataan, a secretary and a treasurer.”

13 **SEC. 4.** Section 8 (e) of Republic Act No. 10742 is hereby amended to read as
14 follows:

15 “SEC. 8. Powers and Functions of the Sangguniang Kabataan. – The
16 Sangguniang Kabataan shall:

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18 (e) Hold fund-raising activities which are in line with the Comprehensive
19 Barangay Youth Development Plan, the proceeds of which shall be tax-
20 exempt and shall accrue to the general fund of the Sangguniang
21 Kabataan: *Provided, however,* That in the appropriation thereof, the
22 specific purpose for which such activity has been held shall be first
23 satisfied: *Provided, further,* That any appropriation thereof shall be in
24 accordance with existing applicable budget, accounting and auditing
25 rules and regulations, **SUCH AS THOSE ISSUED BY THE**
26 **DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) AND THE**
27 **COMMISSION ON AUDIT (COA);”**

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29 **SEC. 5.** Section 9 of Republic Act No. 10742 is hereby deleted.

1 “[SEC. 9. Meetings of the Sangguniang Kabataan. – (a) The Sangguniang
2 Kabataan shall meet regularly once a month. on the date, time and place
3 to be fixed by the said sanggunian. Special meetings may be called by
4 the chairperson or any four (4) of its members by giving written notice
5 of the date, time, place and agenda of the meeting, which can be sent
6 either through personal delivery, registered mail, fax or email, to all
7 members, and must be received at least one (1) day in advance. The
8 Sangguniang Barangay and the Municipal or City Youth Development
9 Council shall be furnished with notices of regular and special meetings
10 and the minutes of the meetings thereafter.]”

11 [(b) A majority of the members including the chairperson shall constitute
12 a quorum.]”

13 **SEC. 6.** Section 11 of Republic Act No. 10742 is hereby amended to read as follows:

14 “SEC. 11. Term of Office. – (a) The [chairperson and members of the]
15 Sangguniang Kabataan shall hold office for a fixed term of three (3) years
16 unless sooner removed for cause, permanently incapacitated, have died
17 or resigned from office.”

18 **SEC. 7.** Section 12 of Republic Act No. 10742 is hereby amended to read as follows:

19 “SEC. 12. *Sangguniang Kabataan [Chairperson]*. – The [chairperson of
20 the] Sangguniang Kabataan shall automatically serve as an *ex*
21 *officio* member of the Sangguniang Barangay upon assumption to office.
22 As such, he or she shall exercise the same powers, discharge the same
23 duties and functions, and enjoy the same privileges as the regular
24 Sangguniang Barangay members; and shall be the chairperson of the
25 Committee on Youth and Sports Development. He or she shall be entitled
26 to a pro-rata honoraria for every session of the Sangguniang Barangay
27 he or she has attended.”

28 **SEC. 8.** Section 13 of Republic Act 10742 is hereby amended to read as follows:

1 **PROVIDED, THAT THE SECRETARY AND TREASURER SHALL**
2 **RECEIVE A COMPENSATION ONE SALARY GRADE LOWER THAN**
3 **THAT OF THE SANGGUNIANG KABATAAN.”**

4 **SEC. 11.** Section 19 of Republic Act No. 10742 is hereby amended to read as follows:

5 SEC. 19. [*Succession and Filling up of Vacancies.*] **MANNER OF**
6 **SUCCESSION.** – (a) In case [a] **THE** Sangguniang Kabataan
7 [chairperson] refuses to assume office, fails to qualify, voluntarily
8 resigns, dies, is permanently incapacitated, **OR** is removed from office,
9 **THE CANDIDATE WHO OBTAINED THE NEXT HIGHEST NUMBER**
10 **OF VOTES SHALL ASSUME THE OFFICE OF THE SANGGUNIANG**
11 **KABATAAN.** [the Sangguniang Kabataan member who obtained the
12 highest number of votes in the election immediately preceding shall
13 assume the office of the chairperson for the unexpired portion of his or
14 her term. In case said member refuses to assume the position or fails to
15 qualify, the Sangguniang Kabataan member obtaining the next highest
16 number of votes shall assume the position of the chairperson for the
17 unexpired portion of the term.]

18 [(b) After the vacancy shall have been filled, the Sangguniang Kabataan
19 chairperson shall, within thirty (30) days, call for a special Katipunan ng
20 Kabataan assembly to elect a Sangguniang Kabataan member to
21 complete the membership of said sanggunian: *Provided, That,* such
22 special assembly is coordinated with the Office of the Local Government
23 Operations Officer and the COMELEC of the municipality or city where
24 the concerned barangay belongs Such Sangguniang Kabataan member
25 shall hold office for the unexpired portion of the term of the vacant seat.
26 For this purpose, any citizen of the Philippines residing in the said
27 barangay for at least six (6) months who attains the age of fifteen (15)
28 years old at the time of the special election and who registers as member
29 of the Katipunan ng Kabataan before the Sangguniang Kabataan
30 secretary shall be entitled to vote in the said special election.]

1 [(c) All other vacancies in the office of the Sangguniang Kabataan shall
2 be filled in accordance with the immediately preceding provision.]

3 **PROVIDED, THAT, IF THE REASON FOR THE VACANCY DOES**
4 **NOT FALL UNDER THE CONDITIONS STATED ABOVE, THE**
5 **DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG)**
6 **SHALL APPOINT THE SUCCESSOR: PROVIDED, FURTHER, THAT**
7 **THE APPOINTED SUCCESSOR MUST MEET THE**
8 **QUALIFICATIONS SET UNDER SECTION 10 OF THIS ACT.**

9 (d) In case of suspension of the Sangguniang Kabataan, [chairperson,
10 the successor, as determined in subsection (a) of this section,] **THE**
11 **SECRETARY** shall assume the position during the period of such
12 suspension.”

13 **SEC. 12.** Section 20 of Republic Act No. 10742 is hereby amended to read as follows:

14 “(c) All Sangguniang Kabataan funds shall be allocated in an annual
15 budget, and if the funds allow, in a supplemental budget in accordance
16 with the adopted Annual Barangay Investment Program. Both the
17 Comprehensive Barangay Youth Development Plan and Annual
18 Barangay Investment Program shall give priority to programs, projects
19 and activities **SUCH AS:** [that will promote and ensure the equitable
20 access to quality education, environmental protection, climate change
21 adaptation, disaster risk reduction and resiliency, youth employment
22 and livelihood, health and anti-drug abuse, gender sensitivity, sports
23 development, and capability building which emphasizes leadership
24 training; and]

25 **(1) STUDENT STIPENDS, FOOD, BOOK AND TRANSPORTATION**
26 **ALLOWANCES, AND OTHER EDUCATIONAL ASSISTANCE**
27 **PROGRAMS THAT WILL REDUCE THE INCIDENCE OF OUT-OF-**
28 **SCHOOL YOUTH AND DROP-OUTS;**

1 (2) In cities, the Panlungsod na Pederasyon ng mga Sangguniang
2 Kabataan which shall be composed of the Sangguniang Kabataan
3 chairpersons of barangays in the city; and

4 (3) In provinces, Panlalawigang Pederasyon ng mga Sangguniang
5 Kabataan which shall be composed of the [convenors] **PRESIDENTS**
6 of the Pambayan and Panlungsod na Pederasyon ng mga Sangguniang
7 Kabataan.

8 **(4) AT THE NATIONAL LEVEL, "PAMBANSANG PEDERASYON NG**
9 **MGA SANGGUNINANG KABATAAN, WHICH SHALL BE**
10 **COMPOSED OF THE PRESIDENTS OF THE PANLALAWIGANG**
11 **PEDERASYON NG MGA SANGGUNIANG KABATAAN", AND THE**
12 **PRESIDENTS OF THE PANLUNGSOD NA PEDERSAYON NG MGA**
13 **SANGGUNIANG KABATAAN OF HIGHLY URBANIZED CITIES**
14 **AND INDEPENDENT COMPONENT CITIES."**

15 (b) The Pederasyon ng mga Sangguniang Kabataan shall, at all levels,
16 elect from among themselves a president, a vice president,
17 [a¹ treasurer], a secretary and such other officers as they may deem
18 necessary. The concerned Local Government Operations Officer, in
19 coordination with the election officer, shall facilitate the conduct of the
20 elections which shall be held within fifteen (15) days from the
21 Sangguniang Kabataan elections in case of the Pambayan and
22 Panlungsod na Pederasyon, [and] within thirty (30) days in case of the
23 Panlalawigang Pederasyon, **AND WITHIN SIXTY (60) DAYS IN**
24 **CASE OF THE PAMBANSANG PEDERASYON.**

25 (c) The manner of election, suspension and removal of the officers of
26 the Pederasyon at all levels and the term of office of the other officers
27 of the Pederasyon shall be governed by the guidelines to be jointly
28 issued by the DILG, the COMELEC and the Commission within sixty (60)
29 days upon the effectivity of this Act."

30 **SEC. 14. A NEW SECTION 23 IS HEREBY INSERTED TO READ AS FOLLOWS:**

1 **SEC. 23. MEMBERSHIP IN THE NATIONAL YOUTH COMMISSION. – THE**
2 **DULY ELECTED PRESIDENT OF THE PAMBANSANG PEDERASYON NG MGA**
3 **SANGGUNIANG KABATAAN SHALL SERVE AS EX-OFFICIO MEMBER OF THE**
4 **COMMISSION, CONSISTENT WITH SECTION 5 OF REPUBLIC ACT NO. 8044,**
5 **OTHERWISE KNOWN AS THE “YOUTH IN NATION BUILDING ACT.”**

6 **SEC. 15. *Appropriations.*** - The amount necessary to implement the provisions of
7 this Act shall be included in the Annual General Appropriations Act.

8 **SEC. 16. *Implementing Rules and Regulations.*** - The Department of Interior
9 and Local Government (DILG), the Department of Budget and Management (DBM),
10 the Commission on Elections (COMELEC), the National Youth Commission (NYC), and
11 other concerned government agencies shall promulgate the necessary implementing
12 rules and regulations within sixty (60) days upon the effectivity of this Act.

13 **SEC. 17. *Separability Clause.*** - If for any reason any provision of this Act is
14 declared unconstitutional or invalid, such parts or portions not affected thereby shall
15 remain in full force and effect.

16 **SEC. 18. *Repealing Clause.*** - If for any reason any provision of this Act is declared
17 unconstitutional or invalid, such parts or portions not affected thereby shall remain in
18 full force and effect.

19 **SEC. 19. *Effectivity.*** - This Act shall take effect fifteen (15) days after its complete
20 publication in the Official Gazette and in at least two (2) newspapers of general
21 Circulation.

Approved,