

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

7 JUL -4 AB:40

SENATE
 S.B. No. 927

RECEIVED BY: h

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

This bill seeks to introduce necessary reforms to the Sangguniang Kabataan (SK) Law to enable the youth to fully participate in local governance and maximize their potential as partners in nation building and sustainable development.

Republic Act No. 8044 or the Youth in Nation Building Act was enacted in 1995 to implement the State's responsibility to enable the youth to fulfill their vital role in nation-building. This law likewise created the National Youth Commission to serve as the sole policy-making and coordinating body of all youth programs and government projects. Furthermore, this law declares that youth is the critical period in a person's growth and development from the onset of adolescence towards the peak of mature, self-reliant and responsible adulthood comprising the considerable sector of the population from the age of fifteen (15) to thirty (30) years.

But even prior to this law, Republic Act No. 7160 or the Local Government Code of the Philippines has recognized the youth's participation in local governance by making it one of the local government units under the law. Under this Act, the Sangguniang Kabataan, the Pederasyon ng mga Sangguniang Kabataan and the Linggo ng Kabataan has been created. With the Philippine Constitution as its fundamental source, the growth and welfare of children and youth are addressed by these two laws and other pieces of significant legislation.

Data from the National Statistical Coordination Board reveal that as of year 2000, there are 21,157,790 individuals aged 15-29 who comprises 28% of our total population of 76,504,077 that said year. In succeeding years, this figure is not expected to change as the youth is projected to comprise 28% or 23,919,700 individuals out of the 85,261,000 projected population in 2005; 28% or 26,352,800 out of the 94,013,200 projected population in 2010; and 27% or 28,098,200 out of the 102,965,300 projected population in 2015.

More than ten years into the implementation of these two laws, there are still areas that have yet to address to enable the youth to fulfill their significant role in the society. Due to lack of fiscal autonomy from the barangay and the undefined areas for allocation of such budget, the relatively young sector of local governance are not able to participate fully in the running of the affairs of the community.

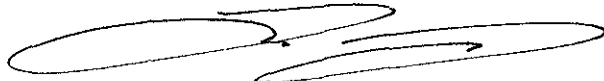
This bill aims to address that concern by mandating the Sangguniang Barangay to appropriate the 10% budget of the Sangguniang Kabataan from its general fund in

lump sum and affording it fiscal autonomy. Likewise, this proposed measure requires the SK to allot budget in certain percentages to the following: green brigade, livelihood, capacity-building, program for street children and anti-drug abuse campaign and to be transparent in their operations by requiring its treasurer to submit and post in the public hall a quarterly report of its actual income and expenditures.

To enable them to protect themselves while carrying out their duties and responsibilities, the Sangguniang Kabataan chairpersons are considered persons in authority and the members of the Sangguniang Kabataan as agents of persons in authority while in the actual discharge of their functions.

Finally, this proposed measure seeks to expand the representation of the youth in local governance by making the Sangguniang Kabataan Chairperson an ex-officio member in local special bodies like the Local Health Board, the Local Peace and Order Council, the Local Development Council and the Local Tourism Council.

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



LOREN LEGARDA
Senator

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AN ACT
TO STRENGTHEN AND REFORM THE SANGGUNIANG KABATAAN,
AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT
NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991,
AS AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as "The Sangguniang Kabataan Reform Law of 2007".

Sec. 2. Barangay Funds. Section 329 of Republic Act No. 7160 is hereby amended to read as follows:

"Section 329. Barangay Funds - Unless otherwise provided in this Title, all the income of the barangay from whatever source shall accrue to its General Fund and shall, at the option of the barangay concerned, be kept as trust fund in the custody of the city or municipal treasurer be deposited in a bank, preferably government-owned, situated in or nearest to its area of jurisdiction. Such funds shall be disbursed in accordance with the provisions of this Title. **AT LEAST [T]** ten percent (10%) of the general fund of the barangay shall be set aside for the sangguniang kabataan. **THE SANGGUNIANG BARANGAY SHALL APPROPRIATE THE SANGGUNIANG KABATAAN FUND IN LUMP SUM. THE SANGGUNIANG KABATAAN SHALL HAVE FISCAL AUTONOMY IN ITS OPERATIONS AS TO DISBURSEMENTS AND ENCASHMENT OF THEIR INCOME AND EXPENSES.**

(A) PROCEDURE FOR REVIEWING OF BUDGETS

- (1) ALL SK BUDGETS APPROVED BY A MAJORITY OF THE MEMBERS OF A PARTICULAR SANGGUNIANG KABATAAN SHALL BE SUBMITTED TO THE OFFICE OF THE MUNICIPAL AND CITY SK FEDERATIONS WITHIN THE FIRST WEEK OF JANUARY OF EVERY YEAR. THE MUNICIPAL AND CITY SK FEDERATIONS SHALL REVIEW AND DELIBERATE ON THE BUDGET DURING THE SECOND WEEK OF JANUARY, ALL BUDGETS APPROVED BY THE MUNICIPAL AND CITY SK**

FEDERATION SHALL BE CERTIFIED AS APPROVED BY THE MUNICIPAL AND CITY SK FEDERATION PRESIDENTS;

- (2) THE MUNICIPAL AND SK FEDERATIONS SHALL SUBMIT THE APPROVED SK BUDGETS OF THE RESPECTIVE MEMBER SK TO THE OFFICE OF THE PROVINCIAL SK FEDERATION WITHIN THE THIRD WEEK OF JANUARY. THE PROVINCIAL SK FEDERATION SHALL REVIEW THE SUBMITTED SK BUDGETS DURING THE FOURTH WEEK OF JANUARY. THE SK BUDGETS APPROVED BY THE PROVINCIAL FEDERATION SHALL BE CERTIFIED AS APPROVED BY THE PROVINCIAL SK FEDERATION PRESIDENT;
- (3) ALL REALIGNMENTS IN BARANGAY SK BUDGETS SHALL BE SUBMITTED TO THE MUNICIPAL/CITY FEDERATION FOR ITS REVIEW AND APPROVAL AND SHALL BE DELIBERATED UPON DURING THEIR REGULAR AND SPECIAL MEETINGS PRIOR TO ITS IMPLEMENTATION. THE REALIGNMENT APPROVED BY THE MUNICIPAL/CITY FEDERATIONS AS APPROVED SHALL BE DULY CERTIFIED BY THE MUNICIPAL/CITY SK FEDERATION PRESIDENTS;
- (4) ALL BUDGETS AND REALIGNMENTS SHOULD BE DELIBERATED UPON AND APPROVED BY THE MAJORITY OF ALL THE MEMBERS OF THE FEDERATION CONCERNED DURING ITS REGULAR AND SPECIAL MEETINGS PRIOR TO ITS IMPLEMENTATION.

(B) ALLOCATION OF BUDGET

- (1) THE BUDGET SUBMITTED FOR REVIEW TO THE MUNICIPAL, CITY AND PROVINCIAL SK FEDERATION SHALL INCLUDE ALLOCATIONS FOR THE FOLLOWING WITH THEIR PRESCRIBED PERCENTAGES:

1.1. GREEN BRIGADE	10%
1.2. LIVELIHOOD	20%
1.3. SPECIAL PROGRAM FOR STREETCHILDREN	10%
1.4. CAPABILITY BUILDING	10%
1.5. ANTI-DRUG ABUSE CAMPAIGN	10%

- (2) THE REMAINING FORTY PERCENT (40%) SHALL BE ALLOCATED BY THE SK DEPENDING ON THE NEEDS OF THE YOUTH IN THE BARANGAY AND FOR AS LONG AS IT IS FOR PUBLIC PURPOSE, PROVIDED THAT, SUCH DISCRETIONARY POWER SHALL BE SUBJECT TO PUBLIC CONSULTATION PRIOR TO ITS IMPLEMENTATION.

Sec. 3. **Creation and Election.** Section 423 of Republic Act No. 7160 is hereby amended to read as follows:

"Section 423. **Creation and Election.** - (a) There shall be in every barangay a Sangguniang Kabataan to be composed of a chairman, seven (7) members, a secretary and a treasurer. **THE SECRETARY AND TREASURER SHALL BE**

APPOINTED BY THE SANGGUNIANG KABATAAN CHAIRMAN FROM THE KAGAWADS OF THE SANGGUNIANG KABATAAN WITH CONCURRENCE FROM THE SANGGUNIANG KABATAAN.

THE SANGGUNIANG KABATAAN CHAIRMAN WHO IS ELECTED AS PEDERASYON PRESIDENT SHALL AUTOMATICALLY SERVE AS AN EX-OFFICIO MEMBER IN SPECIAL BODIES, SUCH AS BUT NOT LIMITED TO THE LOCAL HEALTH BOARD, PEACE AND ORDER COUNCIL, LOCAL DEVELOPMENT COUNCIL AND LOCAL TOURISM COUNCIL. AS SUCH, HE SHALL HAVE THE SAME POWERS, DISCHARGE THE SAME DUTIES AND FUNCTIONS, AND ENJOY THE SAME PRIVILEGES AS THE REGULAR MEMBERS OF THESE SPECIAL BODIES.

(b) xxx"

Sec. 4. **Katipunan ng Kabataan.** Section 433 of the same Act is hereby amended to read as follows:

"Section 433. Sangguniang Kabataan Treasurer. - x x x

(a) Take custody of all Sangguniang Kabataan property and funds [not otherwise deposited with the city or municipal treasurer], **AND IN THE CASE OF THE LATTER, SHALL DEPOSIT EITHER IN A GOVERNMENT-OWNED BANK SITUATED IN OR NEAREST TO ITS AREA OF JURISDICTION, IN THE NAME OF THE SANGGUNIANG KABATAAN, OR TO THE CITY OR MUNICIPAL TREASURER**

(b) xxx

(c) xxx

(d) xxx

(e) Submit to the Sangguniang Kabataan and to the Sangguniang Barangay certified and detailed statements of the actual income and expenditures at the end of every [month] **QUARTER, WITH THE SAME TO BE POSTED IN THE PUBLIC HALL OF THE BARANGAY, MUNICIPALITY AND CITY CONCERNED FOR AT LEAST FIVE (5) DAYS; AND**

(f) xxx"

Section 5. **Privileges of Sangguniang Kabataan Officials.** - Section 434 of the same Act is hereby amended to read as follows:

"xxx

THE SK CHAIRMAN SHALL BE CONSIDERED A PERSON IN AUTHORITY AS DEFINED BY LAW IN CONNECTION WITH THE ACTUAL DISCHARGE OF HIS OFFICIAL FUNCTIONS AS SUCH. MOREOVER, THE SANGGUNIANG KAGAWAD SHALL BE CONSIDERED AS AN AGENT OF PERSON IN AUTHORITY AS DEFINED BY LAW IN CONNECTION WITH THE ACTUAL DISCHARGE OF HIS OFFICIAL FUNCTIONS AS SUCH.

Section 6. **Succession and Filing of Vacancies** - Section 435 of the same Act is hereby amended to read as follows:

"Section 435. Succession and Filling of Vacancies. - (a) In case a Sangguniang Kabataan chairperson refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated, is removed from office, or has been absent without leave for more than three (3) consecutive months **AS MANIFESTED IN THE RECORDS OF THE SANGGUNIANG BARANGAY SESSIONS OR HAS FAILED TO CALL A REGULAR MEETING OF THE SANGGUNIANG KABATAAN AND/OR OF THE KATIPUNAN NG KABATAAN FOR THREE CONSECUTIVE MEETINGS DESPITE WRITTEN DEMAND FROM A MAJORITY OF THE MEMBERS OF THE SANGGUNIANG**, the Sangguniang Kabataan member who obtained the next highest number of votes in the election immediately preceding shall assume the office of the chairman for the unexpired portion of the term, and shall discharge the powers and duties, and enjoy the rights and privileges appurtenant to the office. In case the said member refuses to assume the position or fails to qualify, the Sangguniang Kabataan member obtaining the next highest number of votes shall assume the position of the Chairman for the unexpired portion of the term.

- (b) xxx
- (c) xxx
- (d) xxx

Section 7. **Pederasyon ng mga Sangguniang Kabataan.** Section 436 of the same Act is hereby amended to read as follows:

"Section 436. xxx

- (a) xxx
- (b) xxx
- (c) xxx

(D) THE SANGGUNIANG KABATAAN CHAIRMAN WHO IS ELECTED AS PRESIDENT OF THE PEDERASYON SHALL BE AUTOMATICALLY SUCCEEDED BY THE SANGGUNIANG KABATAAN MEMBER WHO OBTAINED THE NEXT HIGHEST NUMBER OF VOTES IN THE ELECTION IMMEDIATELY PRECEDING AND SHALL ASSUME THE OFFICE OF THE CHAIRMAN FOR THE UNEXPIRED PORTION OF THE TERM, AND SHALL DISCHARGE THE POWERS AND DUTIES, AND ENJOY THE RIGHTS AND PRIVILEGES APPURTENANT TO THE OFFICE;

(E) THE PRESIDENT OF THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL SERVE AS EX-OFFICIO COMMISSIONER OF THE NATIONAL YOUTH COMMISSION AS PROVIDED FOR BY REPUBLIC ACT NO. 8044. THE ELECTED VICE-PRESIDENT OF THE PAMBANSANG PEDERASYON NG MGA SANGGUNIANG KABATAAN SHALL AUTOMATICALLY ASSUME THE POSITION AS PRESIDENT OF THE LOWER PEDERASYON WITHOUT NEED OF FURTHER APPOINTMENT

(F) THE PAMBANSANG PEDERASYON NG SANGGUNIANG KABATAAN SHALL MAINTAIN ITS OWN SECRETARIAT FOR

**EFFICIENT COORDINATION AND EFFECTIVE IMPLEMENTATION
OF ITS PROGRAMS.**

Section 8. **Constitution and By-Laws.** Section 437 of the same Act is hereby amended to read as follows:

“Section 437. **Constitution and By-Laws.** The term of office, manner of election, removal, suspension, **AND DISCIPLINARY ACTION** of the officers and **MEMBERS** of the Pederasyon ng mga Sangguniang Kabataan at all levels **AND THE SANGGUNIANG KABATAAN AT THE BARANGAY LEVEL** shall be governed by the Constitution and By-Laws of the Pederasyon **PROMULGATED BY THE SANGGUNIANG KABATAAN NATIONAL FEDERATION, IN CONSULTATION WITH THE COMMISSION ON ELECTIONS AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT AND RATIFIED BY THE ALL THE MEMBERS OF THE PEDERASYON NG SANGGUNIANG KABATAAN IN A PLEBISCITE DULY CALLED FOR SUCH PURPOSE.**

THE COMMISSION ON ELECTIONS AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT SHALL EXTEND THE NECESSARY ASSISTANCE TO THE PEDERASYON IN PROMULGATING THE APPROPRIATE GUIDELINES FOR THE CONDUCT OF THE PEDERASYON ELECTIONS AT ALL LEVELS, PROVIDED, THAT THE GROUNDS AND THE MANNER FOR THEIR REMOVAL FROM OFFICE SHALL BE CONSISTENT WITH EXISTING LAWS AND CLEARLY STATED IN THE GUIDELINES, AND SUCH GUIDELINES HAVE BEEN PROPERLY DISSEMINATED TO THE PUBLIC PRIOR TO THE CONDUCT OF THE ELECTIONS.

IN CASE OF REMOVAL FROM OFFICE UNDER THIS SECTION, SUCH REMOVAL INCLUDES DISQUALIFICATION FROM BEING AN EX-OFFICIO MEMBER IN THE SANGGUNIAN WHERE HE OR SHE IS ACTING IN SUCH CAPACITY AND SUCH OTHER CONSEQUENCES AS PROVIDED FOR UNDER REPUBLIC ACT NO. 7160 OR THE LOCAL GOVERNMENT CODE OF 1991.

Section 9. **Appropriations** - The amount necessary for the implementation of this Act shall be incorporated in the Annual General Appropriations Act

Section. 10. **Repealing Clause.-** All republic acts, executive orders, rules and regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this Republic Act are hereby repealed or modified accordingly.

Section. 11. **Separability Clause.-** If for any reason or reasons, any part or provision of this Act shall be declared or held to be unconstitutional or invalid other parts or provisions hereof, which are not affected thereby shall continue to be in full force and effect.

Section. 12. **Effectivity Clause.-** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,