


Republic of the Philippines }  
FOURTEENTH CONGRESS }  
First Regular Session }

7 105 21

SENATE

RECEIVED BY: 

Bill No. 1478

Introduced by Senator FRANCIS G. ESCUDERO

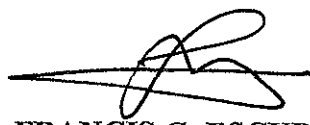
EXPLANATORY NOTE

It is a policy of the State to promote and protect the physical, moral, spiritual, intellectual and social well-being of the youth. Concomitantly, the State also has the mandate to inculcate in them patriotism and nationalism and encourage their involvement in public and civic affairs (Section 13, Article II of the Constitution).

With this in mind, and in view of the youth's vital role in nation-building, the proposed amendments to the Local Government Code of 1991 and Republic Act No. 9340 as contained in this Bill, provide for a more independent and stronger Sangguniang Kabataan (SK).

First, the SK is given fiscal autonomy and automatic lump sum allocation of its fund. Second, it defines further the election period, registration and term of office of SK officials. And third, it declares the SK as an independent body which is given the sole discretion to run its affairs and operations.

In view of the foregoing, it is sought that this bill be immediately passed.



FRANCIS G. ESCUDERO

Republic of the Philippines }  
FOURTEENTH CONGRESS }  
First Regular Session }

7 AUG 21

SENATE

RECEIVED BY:                     

Bill No. **1478**

Introduced by **Senator FRANCIS G. ESCUDERO**

**AN ACT**  
**STRENGTHENING AND REFORMING THE SANGGUNIANG KABATAAN**  
**AMENDING FOR THAT PURPOSE THE PERTINENT PROVISIONS OF**  
**REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL**  
**GOVERNMENT CODE OF 1991, AND REPUBLIC ACT NO. 9340, 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 Act of 2007*.

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

**Section 329. Barangay Funds.** All income of the barangay DERIVED 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 or 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. Ten percent (10%) of the general fund of the barangay shall be set aside for the Sangguniang Kabataan (SK). 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.

**Section 3. Procedure for Reviewing and Allocation of SK Budgets –**

A. Procedure for Reviewing of Sangguniang Kabataan Budgets:

1. All SK Budgets shall be approved by a majority of all the members of the Sangguniang Kabataan based on the Annual Barangay Youth Development Plan (ABYDP) formulated in consultation with the Katipunan ng Kabataan (KK). The SK Chairperson shall furnish the Sangguniang Barangay and the higher SK Federation a copy of the ABYDP stated in this paragraph for their information and guidance;

2. All SK Budgets, with attached minutes of the KK Assembly approving the Annual Barangay Youth Development Plan, shall be submitted to the SK City/Municipal Local Executive Committee (LEC) on or before the last working day of October of every year. The SK City/Municipal Local Executive Committee shall review for approval and deliberate on the budget in a regular or special session whether the same conforms to the ABYDP, before that last working day of November. The LEC shall see to it that the

appropriations are based on the approved ABYDP and that at least two (2) of the priority concerns namely environment, livelihood, education, capability-building, moral recovery and anti-drug abuse campaign are allocated in the SK budget. All approved budgets shall be certified as approved by the SK City/Municipal President as the case may be;

3. Any SK Chairperson who fails to submit the SK Budget together with the attachments found in the preceding paragraph shall be subject to proper investigation and appropriate disciplinary action to be determined by their respective SK LEC in accordance with the SK Constitution and By-Laws;

4. No SK Budget can be utilized by the SK concerned, without the appropriate certification from the SK Federation President with the concurrence of the SK City/Municipal Local Executive Committee;

5. All Realignments in the Barangay SK Budgets shall be reviewed for approval and be deliberated in the same manner in paragraph 2.

#### B. Allocation of SK Budget

There shall be no mandatory allocations for the barangay SK funds, except for the two (2%) annual dues for the higher federations, provided that all the appropriations are supported by its annual barangay youth development plan (ABYDP) and that the priority concerns are properly allocated.

**Section 4. 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 CHAIRPERSON, seven (7) members AS KAGAWAD, a secretary and a treasurer. The secretary and treasurer shall be appointed by the SK chairperson from the kagawads with the concurrence of the majority of the SK members.

(b) x x x

**Section 5. Katipunan ng Kabataan.** – Section 424 of Republic Act No. 7160 is hereby amended to read as follows:

**Section 424. Katipunan ng Kabataan.** – The Katipunan ng Kabataan shall be composed of all citizens of the Philippines actually residing in the barangays for at least six (6) months, who are at least fifteen (15) but not more than TWENTY-ONE (21) years of age, and who are registered in the list of the Sangguniang Kabataan (SK) Secretary or in the official list of the Barangay Secretary.

**Section 6. Qualifications.** – Section 428 of Republic Act No. 7160 is hereby amended to read as follows:

#### **Section 428. Qualification –**

(a) An elective official of the Sangguniang Kabataan must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for at least one (1) year immediately prior to the election, AT LEAST EIGHTEEN (18) BUT NOT MORE THAN TWENTY-ONE (21) YEARS OF AGE on the day of his election, able to read and write Filipino, English, or the local dialect, and must not have been convicted of any crime involving moral turpitude.

(b) A Sangguniang Kabataan official who, during his term of office, shall have passed the age of TWENTY-ONE (21) years shall be allowed to serve the remaining portion of the term for which he was elected.

**Section 7. Sangguniang Kabataan Treasurer.** – Section 433 of Republic Act No. 7160 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, THE LATTER TO BE DEPOSITED IN A BANK PREFERABLY GOVERNMENT-OWNED, SITUATED IN OR NEAREST TO ITS AREA OF JURISDICTION, IN THE NAME OF THE SK CONCERNED or to be deposited to the city or municipal treasurer

(b) x x x

(c) x x x

(d) x x x

(e) Submit to the SK and Sangguniang Barangay certified and detailed statements of actual income and expenditures AT THE END OF EVERY QUARTER AND THE SAME SHALL BE PUBLISHED OR POSTED IN THREE CONSPICUOUS SPACES WITHIN THE BARANGAY; and

(f) x x x

**Section 8. Privileges of Sangguniang Kabataan Officials.** – Section 434 of Republic Act No. 7160 is hereby amended to read as follows:

**Section 434. Privileges of Sangguniang Kabataan Officials.** – x x x

(a) The SK Chairperson shall have the same privileges x x x

(b) ALL SK'S SHALL BE EXEMPTED FROM TAKING UP NATIONAL SERVICE TRAINING PROGRAM – CIVIC WELFARE TRAINING SERVICE (NSTP-CWTS) subjects

(c) THE SK CHAIRPERSON SHALL BE CONSIDERED A PERSON IN AUTHORITY AS DEFINED BY LAW IN CONNECTION WITH THE ACTUAL DISCHARGE OF HIS OFFICIAL FUNCTIONS AS SUCH.

(d) THE SK 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 9. Succession and Filing of Vacancies.** – Section 435 of Republic Act No. 7160 is hereby amended to read as follows:

**Section 435. Succession and Filing of Vacancies.** – (a) In case an SK Chairperson refuses to assume office, fails to qualify, is convicted of a felony, voluntarily resigns, dies, is permanently incapacitated and is removed from office, the SK member who obtained the next highest number of votes in the election immediately preceding shall assume the office of the chairperson for the unexpired portion of 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 SK

member who obtained the next highest number of votes shall assume the position of the chairperson for the unexpired portion of the term.

(b.) x x x

(c.) x x x

(d.) x x x

(e.) In case a Sangguniang Kabataan Chairperson has been absent without leave for more than three (3) consecutive months as manifested in the records of the Sangguniang Barangay sessions or has been absent without valid reason for two (2) consecutive regular meetings of the SK or for failure to call a regular meeting of the SK and/or of the KK for at least two (2) consecutive times, such SK Chairperson shall be investigated by a committee to be formed by the federation concerned. The committee report will be forwarded to the SK Federation for appropriate action or disciplinary action to be given to the concerned SK Chairperson. The DILG Local Government Operations Officer (LGOO) of the concerned local government unit should be furnished a copy of the appropriated disciplinary action before its effectivity. Such decision can be appealed in the provincial federation in the case of SK Pambayang Pederasyon and to the National Executive Board (NEB) in the case of highly urbanized cities (HUCs) and independent component cities (ICCs).

(f.) In case of vacancy in the positions of the SK Kagawads, the SK Chairperson shall call for a special election in coordination with the DILG of the local government unit concerned.

In the absence of a regular elected SK Chairperson and Kagawads, the president of the panlungsod/pambayang pederasyon ng mga SK, as the case may be, shall call convene the KK of the Barangay concerned and call for a special election in coordination with the DILG of the local government unit concerned.

(g.) The president of the SK Pederasyon who shall be elected as the SK Regional Director in the Pambansang Pederasyon ng mga SK shall serve as an ex-officio member of the Regional Development council and the Regional Tourism Council without need of further appointment and shall have the same powers and discharge, the same duties and functions, and enjoy the same privileges as regular members.

**Section 10. Pederasyon ng mga Sangguniang Kabataan.** – Section 436 of Republic Act No. 7160 is hereby amended to read as follows:

**Section 436. Pederasyon ng mga Sangguniang Kabataan.** –

(a.) x x x

(b.) x x x

(c.) x x x

(d.) The SK Chairperson who is elected as Federation President shall automatically serve as an ex-officio member of the local sanggunian and special bodies, such as but not limited to, the Local Health Board, Peace and Order Council, Local Development Council, Local School Board 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.

(e.) The Pederasyon ng mga Sangguniang Kabataan of the City, Municipality and Provincial level shall have an automatic allocation of one (1%) percent of the internal

revenue allotment of the local government unit concerned to be used for the programs, projects and operations of the SK federation.

(f.) The president of the pambansang pederasyon ng mga SK shall serve as ex-officio commissioner of the National Youth Commission as provided for by Republic Act No. 8044. As ex-officio commissioner, he shall be entitled to the same rank, compensation, rights and privileges of a department assistant secretary.

(g.) The pambansang pederasyon ng SK shall be independent of all government offices and agencies in its operations. It shall develop active lines of coordination and communication with the different government offices and agencies and shall be solely responsible for all its policies and operations. At the end of each calendar year, it shall submit to the President of the Philippines, through the Department of Interior and Local Government, an annual report of programs and activities. The Pambansang Pederasyon President together with the Pambansang Pederasyon Treasurer are the ones responsible for the submission of the financial statement of all its funds and disbursements.

(h.) The Pambansang Pederasyon ng SK is hereby authorized to receive donations, requests, grants and funds from other sources subject to the pertinent provisions of law and approval of the National Executive Board (NEB).

(i.) The pambansang pederasyon ng SK shall be exempted from all forms of taxation or other impositions, and shall be free from all duties and all other imposts on any equipment, articles or goods necessary for its operations.

**Section 11. Observance of Buwan ng Kabataan.** – Section 439 of Republic Act No. 7160 is hereby amended to read as follows:

**Section 439. Observance of Buwan ng Kabataan.** –

(a.) Every barangay, municipality, city and province shall, in coordination with the pederasyon ng mga Sangguniang Kabataan at all levels, conduct an annual activity to be known as the Buwan ng Kabataan every May of every year. Non-compliance of SK's at all level with this provision would mean an imposition of disciplinary action to be determined by the federation concerned in accordance with the SK Constitution and By-Laws.

(b.) x x x

**Section 12. Election Date.** – Section 1 of Republic Act 9340 is hereby amended to read as follows:

**Section 1. Date of Election.** – xxx Subsequent barangay elections shall be held on the last Monday of October 2007 and every three (3) years thereafter. Sangguniang Kabataan Elections shall be held on the second Saturday of April 2008 and every three (3) years thereafter.

**Section 13. Assumption of Office.** – Section 2 of Republic Act 9340 is hereby amended in order to read as follows:

**Section 2. Assumption of Office.** – xxx The term of office of the barangay officials elected in the October 2007 election and subsequent elections shall commence at noon of November 30 next following their election. The term of office of the Sangguniang Kabataan officials elected in the April 2008 election and subsequent elections shall commence at noon of May 15 next following their election.

**Section 14. Registration.** – For purposes of the April 2008 Sangguniang Kabataan elections provided under this Act, a special registration of voters for the Sangguniang Kabataan shall be fixed by the Commission on Elections (COMELEC). Subsequent registration of sangguniang kabataan voters shall be governed by Republic Act No. 8189. The system of continuing registration provided under section 8 of Republic Act No. 8189 shall also apply to the registration of the Katipunan ng Kabataan members.

**Section 15. Constitution and By-Laws.** – The term of office, manner of election, removal, filling up vacancies, suspension and disciplinary action of the officers and members of the Pederasyon ng mga SK at all levels, and the procedure of reviewing and allocating SK budgets, shall be exclusively governed by the Constitution and By-Laws of the SK promulgated and ratified by the SK National Federation. Provided, that provisions of such Constitution and By-Laws are in line with the provisions of this Code and other national laws and policies of the youth.

Provided that the Chairman/President of the SK or Pederasyon ng mga SK at any level, who is suspended or removed from his/her position in accordance with the SK constitution and by-laws and as provided for in the local government code and other applicable laws shall also be deemed suspended or removed in the local sanggunian where he sits as an ex-officio member.

The Chairman/President of the Pederasyon at any level, or the SK Chairperson when removed as ex-officio member of the sanggunian on the grounds provided in the Local Government Code, shall be automatically removed as Chairperson/President of the Pederasyon concerned.

**Section 16. Implementing Rules and Regulations.** – The Commission on Elections (COMELEC), Department of Budget and Management (DBM) and SK National Executive Board (NEB) shall be tasked to come up with the implementing rules and regulations (IRR) needed for the implementation of this Act. Such IRR should be promulgated within sixty (60) days upon approval of this act.

**Section 17. Appropriations.** – The amount necessary for the implementation of this Act shall be incorporated in the Annual General Appropriations Act.

**Section 18. Separability Clause.** – If any section or provision of this Act shall be declared unconstitutional, the remaining sections or provisions shall not be affected thereby.

**Section 19. Repealing Clause.** – All laws, presidential decrees, executive orders, letters of instructions, rules and regulations which are inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

**Section 20. Effectivity Clause.** – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in any newspaper of general circulation.

Approved,