

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 739

Introduced by **HONORABLE JUDY J. SYJUCO**

EXPLANATORY NOTE

The Filipino youth of our generation has proven to be a vital component in bringing about change in our society. Through every turbulent moment in our history, the youth, which comprises the majority of our population, constantly involve themselves in various endeavors that will lead to progress and development. As our nation struggles in the path towards growth and maturity, the youth, particularly those involved in the Sangguniang Kabataan, plays a salient role in motivating the rest of the youth sector, thus, leading the journey towards the nation's advancement.

The State likewise, expresses the significance of youth participation in the field of governance. Article II, Section 13 of the Constitution affirms 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 include in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

This affirmation led to the creation of the Sangguniang Kabataan and the Pederasyon ng mga Sangguniang Kabataan by virtue of Republic Act 7160, otherwise known as the Local Government Code of 1991. The Sangguniang Kabataan's active participation in government has made remarkable contributions to their respective barangays by bravely embarking on various socio-civic projects and programs such as youth empowerment, education, skills development, and leadership training, among others.

Recognizing the potentials of youth empowerment, it is deemed necessary to strengthen and reform the existing organizational structure of the Sangguniang Kabataan. The call of our time calls for adapting to changes in society. Thus, amending certain sections of the Local Government Code of 1991 is hereby proposed to facilitate further youth empowerment, specifically in the Sangguniang Kabataan. Amending Sections 329, 433 and 434 of the Local Government Code of 1991 will therefore enable the Sangguniang Kabataan to function better with clear and well-defined delineation of duties and responsibilities.

The enactment into law of the proposed *Sangguniang Kabataan Reform Act of 2004* will prove to be the State's contribution to youth empowerment – allowing them to fully serve their constituencies with vivacity, passion and dedication to make our society a better one.

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

JUDY J. SYJUCO

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Introduced by **REP. JUDY J. SYJUCO**

AN ACT
STRENGTHENING AND REFORMING THE SANGGUNIANG KABATAAN, AMENDING FOR THE PURPOSE SECTIONS 329, 433 AND 434 OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, APPROPRIATING FUNDS THEREFOR 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 2004."*

SECTION 2. *Barangay Funds.* – Section 329 of Republic Act 7160, otherwise known as the Local Government Code of 1991, is hereby amended 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 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 or 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 WILL 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 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 CITY SK FEDERATIONS SHALL SUBMIT THE APPROVED SK BUDGETS OF THE RESPECTIVE MEMBER SK TO THE OFFICE OF THE PROVINCIAL SK FEDERATION SHALL REVIEW THE SUBMITTED SK BUDGETS DURING THE FOURTH WEEK OF JANUARY.

3. ALL REALIGNMENTS IN BARANGAY SK BUDGETS SHOULD BE SUBMITTED TO THE MUNICIPAL/CITY FEDERATION FOR ITS REVIEW AND SHALL BE DELIBERATED DURING THEIR REGULAR OR SPECIAL MEETINGS. THE REALIGNMENT APPROVED BY THE MUNICIPALITY/

CITY FEDERATIONS SHALL BE CERTIFIED AS APPROVED BY THE MUNICIPALITY/CITY SK FEDERATION PRESIDENTS.

4. ALL BUDGETS AND REALIGNMENTS SHOULD BE DELIBERATED AND APPROVED BY THE FEDERATION CONCERNED DURING ITS REGULAR OR SPECIAL MEETINGS.

(B) ALLOCATION OF BUDGET

1. THE BUDGET SUBMITTED FOR REVIEW TO THE MUNICIPAL, CITY AND PROVINCIAL SK FEDERATION SHOULD INCLUDE ALLOCATIONS FOR THE FOLLOWING WITH THEIR PRESCRIBED PERCENTAGES:

1.1	CLEAN AND GREEN	-	10%
1.2	LIVELIHOOD TRAINING	-	20%
1.3	VOLUNTEER TEACHING	-	20%
1.4	ANTI-DRUG ABUSE CAMPAIGN	-	10%
1.5	COMMUNITY-RELATED ACTIVITIES	-	5%

2. THE REMAINING THIRTY FIVE PERCENT (35%) SHALL BE ALLOCATED BY THE SK DEPENDING ON THE NEEDS OF THE YOUTH IN THE BARANGAY, *PROVIDED*, THAT IT WILL BE BENEFICIAL TO THE PUBLIC."

SECTION 3. *Sangguniang Kabataan Treasurer.* – Section 433 of Republic Act 7160 is hereby amended as follows:

"Section 433. Sangguniang Kabataan Treasurer. – The sangguniang kabataan treasurer shall:

a. Take custody of all Sangguniang Kabataan property and funds [not otherwise deposited with the city or municipal treasurer.] FUNDS MUST BE DEPOSITED IN A BANK PREFERABLY GOVERNMENT-OWNED, SITUATED IN OR NEAREST TO ITS AREA OF JURISDICTION. THE ACCOUNT MUST BE PUT UNDER THE NAME OF SANGGUNIANG KABATAAN. LIKEWISE, IT CAN ALSO BE DEPOSITED 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 actual income and expenditures at the end of every [month] QUARTER AND THE SAME SHALL BE PUBLISHED OR POSTED IN THE AREA DESIGNATED FOR THIS PURPOSE; AND

f. xxx"

SECTION 4. *Privileges of Sangguniang Kabataan Officials.* – Section 434 of Republic Act 7160 is hereby amended to read as follows:

"Section 434. Privileges of Sangguniang Kabataan Officials. – The sangguniang kabataan chairman shall have the same privileges enjoyed by other sangguniang barangay officials under this Code subject to such requirements and limitations provided herein. During their incumbency, sangguniang kabataan officials shall be exempt from payment of tuition and matriculation fees while enrolled in public tertiary schools, including state colleges and universities. The National Government shall reimburse said college or university the amount of

the tuition and matriculation fees: *Provided,* That, to qualify for the privilege, the said officials shall enroll in the state college or university within or nearest their area of jurisdiction.

a. SANGGUNIANG KABATAAN MEMBERS SHALL RECEIVE A MONTHLY HONORARIA EQUIVALENT TO TEN PERCENT (10%) OF THE HONORARIUM RECEIVED BY THE SK CHAIRMAN, BUT IN NO CASE SHALL EXCEED TWO HUNDRED AND FIFTY PESOS (P250.00) EACH PER MONTH WHICH SHALL BE APPROPRIATED FROM THE SK BUDGET

b. 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.

c. 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 OFFICIA L FUNCTIONS AS SUCH."

SECTION 5. *Appropriations.* – The amount necessary for the implementation of this Act shall be incorporated in the Annual General Appropriations Act.

SECTION 6. *Transitory Provision.* – Nothing in this Act shall be construed to reduce any existing remuneration, allowances and benefits of any form or to prejudice the granting of additional allowances and benefits to sangguniang kabataan officials.

SECTION 7. *Separability Clause.* – If, for any reason, any provision of this Act, or any part thereof, is declared invalid or unconstitutional, all other sections or provisions not affected thereby shall remain in force and effect.

SECTION 8. *Repealing Clause.* – All laws, decrees, rules and regulations or parts thereof inconsistent with the provisions of this law are hereby repealed, amended or modified accordingly.

SECTION 9. *Effectivity.* - This Act shall take effect fifteen (15) days after completion of its publication in at least two (2) national newspapers of general circulation.

APPROVED,