

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1071



Introduced by Honorable Aquino, Agapito A.

EXPLANATORY NOTE

This house bill seeks to repeal Commonwealth Act No. 111, the original charter of the Boy Scouts of the Philippines (BSP) to enhance its efficiency and effectiveness as a social organization. Since the passage of the CA 111 and the amendments thereto, organizational changes have occurred in the BSP, including the demise of all the original charter members so enumerated in the law. Provisions on strengthening of the environmental protection awareness component of Scouting in the country, imposing stiffer penalties for violations of Scouting principles as espoused by the BSP Charter, and the inclusion of girls into the BSP were also introduced to further enhance the practice of Scouting in the country.

However, this bill also wishes to introduce further amendments to the original law, including the:

1. Renaming of the Boy Scouts of the Philippines into Scouts Philippines;
2. Designation of the President of the country as the Chief Scout of the Scouts Philippines;
3. Constituting a National Executive Board which shall be the governing body of the Scouts Philippines; and
4. Granting of relevant and necessary tax exemption to the organization to help it promote its noble purposes.

This bill was already approved on Third and final reading during the 12th Congress. Due to lack of material time, the Senate failed to come up with the necessary counterpart measure. I therefore enjoin all the honorable members of the 13th Congress to swiftly approve this bill.


AGAPITO A. AQUINO

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AN ACT RENAMING THE BOY SCOUTS OF THE PHILIPPINES TO SCOUT PHILIPPINES, DEFINING ITS OBJECTIVES, POWERS AND FUNCTIONS, REPEALING FOR THE PURPOSE COMMONWEALTH ACT NO. 111, AS AMENDED

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

SECTION 1. *Title.* – This Act shall be known as the “Scouts Philippines Act of 2004”.

SEC. 2. *Declaration of Policy.* – Recognizing the vital role of the children and youth in nation-building, it is therefore the policy of the State to protect their physical, moral, spiritual, intellectual and social growth by promoting scouting as an integral component of the basic education system.

SEC. 3. *Objectives.* – The objectives of this Act are:

(a) To promote, through organization and cooperation with other agencies, the ability of children and/or the youth to do useful things for themselves and others;

(b) To train the children and/or the youth in scoutcraft; and

(c) To inculcate in the children and/or the youth patriotism, civic consciousness and responsibility, environment protection awareness and activities, courage, self-reliance, discipline and kindred virtues, and moral values, using the method which are in common use by Scouts.

SEC. 4. *Scouts Philippines.* – The Boy Scouts of the Philippines (BSP) is hereby renamed as the Scouts Philippines hereinafter referred to as the Corporation, which shall have its

principal office in Metropolitan Manila. The Corporation may establish such offices, agencies or branches anywhere in the Philippines as its operations would require and its National Executive Board would determine.

SEC. 5. *Powers and Functions.* – The Corporation shall have the power of perpetual succession, to sue and to be sued; to enter into contracts; to acquire, own, lease, convey and dispose of such real and personal estate, land grants, rights and choses in action as shall be necessary for corporate purposes, and to accept and receive funds, real and personal property by gift, devise, bequest or other means, to conduct fund raising activities; to adopt and use a seal, and the same to alter and destroy; to make and adopt bylaws, rules and regulations not inconsistent with this Act and the laws of the Philippines, and generally to do all such acts and things, including the establishment of regulations for the election of associates and successors, as may be necessary to carry into effect the provisions of this Act and promote the purposes of the Corporation: *Provided, however,* That the Corporation shall have no power to issue certificates of stock or to declare or pay dividends, its objectives and purposes being solely of benevolent character and not for pecuniary profit of its members.

SEC. 6. *Chief Scout.* – The President of the Philippines shall be the Chief Scout of the Scouts Philippines.

SEC. 7. *National Executive Board.* – The governing body of the Corporation shall consist of a National Executive Board, the members of which shall be Filipino citizens of good moral character. The Board shall be composed of the following:

(a) The Regional Chairmen of the Scout Regions who shall be elected by the representatives of all the local Scout Councils of the region during its meeting called for this purpose: *Provided,* That a candidate for regional chairman need not be a chairman of a Local Scout Council;

(b) The Secretary of the Department of Education;

(c) The National President of the Girl Scouts of the Philippines;

(d) One (1) Senior Scout each from Luzon, Visayas and Mindanao areas, to be elected by the Senior Scout delegates of the Local Councils to the Scout Youth Forum in their respective areas, in its meeting called for this purpose, to represent the Scout membership;

(e) Twelve (12) regular members to be elected by the members of the National Council in its meeting called for this purpose;

(f) At least six (6) but not more than ten (10) additional members from the private sector who shall be elected by the members of the National Executive Board referred to in the immediately preceding paragraphs (a), (b), (c), (d) and (e) at the organizational meeting of the newly reconstituted National Executive Board which shall be held immediately after the meeting of the National Council wherein the twelve (12) regular members were elected.

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

- (a) President;
- (b) Senior Vice-President;
- (c) One (1) Vice-President each from Luzon, Visayas and Mindanao areas; and
- (d) Such other officers as the Board may deem necessary.

The numerical composition of the National Executive Board shall be provided for in the bylaws of the Scouts Philippines: *Provided*, That said numerical composition shall not be less than thirty-three (33) and not more than forty-three (43) for all elected and *ex officio* members.

The term of office of the members of the National Executive Board shall be three (3) years. Elective officers and members of the National Executive Board may be reelected, except for the National President who shall be eligible for not more than one reelection or a maximum of six (6) years: *Provided*, That all incumbent elective officers of the BSP whose terms have not yet expired at the effectivity of this Act shall be allowed to serve the unexpired portion of their terms as herein provided for and the National President shall be eligible for one more reelection to complete two full terms.

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

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

The National Executive Board shall exercise the following powers and functions:

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

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

(c) To designate five (5) or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, through a resolution passed by a majority of the whole Board. Such Committee, to the extent provided in said resolution or in the bylaws of the Corporation, shall have and exercise the powers of the National Executive Board in the management of the business affairs of the Corporation;

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

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

(f) To hold regular meetings at least once every two (2) months at a time and place to be designated in the bylaws. Special meetings of the Board may be called by the National President or upon such notice as may be prescribed in the bylaws.

SEC. 8. *National Council.* – The National Council shall be composed of the following members:

- (a) The members of the National Executive Board;
- (b) The Regional Scout Commissioners;
- (c) The chairmen and commissioners of all Local Scout Councils; and
- (d) Other duly accredited delegates of Local Scout Councils as may be provided in the bylaws.

The qualifications, terms of office, and the manner of electing the abovementioned members of the National Council shall be prescribed in the bylaws of the Corporation.

The numerical composition of the National Council shall be provided for in the bylaws of the Scouts Philippines: *Provided*, That all regions and all local councils shall be duly represented therein by at least two (2) duly accredited delegates, in addition to those who are members of the National Executive Board as provided for under Section 7 of this Act.

The annual meeting of the National Council shall be held at such time and place as shall be prescribed in the bylaws, at which meeting the annual reports of the officers and the National Executive Board shall be presented and the election of members to the National Executive Board.

Special meetings of the National Council may be called upon such notice as may be prescribed in the bylaws: *Provided*, That one-third (1/3) of the members of the National Council shall constitute a quorum to do business at any annual or special meeting: *Provided, further*, That the National President of the Corporation shall preside over the meetings of the National Council.

SEC. 9. *Exclusivity Clause.* – The Corporation shall adopt and shall have the sole and exclusive right to use distinctive titles, emblems, descriptive or designing marks, words and phrases, badges, uniforms and insignia for the Scouts Philippines in carrying out its program in accordance with the purposes of this Act, and which shall be published in the *Official Gazette* or in any newspaper of general circulation in the Philippines.

SEC. 10. *Tax and Duty Privileges.* – The Corporation shall be entitled to the following tax and duty privileges:

(a) Exemption from income tax pursuant to Section 30 (e), (g) and (h) of the National Internal Revenue Code of 1997, as amended;

(b) Tax and/or duty exemption of donations from foreign countries as provided under relevant laws such as but not limited to, Section 105 of the Tariff and Customs Code of the Philippines, as amended, and Section 109 (q) of the National Internal Revenue Code of 1997, as amended.

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

SEC. 11. *Penalties.* – From and after the passage of this Act, it shall be unlawful for any person within the jurisdiction of the Philippines to falsely and fraudulently wear the Scouts Philippines uniform, call himself as, or represent himself to be, a member of, or an agent for, the Scouts Philippines; and any person who violates any of the provisions of this Act shall be punished by *prision correccional* in its minimum period or a fine not exceeding Twenty thousand pesos (P20,000.00) or both, at the discretion of the court.

It shall be unlawful for any person to manufacture, sell or distribute or cause to be manufactured, sold or distributed fraudulently or without the official knowledge and written approval of the National Executive Board of the Scouts Philippines' badges, uniforms, insignia, or scouting paraphernalia or the photos or visuals of a Scout or Scouts in uniform, or the logo, seal or corporate name of the Scouts Philippines, in any print ad, radio or television commercial, billboard, collateral material or any form of advertisement; or to use the name of the Scouts Philippines in any illegal purpose or personal gain. Any violation of the provisions of Section 9

and this section shall be punished by *prision correccional* in its medium period to *prision mayor* in its minimum period or a fine of not less than Fifty thousand pesos (P50,000.00) nor more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court: *Provided*, That in case of corporations, partnerships, associations, societies or companies, the manager, administrator or the person in charge of the management or administration of the business shall be criminally responsible for any such violation. These penalties shall be without prejudice to the proper civil action for recovery of civil damages, which may be instituted together with or independently of the criminal prosecution.

SEC. 12. *Transitory Clause*. – Until such time as the reorganization and restructuring of the Scouts Philippines in accordance with this Act is effected, the incumbent officers and members of the National Executive Board of the Boy Scouts of the Philippines shall conduct the affairs of Scouts Philippines and take the necessary steps to effect such reorganization until a new National Executive Board and a new set of national officers shall have been elected within six (6) months from the effectivity of this Act.

The powers and functions, all applicable funds, records, personnel, assets and property of the Boy Scouts of the Philippines are transferred to and absorbed by the Corporation. The Corporation shall succeed to all rights and assume all contracts and liabilities of the Boy Scouts of the Philippines in accordance with the Auditing Code and other pertinent laws, rules and regulations.

SEC. 13. *Implementing Rules and Regulations*. – The Corporation shall promulgate the rules and regulations necessary for the implementation of and consistent with this Act.

SEC. 14. *Repealing Clause*. – Commonwealth Act No. 111, Presidential Decree No. 460, Republic Act No. 7278, and Executive Order No. 509 (series of 1992) are hereby repealed. All other laws, orders and proclamations, rules and regulations, or parts thereof, inconsistent with or contrary to the provisions of this Act or its purposes are hereby amended or modified accordingly.

SEC. 15. *Separability Clause.* – If for any reason, any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,