

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 3446

Introduced by Honorable Raul T. Gonzalez, Jr.

EXPLANATORY NOTE

This bill seeks to amend provisions of the Local Government Code regarding the Sangguniang Kabataan (SK).

Recent problems regarding the performance of the SK, its members, and especially, its officers were unintended consequences of previous Congress' lowering the minimum age of its officers. The result has been a leadership too raw and unprepared for the purpose of the SK. Instead of being the training ground of future leaders of the Republic, the SK has become a reflection of some of the worst practices in Philippine politics.

This bill seeks to address the need to reform an organization that can still be relevant to Philippine society as a source of our future leaders. This bill, if approved, shall bring back the minimum age requirement of SK officers to 18 years old. This bill shall also address the problem of conflicts between the SK and the barangay council regarding the SK funds. Mindful that the SK funds are sourced primarily from the barangay funds, this bill provides a mechanism to resolve this issue.

Abolishing the SK not because of its own faults, but due to the fault of Congress would be unjust. Congress should undo its own mistakes.

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

Raul Gonzalez Jr.

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

Section 1. Title- This act shall be known as the Sangguniang Kabataan Reform Law of 2004.

Section 2. 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 three (23) 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 3. Qualifications- Section 428 of Republic Act No. 7160 is hereby amended to read as follows:

Section 428. Qualifications - (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 three (23) 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 three (23) years shall be allowed to serve the remaining portion of the term for which he was elected.

Section 4. Barangay Funds. Section 329 of Republic Act No. 7160 is hereby amended to read as follows:

Section 329. Barangay Funds. 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 of this Title. At least (10 %) of the general fund of the barangay shall be set aside for the Sangguniang Kabataan. The Sangguniang Kabataan 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, after due consultation of the Sangguniang Kabataan. In case of disagreements, majority of all members of the Sangguniang Barangay shall make final decisions.

(A) Procedure for Reviewing of SK Budgets:

1. All SK Budgets should be based on the Annual Development Plan (ADP), which is formulated with the consultation of the Katipunan ng Kabataan (KK). All ADP should be submitted to the office of the SK Federation President on or before the last working day of November. SK Chairpersons that will not submit the ADP will be subject to investigation and appropriate disciplinary action. No SK Budget shall be approved by the Local Executive Committee until such time the ADP will be submitted.

2. All SK Budgets approved by the majority of the Sangguniang Kabataan shall be submitted to the office of the SK Federation President within the first week of January every year. The municipal and city Local Executive Committee (LEC) shall review and deliberate on the budget during the second week of January. On the third week of the same month, the LEC of highly urbanized cities (HUC's) should submit its recommendation or appropriate action to the bookkeeper and/ or to the respective barangay SKs. Non-compliance of barangay SK Chairpersons on the submission of the SK Budgets to the Local Executive Committee would mean an imposition of an appropriate disciplinary action. The appropriate disciplinary action would be determined by the LEC in accordance with the SK and KK Constitution and By Laws. All budgets approved by the municipal and city LEC shall be certified as approved by the municipal and city federation presidents.

3. The municipal and city SK Federation shall submit the approved SK Budgets of their respective member SK to the office of the Provincial SK Federation President within the third week of January. The Provincial SK LEC shall review the submitted SK Budgets during the fourth week of January. The SK Budgets approved by the Provincial SK Federation President.

4. All Realignment in the barangay SK Budgets should be submitted to the municipal/ city LEC for its review and shall be deliberate during the regular or special meetings of the municipal/ city LEC. The realignment approved by the municipal/ city LEC shall be certified as approved by the municipal/ city SK Federation Presidents.

5. All budgets and realignments should be deliberated and approved by the majority of all the members of the LEC concerned during the regular or special meetings.

B. Allocation of SK Budget

1. The Budget submitted for review to the municipal, city and provincial SK LEC should include allocations for the following with their prescribed percentages:

- | | |
|-------------------------------|--------|
| 1.1 Green Brigade | - 10 % |
| 1.2 Livelihood | - 20% |
| 1.3 Capability- Building | - 20% |
| 1.4 Anti- Drug Abuse Campaign | -10% |
| 1.5 Annual Dues | - 2% |

2. The remaining thirty-eight percent (38%) shall be allocated by the SK depending on the needs of the youth purpose, after due consultation of the Sangguniang Kabataan. In case of disagreements, final decision shall be made by majority vote of all Sangguniang Barangay members.

Section 5. 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, a secretary and a treasurer. The Secretary and a Treasurer shall be appointed by the SK Chairperson from the Kagawads of the SK with concurrence of the SK members.

The SK Chairperson who is elected as Federation 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) X X X

Section 6. 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 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 the area designated for this purpose; and

(f) X X X

Section 7. 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 and/ or SK Federation President in each federation level shall receive a monthly honoraria or salary corresponding to that received by other members of the sanggunian in which he sits as an ex-officio member.

(b) All SK's shall be exempted from NSTP

(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 8. Succession and Filling of Vacancies - Section 435 of Republic Act No. 7160 is hereby amended to read as follows:

Section 435. Succession and Filling of Vacancies - (a) In case a 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 a Sangguniang Kabataan 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, such SK Chairperson shall be investigated by the a committee to be formed by the LEC. Such committee will report to the LEC with its observations, comments and recommendations. The approved committee report will be forwarded to the SK Federations for appropriate action or disciplinary action to be given to the concerned SK Chairperson.

(f) In case of vacancy in the positions of the SK Kagawads, the SK Chairperson shall submit, in consultation with the KK of the barangay concerned with concurrence from the SK, a list of at least three (3) nominees to the president of the panlungsod/ pambayang pederasyon ng SK as the case may be within thirty (30) days from the vacancy, and likewise, mandating the president of the panlungsod/ pambayang pederasyon ng mga SK to act on the submitted list within ten (10) days from receipt hereof.

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, should submit at least three (3) nominees for every position in consultation with the KK of the barangay concerned, to the president of the panlalawigang pederasyon ng mga SK who should act on the list within ten (10) days from receipt hereof.

In the case of HUC's, the federation president should likewise submit at least three (3) nominees for every position, also with consultation of the KK of the barangay concerned, to the SK National Federation President who should also act on the list within ten (10) days from the receipt hereof. In case of delay of postponement of federation elections, the day's equivalent to the days of postponement/ delay before its final commencement shall be added to the days during which the respective president should act on the matters herein stated.

(g) The President of the SK Federation 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 9. Section 436 of Republic Act No. 7160 is hereby amended to read as follows:

Section 436. X X X

(a) X X X

(b) X X X

(c) X X X

(d) 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. The elected vice president of the Pederasyon ng mga SK from which the National President comes from shall automatically assume the position as president of the pederasyon without need for further appointment, except if the elected SKNF president is a provincial federation president.

(e) The Pambansang Pederasyon ng SK shall maintain its own secretariat for efficient coordination effective implementation of its programs.

(f) The Pambansang Pederasyon ng SK is hereby authorized to receive donations, requests, grants and funds from other sources, including proceeds from draws of the Philippines Charity Sweepstakes Office (PCSO) subject to the pertinent provisions of law and approval of the National Executive Board.

Section 10. 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, as provided for by section 439 (A), Chapter 10, Book III of R.A. 7160, otherwise known as the Local Government Code of 1991 and of Proclamation No. 99.

(b) X X X

Section 11. 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 SK at all levels and the SK at the barangay level shall be exclusively governed by the Constitution and By- Laws of the SK promulgated and ratified by the SK National Federation.

The Pambansang Pederasyon ng mga SK shall promulgate the appropriate guidelines for the conduct of the pederasyon elections at all levels in consultation with the Commission on Elections and the Department of Interior and local Government; provided, that the grounds and the manner for their removal from office shall be clearly stated therein.

The Chairman/ President of the Pederasyon at any level who is removed from his position shall also be removed in the sanggunian where he is 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.

In no case shall any provision of said Constitution and By- Laws of the SK prevail over explicit provisions of the Local Government Code.

Section 12. Appropriations - The amount necessary for the implementation of this Act shall be incorporated in the Annual General Appropriations Act.

Section 13. 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 14. Repealing Clause - All laws, presidential decrees, executive orders, letters of instruction, rules and regulations, which are inconsistent with any of the provisions of this Act are hereby repealed or modified accordingly.

Section 15. 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.