

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2770

INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

In the Philippines, the youth have been highly encouraged to participate in politics and governance, and for this reason our country is the only nation in the world who has a mechanism of involving the youth sector in governance, the Sangguniang Kabataan. This is the government's response to the United Nations' Convention on the rights of children to create an avenue wherein they are engaged and represent their sector towards active participation in the affairs of the government and in the country as a whole.

The SK is mandated to perform, among others, the following functions:

- Promulgate resolutions necessary to carry out the objectives of the youth in the barangay;
- Initiate programs designed to enhance the social, political, economic, cultural, and intellectual, moral, spiritual and physical development of the youth;
- Consult and coordinate with all youth organizations in the barangay for policy formulation and program implementation; and
- Coordinate with other national government agencies concerned for the implementation of youth development projects and programs at the national level.

It is sad to note that despite the lofty ideals surrounding its creation, the Sangguniang Kabataan as an institution has been mired with allegations of corruption and inefficient governance. Allegations include vote-buying, gathering kickbacks from SK-initiated projects and programs, and colluding with higher barangay officials to secure their vested interests. Consequently, legislative measures have repeatedly been proposed to abolish the SK to address such allegations.

However, it is the belief of this representation that the body as a whole should not suffer from the wrongdoings of the unscrupulous few. The mandate of the Sangguniang Kabataan (SK) should be carefully reviewed but not totally abolished, because the mechanisms of corruption within the system can be stricken out to dispel claims that SK is a breeding ground for corrupt officials. Maintenance of representatives from the youth sector is still the ideal way so young people can participate in nation-building but less budgeting, disbursement and procurement processes.

In view of the foregoing, the urgent passage of this bill is hereby sought.



MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

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AN ACT
INTRODUCING REFORM THE SANGGUNIAN KABATAAN (SK), AMENDING FOR
THAT PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS "THE LOCAL GOVERNMENT CODE OF 1991," 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 2010."

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), PROVIDED THAT THE DISBURSEMENT AND ENCASHMENT OF WHICH SHALL BE UNDER THE SOLE AUTHORITY AND CONTROL OF THE BARANGAY WITH THE SK LIMITING ITSELF TO PROGRAM IDENTIFICATION AND MONITORING.

SECTION 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 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 4. Katipunan ng Kabataan – Section 424 of Republic Act No. 7160 is hereby amended to read as follows:

Section 424. Katipunan ng Kabataan. – EVERY BARANGAY SHALL ESTABLISH A Katipunan ng Kabataan TO be composed of all citizens of the Philippines actually

residing in the barangay 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 duly registered in the list of the Sangguniang Kabataan Secretary or in the official barangay list in the custody of the barangay secretary.

SECTION 5. *Powers and Functions of the Katipunan ng mga Kabataan.* – Section 425 of Republic Act No. 7160 is hereby amended to read as follows:

SECTION 425. POWERS AND FUNCTIONS OF THE KATIPUNAN NG MGA KABATAAN. –

(A) THE KATIPUNAN NG KABATAAN (KK) SHALL BE THE HIGHEST POLICY-MAKING BODY OF THE YOUTH IN THE BARANGAY. THE SANGGUNIAN KABATAAN (SK) SHALL CONSULT THE KK ON ALL ITS PLANS, PROGRAMS AND ACTIONS. THE KK SHALL AT ALL TIMES STRIVE TO GIVE ITS APPROVAL THROUGH CONSENSUS.

HOWEVER, IN VERY SPECIFIC INSTANCES WHERE TIME IS A MAJOR CONSIDERATION AND CONSENSUS IS NOT IMMEDIATELY POSSIBLE, A MAJORITY VOTE OF MORE THAN FIFTY PERCENT (50% + 1) OF ALL KK MEMBERS PRESENT IN A GENERAL ASSEMBLY WITH QUORUM SHOULD BE REACHED TO APPROVE URGENT PLANS, PROGRAMS AND ACTIONS AFFECTING THE YOUTH IN THE BARANGAY.

(B) THE KK MAY, THROUGH A 2/3 MAJORITY VOTE OF ALL ITS MEMBERS, REPRIMAND, CENSURE OR REMOVE ANY SK MEMBER WHO AFTER DUE PROCESS IS FOUND TO HAVE FAILED IN THE DISCHARGE OF HIS OR HER DUTIES OR HAVE COMMITTED ABUSES AS STIPULATED IN EXISTING LAWS PERTAINING TO THE CONDUCT OF PUBLIC OFFICIALS;

(C) THE KK SHALL MEET AT LEAST TWICE A YEAR, OR AT THE CALL OF THE CHAIRMAN OF THE SK. THE FIRST KK MEETING SHALL TAKE PLACE NO LATER THAN THREE (3) MONTHS AFTER THE PROCLAMATION OF THE RESULTS OF THE IMMEDIATELY PRECEDING SK ELECTION. THE SK CHAIRPERSON SHALL CONVENE THE FIRST KK MEETING, WHERE THE KK SHALL THEN CHOOSE AMONG ITS MEMBERS A KATIPUNAN LEAD CONVENOR WHO SHALL BE TASKED TO CONVENE ALL SUCCEEDING KK MEETINGS;

(D) THE KK SHALL CREATE A BODY, WHOSE MEMBERS SHALL BE CHOSEN AMONGST THEMSELVES, THAT SHALL BE RESPONSIBLE FOR THE CLOSE COORDINATION OF THE KK WITH LOCAL AND NATIONAL YOUTH ORGANIZATIONS, ALLIANCES, FEDERATIONS AND THE LIKE FOR THE PURPOSE OF DEVELOPING SOCIALLY RELEVANT PROGRAMS AND ACTIVITIES TO BE INCLUDED IN THE BARANGAY'S ANNUAL YOUTH DEVELOPMENT PLAN.

THE COORDINATING BODY MAY INVITE REPRESENTATIVES FROM SUCH ORGANIZATIONS TO SERVE AS RESOURCE SPEAKERS IN THE REGULAR MEETINGS AND EVENTS OF THE KK OR SK;

(E) THE KK MAY CREATE OTHER SUCH BODIES AND COMMITTEES AS IT DEEMS NECESSARY TO MOST EFFECTIVELY FULFILL ITS FUNCTIONS AND DUTIES.

SECTION 6. *Powers and Functions of the Sangguniang Kabataan.* – Section 426 of Republic Act No. 7160 is hereby amended to read as follows:

Section 426. Powers and Functions of the Sangguniang Kabataan. – The Sangguniang Kabataan shall:

(a) x x x

(b) IDENTIFY AND MONITOR YOUTH PROGRAMS OF THE BARANGAY THAT AIM TO EXPAND YOUTH PARTICIPATION IN GOVERNANCE AND TO PROMOTE QUALITY EDUCATION FOR ALL, SECURE YOUTH EMPLOYMENT, SUSTAINABLE DEVELOPMENT, HUMAN RIGHTS AND SOCIAL JUSTICE;

(c) x x x

(d) x x x

(e) x x x

(f) Consult and coordinate with the KATIPUNAN NG MGA KABATAAN AND LOCAL AND NATIONAL youth organizations for policy formulation and program implementation;

(g) x x x

(h) x x x

(i) x x x

(j) SCHEDULE REGULAR INTERNAL EDUCATIONAL DISCUSSIONS AND LEADERSHIP TRAINING SEMINARS TO BE GIVEN BY REPRESENTATIVES FROM GOVERNMENT OFFICES, NON-GOVERNMENT ORGANIZATIONS AND PEOPLE'S ORGANIZATIONS TO ENSURE THAT THE BODY IS UPDATED ON IMPORTANT NATIONAL AND SOCIAL ISSUES AND IS EQUIPPED TO ADDRESS THESE EFFECTIVELY;

NOTWITHSTANDING THE FOREGOING POWERS AND FUNCTIONS, IT MUST BE STATED CLEARLY THAT SANGGUNIANG KABATAAN SHALL HAVE NO FISCAL AUTONOMY IN ITS OPERATIONS AS TO DISBURSEMENTS AND ENCASHMENT OF THEIR FUNDS AND EXPENSES.

SECTION 7. Qualifications. – Section 428 of Republic Act No. 7160 is hereby amended to read as follows:

Section 428. Qualifications. – An elective official of the Sangguniang Kabataan must be:

A. A QUALIFIED MEMBER OF THE KATIPUNAN NG KABATAAN;

B. A RESIDENT OF THE BARANGAY FOR AT LEAST ONE (1) YEAR IMMEDIATELY PRIOR TO ELECTIONS

C. AT LEAST EIGHTEEN (18) BUT NOT MORE THAN TWENTY-ONE (21) YEARS OF AGE ON THE DAY OF HIS OR HER ELECTION;

D. ABLE TO READ AND WRITE IN FILIPINO, ENGLISH, OR THE LOCAL DIALECT;

E. MUST NOT HAVE BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE.

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. – (A) The Sangguniang Kabataan CHAIRPERSON shall have the same privileges enjoyed by other Sangguniang Barangay officials under this Code subject to such requirements and limitations provided herein.

(B) ALL SANGGUNIANG KABATAAN KAGAWADS SHALL BE ENTITLED TO RECEIVE HONORARIA, TRAVEL ALLOWANCES AND OTHER SUCH COMPENSATION FOR SERVICES AS MAY BE AUTHORIZED BY NATIONAL LAWS OR LOCAL ORDINANCES IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE;

(C) ALL SANGGUNIANG KABATAAN OFFICIALS SHALL BE EXEMPTED FROM TAKING UP NATIONAL SERVICE TRAINING PROGRAM – CIVIC WELFARE TRAINING SERVICE (NSTP-CWTS) SUBJECTS OR COURSES IN THEIR SCHOOLS OF ENROLMENT.

(D) ALL SANGGUNIANG KABATAAN OFFICIALS SHALL BE TREATED AS PERSONS IN AUTHORITY AS DEFINED BY LAW IN CONNECTION WITH THE ACTUAL DISCHARGE OF THEIR OFFICIAL DUTIES AND FUNCTIONS AS SUCH.

(E) ALL SANGGUNIANG KABATAAN OFFICIALS, DURING THEIR INCUMBENCY, SHALL BE EXEMPTED FROM PAYMENT OF TUITION AND OTHER MATRICULATION FEES WHILE ENROLLED IN PUBLIC TERTIARY SCHOOLS, INCLUDING STATE UNIVERSITIES AND COLLEGES. THE NATIONAL GOVERNMENT SHALL REIMBURSE THE COLLEGE OR UNIVERSITY IN WHICH THE SK OFFICIAL IS ENROLLED THE AMOUNT OF THE TUITION AND OTHER MATRICULATION FEES, PROVIDED THAT THE SAID OFFICIAL SHALL ENROLL IN A PUBLIC TERTIARY SCHOOL LOCATED WITHIN THE REGION OF THE BARANGAY WHERE HE OR SHE AS A SANGGUNIANG KABATAAN OFFICIAL IS SERVING.

SECTION 9. *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 10. *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 11. *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,