

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4786

Introduced by: **DEPUTY SPEAKER PABLO P. GARCIA**

EXPLANATORY NOTE

It was the legendary Justice Holmes of the United States Supreme Court who once wrote:

"The Life of the Law has not been logic, it has been experience."

It could have been some allusion to the logic of involving the youth in the affairs of government so as to train and prepare them for future leadership, that led to the creation of the Kabataang Barangay (KB) and later, the Sangguniang Kabaan (SK), so as to become integral components of the local governments of the barangay, municipality, city and province.

This idea of involving the youth in governance gained prominence during the Martial Law years with the issuance of Presidential Decree No. 684 by then President Ferdinand Marcos. In 1991, the participation of the youth in local governments was no longer through the KB but through the SK as created under R.A. No. 7160, otherwise known as the Local Government Code (LGC).

Alas, through the years, after three (3) SK elections and one postponement, experience has demonstrated to us that the logic of the idea of getting the participation of the youth in the affairs of the government so as to train and prepare them for future leadership turned out to be empty and illusory. There could be no real and meaningful participation by the youth at the ages of 15 to 18 as most, if not all, of them are still enrolled in schools either in high school or college. And, for their own good, they have to attend to their education full time than to be involved in local governance where their contribution, if at all, is minimal. This is especially so when they are already in college and where their schools are located in cities or provincial capital far from their places of residence.

In short, it is decidedly in the national interest that our youth should attend fully to their education first before involving themselves in other extraneous activities.

But what is most deplorable and regrettable is the fact that instead of being trained and prepared for positions of responsible leadership, the youth are being initiated into the ways and practices of traditional politics such as vote buying, quartering and other corrupt election practices. And as commonly observed, there is no real and democratic representation for the youth in the policy-making bodies of the local governments because those elected are usually the children of moneyed and well-

connected, such as the children and relatives of barangay, municipal, city or provincial officials.

But this is not all! And there's something that the framers of the Local Government Code could just have overlooked. In the creation of SK, the LGC entitles children between the ages of 15 to less than 18 to exercise the rights of suffrage and vote. This is in violation of Section 1, Article V of the Constitution which provides that suffrage may be exercised only by citizens who are at least 18 years of age.

And as to those SK Members who are about 18 but below 21, under our law they are no longer children but are already adults and of the age of majority and entitled to vote for all national and local officials. So, they can actually vote twice for the SK election and for the local and national elections in violation of the democratic principle of one man one vote.

There is some legal problem with SK Members who are 15 to less than 18 years of age. Under the law they are still minors (the age of majority is 18) and therefore do not have the legal capacity to act. "Capacity to act" is the power to do acts with legal effect (Article 37 of the Civil Code). And under the Juvenile Justice and Welfare Act (R.A. No. 9344) they are not criminally responsible if they violate the penal laws or commit crimes. So what kind of official acts, such as resolutions, etc., can they authoritatively do when under the law they do not have the power to do acts with legal effect? And if they commit falsification of public documents, commit graft and corruption with respect to SK funds, what kind of SK government shall we have when some SK Officials can commit serious crimes with impunity? In short, accountability in public service is hardly attainable.

All told, from experience and with the legal and constitutional implications of its structure and operation, the creation of SK was a big mistake. It may be conceded, given the presumption of good faith and regularity, that its creation was motivated with the best of intentions. But our experience in the country has shown that good intentions do not necessarily make good laws. So, lawmakers should always be reminded of the caveat that the road to hell is paved with good intentions. We are not yet there, in the case of the SK fiasco, but we are already smelling it in the distance, so to speak, and we must do something bold and drastic now or else we will get there, much against our better judgment and much to our regrets.

This bill, therefore, seeks to abolish the *Sangguniang Kabataan* for failing to achieve its assigned objectives. Instead of being a tool in the training of the youth in meaningful governance, it has become a tool in their exploitation by unscrupulous politicians. Instead of starting them young in governance, youth leaders are exposed early to things that can easily lead them to corruption.

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



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AN ACT
ABOLISHING THE SANGGUNIANG KABATAAN, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT
CODE OF 1991

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

SECTION 1. The Sangguniang Kabataan, created and governed by Chapters 8 and 9, Title 1, Book III of Republic Act No. (RA) 7160, otherwise known as the Local Government Code, is hereby abolished.

SECTION 2. Section 390, Chapter 4, Title 1, Book III of RA 7160 is hereby amended to read as follows:

"Section 390. Composition. - The sangguniang barangay, the legislative body of the barangay, shall be composed of the punong barangay as presiding officer, and the seven (7) regular sangguniang barangay members elected at large [and sangguniang kabataan chairman], as members."

SECTION 3. Paragraph (a) of Sec. 439, Chapter 10, Title 1, Book III of RA 7160, is hereby amended to read as follows:

"Section. 439. Observance of Linggo 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 Linggo ng Kabataan on such date as shall be determined by the Office of the President."

SECTION 4. Par. (a) of Sec. 446, Article 3, Chapter 3, Title 2, Book III of RA 7160 is hereby amended to read as follows:

"Section 446. Composition. - (a) The sangguniang bayan, the legislative body of the municipality, shall be composed of the municipal vice-mayor as the presiding officer, the regular sanggunian members, the president of the municipal chapter of the liga ng mga barangay, [the president of the pambayang pederasyon ng mga sangguniang kabataan,] and the sectoral representatives, as members."

SECTION 5. Par. (a) of Sec. 457, Article 3, Chapter 3, Title 3, Book III of RA 7160 is hereby amended to read as follows:

"Section 457. *Composition.* - (a) The sangguniang panlungsod, the legislative body of the city, shall be composed of the city vice-mayor as presiding officer, the regular sanggunian members, the president of the city chapter of the liga ng mga barangay, [the president of the panlungsod na pederasyon ng mga sangguniang kabataan,] and the sectoral representatives, as members."

SECTION 6. Par. (a) of Sec. 467, Article 3, Chapter 3, Title 4, Book III of RA 7160 is hereby amended to read as follows:

"Section 467. *Composition.* - (a) The sangguniang panlalawigan, the legislative body of the province, shall be composed of the provincial vice-governor as presiding officer, the regular sanggunian members, the president of the provincial chapter of the liga ng mga barangay, [the president of the panlalawigang pederasyon ng mga sangguniang kabataan,] the president of the provincial federation of sanggunian members of municipalities and component cities, and the sectoral representatives, as members."

SECTION 7. *Transitory Provision.* - Incumbent officers and members of the Sangguniang Kabataan elected in the 2010 barangay elections shall continue to hold office and perform the functions and duties of their office for the duration of the term for which they had been elected.

SECTION 8. *Repealing Clause.* - Chapters 8 and 9, Title 1, Book III of RA 7160 are hereby repealed. All laws, executive orders, rules and regulations or any part thereof inconsistent with the provisions of this Act are hereby deemed repealed, modified or amended accordingly.

SECTION 9. *Separability Clause.* - In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 10. *Effectivity.* - This Act shall take effect after its publication in two (2) national newspapers of general circulation.

Approved.