

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



Fifteenth Congress

Second Regular Session

House Bill No. **6352**

Introduced by Honorable Mar-Len Abigail S. Binay

EXPLANATORY NOTE

Scouting, or the skill of scoutcraft, is one of the strongest means of promoting physical, moral, spiritual and social growth in our children and youth. As a tool to develop various holistic traits in our children and youth – from moral values and civic consciousness to environment protection and civic responsibility, this bill aims to reorganize the Boy Scouts of the Philippines in order to better serve its purpose.

The 1987 Constitution encourages rearing our children and youth towards civic consciousness and moral values so that they may be productive and patriotic members of society. (Section 13, Article II) In this regard, this bill seeks to reorganize and restructure the government entity created under Commonwealth Act No. 111, as amended, that would handle such a crucial role in molding and upbringing our children and the youth. In this bill, the new acting entity, the Boy Scouts Philippines, along with its powers, functions and duties will be redefined so that our Scouts may have a formal and organized corporation that is more attuned to the times and adapted to growing challenges they face.

Attempts to formulate an organized law for such purpose has existed since the 8th Congress, but this bill seeks to install a more concrete institution in order that the Boy Scout of the Philippines may be more developed to achieve its goals in guiding the moral, civic and social development of our children and youth in this rapidly changing world.

In light of the foregoing and for better government service to our children and youth in the form of a more organized Scouts Philippines, the passage of this bill is earnestly sought.


MAR-LEN ABIGAIL S. BINAY

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AN ACT
INSTITUTING THE BOY SCOUTS OF THE PHILIPPINES CHARTER, DEFINING ITS
OBJECTIVES, POWER 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. Short Title- This Act shall be known and cited as the “Boy Scouts Philippines Charter of 2012”.

Sec. 2. Declaration of Policy - Recognizing the vital role of young people (children and youth) under the ages 4 to 25 in nation-building, it is therefore the policy of the State to ensure and protect their physical, moral, intellectual, emotional, social and spiritual 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 organizations and cooperation with other agencies, the ability of the young people and/or the Filipino youth to do useful things for themselves and others;

(b) To train the young people and/or the Filipino youth in the attitudes, skills, and the habits of responsible citizenship;

(c) To inculcate in the young people and/or the Filipino youth patriotism, civic consciousness and responsibility, environmental protection awareness and activities, courage, self-reliance, selflessness, discipline and kindred virtues, as well as moral and spiritual values, using the method which are in common use by Scouts.

Sec. 4. Boy Scouts of the Philippines - The Boy Scouts of the Philippines (BSP) hereinafter referred to shall have its principal office in Metropolitan Manila. It may establish such other offices, agencies or branches anywhere in the Philippines as its operations would require and its National Executive Board would determine.

Sec. 5. Corporate Powers. - As a juridical entity, the BSP shall have perpetual succession and shall enjoy the following corporate powers:

- (a) To sue and be sued;
- (b) To acquire, hold and convey such real and personal properties, right and choses in action as shall be deemed necessary and desirable for its purposes as hereinafter set forth;
- (c) To receive funds, real and personal properties by gift, devise and donation, contribution or other means;
- (d) To adopt a seal and to alter and destroy the same at pleasure;
- (e) To have offices and conduct its business and affairs in the Metropolitan Manila area and in the provinces, cities, municipalities and barangays in the Philippines; and
- (f) Generally, to exercise all the powers of a corporation and do all such acts and thing as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization.

Sec. 6. Vision and Mission. - Vision and Mission of the Boy Scouts of the Philippines.

It is the vision of the BSP to be the leading provider of progressive outdoor-based non-formal education committed to developing morally straight, disciplined, concerned, self-reliant citizens in the best tradition of world Scouting.

The mission of the Boy Scouts of the Philippines is:

- (i) To inculcate in our Scouts, love of God, country and fellowmen;
- (ii) To prepare the youth for responsible leadership; and
- (iii) To contribute to nation building according to the ideals, principles, and program of Scouting.

Sec. 7. Nature and Purpose. - The BSP is an independent and voluntary, non-stock, non-profit, non-sectarian, non-political entity which shall willingly cooperate with other persons, natural and judicial, public and private, whose ideals and procedures are in accord with those conferred or authorized by this Act.

Sec. 8. Chief of Scout. - The President of the Republic of the Philippines shall be the Chief Scout of the Boy Scouts of the Philippines.

Sec. 9. Vice Chief Scout. - The Vice- President of the Republic of the Philippines shall be the Vice Chief Scout of the Boy Scouts Philippines.

Sec. 10. Authority and Powers of the Chief Scout and Vice Chief Scout. The Chief Scout and Vice Chief Scout are honorary members of the Boy Scouts of the Philippines but are not deemed to be members of the National Executive Board unless they are duly elected as members thereof in accordance with the provisions of this Act and of the BSP's by-laws.

Sec. 11. National Executive Board - The governing body of the BSP shall consist of a National Executive Board, the members of which shall be Filipino citizens of good moral

- (a) The Secretary of the Department of Education;
- (b) Secretary of the Department of Interior and Local Government;
- (c) The National President of the Girl Scouts of the Philippines;

(d) Regional Chairmen of the geographical regions of the BSP to be known as Scout Regions who shall be elected by the representatives of all the chartered Provincial, City or conglomerate of cities and municipalities to be known as Local Councils within the region during its meeting called for this purpose;

(e) One Senior/Rover Scout each from Luzon, Visayas and Mindanao areas, to be elected during the conference of Scouts ages 13 to 25 known as the Scout Youth Forum in their respective Philippine geographical areas;

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

(g) Five (5) additional members from the private sector.

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;
- (d) Treasurer; and
- (e) Such other officers as the Board may deem necessary.

The numerical composition of the National Executive Board shall be provided for in the By-Laws of the Scouts Philippines.

The qualification, term of office and manner of electing the above mentioned members of the National Executive Board shall be prescribed in the By-Laws of the BSP.

The term of office of the members of the Board shall be three (3) years. However, 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 President of the BSP shall be eligible for reelection.

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 by-laws may prescribe the number of members of the National Executive Board necessary to constitute a quorum of the board.

Sec. 12. Powers and Functions of the National Executive Board. – The National Executive Board shall exercise the following powers and functions:

- (a) To make and to amend the by-laws 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

(b) To authorize and cause to be executed mortgages and liens upon the property of the BSP 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 by-laws of the BSP, shall have and exercise the powers of the National Executive Board in the management of the business affairs of the BSP and may have the power to authorize the seal of the BSP to be affixed to all papers which may require it;

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

(e) To dispose in any manner a part or the whole property of the BSP 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 a time and place to be designated in the by-laws. Special meetings of the Board may be called by the National President or upon such notice as may be prescribed in the by-laws.

Sec. 13. National Council – There shall be a National Council which shall serve as the highest corporate policy making body of the BSP that shall manage the affairs and business of the corporation. The National Council shall be composed of the following members:

(a) The members of the National Executive Board;

(b) The Regional Scout Commissioner; a person duly appointed and commissioned by the National Executive Board;

(c) The chairmen and commissioners of all Local Councils; and

(d) Other duly accredited delegates of local Scout Councils as may be provided in the by-laws.

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 BSP.

The numerical composition of the National Council shall be provided for in the by-laws of the BSP, provided that, all regions and all local councils shall be duly represented therein by a least two (2) duly accredited delegates in addition to those who are members of the National Executive Board as provided for under Section 11 of this Act.

The National Council shall convene once every three (3) years in a convention assembled for the purpose. Special meetings of the National Council may be called upon such notice as may be prescribed in the by-laws. One-third (1/3) of the members of the National Council shall constitute a quorum to do business during special meeting.

The National Council and the National Executive Board shall have the power to hold their meetings and keep the seal, books, document, and papers of the BSP within or out of Metropolitan Manila.

Each local Scout council represented in the annual or special meeting of the National Council shall be entitled to four (4) votes plus one (1) vote for every ten thousand (10,000.00) of their Scout membership. The members of the National Executive Board and the life members shall each be entitled to one (1) vote.

Sec. 14. Powers and Duties of the National Council – The National Council shall exercise the following powers and functions:

(a) To hold a Triennial Council Meetings at a time and place to be designated in the by-laws. The purpose of such meetings is to discuss the National concerns and issues of each Local Scout Council for the proper governance of the BSP;

(b) To require the majority vote of the National Council before the cause of any lien, encumbrance or disposition of any real property;

(c) To propose the creation of any committee either governing or special to govern or do any legal task that the Regional and Local Councils may require; and

(e) All other powers necessary for the effective management of the affairs of the Regional and Local Councils as long as they are not inconsistent with the decisions and powers of the National Executive board and the powers and duties provided for in the by-laws.

Sec. 15. Exclusivity Clause – (a) The corporation created by this Act 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 Boy Scouts of the 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.

For this purpose, The BSP shall adopt distinctive emblems, badges, insignias, uniforms and other equipment which shall be made available to and used only by registered Scout or officials who have satisfactorily complied with the international requirements and which BSP shall use in carrying out its programs consistent with purpose of this Act. The BSP shall cause the registration of said emblem, badges, insignias, uniforms and other equipment in accordance with the provisions of Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines as amended. The Intellectual Property Office (IPO) is hereby directed to cause said registration free of charge.

(b) The Securities and Exchange Commission, the IPO and the Department of Trade and Industry shall refuse the registration of association, the registration of trade names and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem, badges, insignias, uniforms and other equipment of the Boy Scouts of the Philippines or their translation in any official language and dialect in violation of this Act.

Sec. 16. Fiscal Incentives. - All provisions of law to the contrary notwithstanding, the BSP shall be entitled to the following tax and duty incentives and 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 donation 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

- (c) Exemption from all direct and indirect taxes, including value-added tax (VAT) fees and other charges of all kinds on all income derived from its operation, including the use, lease or sale of its real properties and the provision of services;
- (d) Exemption from the direct and indirect taxes, including VAT, duties, fees and other charges on importations and purchases for its exclusive use; and
- (e) Tax and/or duty exemption of donation from foreign countries as provided under relevant laws such as, but not limited to, Section 105 of the Tariff and Customs Code of the Philippine, as amended, and Section 109 (K) of the National Internal Revenue Code of 1997, as Amended.
- (f) Exemption from payment of real property taxes on all real properties owned by it.
- (g) The BSP shall likewise be exempt from payment from all other taxes, duties, imposts and charges.

Likewise, all donations, legacies and gifts to the Boy Scouts of the Philippines to support its purposes and objectives as embodied in this Act shall, subject to the limitation 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 donation, legacies and gifts shall be expended by the National Executive Board in pursuance of this Act.

Sec. 17. Penal Clause. - (a) 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 Boy Scouts of the Philippines uniform, call himself as, or represent himself to be a member of, or an agent for, the Boy Scout of the Philippines; (b) 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 Boy Scouts of the 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 Boy Scouts of the Philippines, in any print ad, radio or television commercial, billboard, collateral material or any form of advertisement including the internet; or to use the name of the Boy Scouts of the Philippines in any illegal purpose or personal gain.

Any violation of the provisions of this section shall be punished by prison correctional in its maximum period to prison mayor in its medium period and fine of not less than Two Hundred Thousand Pesos (Php200,000.00) nor more than Five Hundred Thousand Pesos (Php500,000.00): Provided, that in case of corporations, partnership, associations, societies or companies, the manager, administrator or the person in charge or the management or administration of the business shall be criminally responsible for any such violation.

(c) This shall be without prejudice to the applicable penalties for violation of the intellectual property right of the BSP under the Intellectual Code of the Philippines, as amended.

Sec. 18. Transitory Clause - Until such time as the organization and restructuring of the Boy Scouts of the 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 Boy Scouts of the 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

Sec. 19. Repealing/Amending Clause - Commonwealth Act No. 111, Presidential Decree No. 460, Republic Act No. 7278, and Executive Order 509 (series of 1992) are hereby amended. 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 repealed or modified accordingly.

Sec. 20. 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 provision not affected thereby shall be in full force and effect.

Sec. 21. Effectivity Clause - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least (2) newspaper of general circulation.

Approved,