

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 109



Introduced by Hon. Kaka Bag-ao

EXPLANATORY NOTE

The enactment of the Local Government Code of 1991 provided an opportunity for the country's youth to have a platform where they can engage and participate in local governance. It allowed for the allocation of a portion of barangay funds for the implementation of youth-related projects and it has given representation for the youth in higher local governance organs. It is a unique set up that has provided possibilities for progressive interventions to advance meaningful youth participation, enhance access to education and youth employment, and democratize delivery of social services for the sector. Yet, the current Sangguniang Kabataan set-up has proven to be flawed. Corruption is rampant. Programs and projects are seen as lacking in imagination and have largely been limited to sportsfests and beauty pageants. What could have been a powerful youth institution has been reduced in the eyes of the general public as a symbol of corruption, political disenfranchisement and patronage politics.

The solution to these problems, however, is **NOT** the abolition of the Sangguniang Kabataan. Doing so is to contradict the entire essence of the devolution of the government, which is to enhance people empowerment. Deepening democracy in the way we organize our politics entails having relevant and accessible LGUs, where the people—especially the youth—having direct and meaningful participation in the affairs of the State.

Putting the SK on the right track requires an overhaul of its set-up. The Katipunan ng mga Kabataan must be empowered to give the body oversight powers to make SK officials accountable to their constituency in terms of clear processes in development planning, budgeting and disbursement of funds. The involvement of youth-oriented civil society organizations must also be enhanced through the creation of a youth development council (Katipunang Pangkaunlaran ng mga Kabaatan) that has representation in the SK and has the mandate to draft the SK's annual youth development plan. Access to power should also be democratized as a way to avoid corruption and patronage through the introduction of an anti-dynasty clause in the SK, thus enabling the constitutional provision against political dynasties in governance (Section 26, Article II). These are but some of the reforms that must be undertaken to restore the trust of the youth to the SK and to make the youth body a meaningful instrument for youth empowerment at the barangay level. To achieve these goals, the prompt enactment of this bill is earnestly sought.


Hon. KAKA BAG-AO
Lone District of Dinagat Islands

Sec. 4. Powers and Duties of the Katipunan ng mga Kabataan. – Section 425 of Republic Act 7160 is hereby amended to read as follows:

SECTION 425. POWERS AND DUTIES OF THE KATIPUNAN NG KABATAAN. –

- (A) THE KATIPUNAN NG KABATAAN SHALL BE THE HIGHEST POLICY-MAKING BODY TO DECIDE ON MATTERS AFFECTING THE YOUTH OF THE BARANGAY. ALL PLANS AND PROGRAMS OF THE SANGGUNIANG KABATAAN HAS TO BE APPROVED BY THE KATIPUNAN NG KABATAAN;
- (B) THE KATIPUNAN NG KABATAAN MAY REPRIMAND, CENSURE OR REMOVE ANY SANGGUNIANG KABATAAN MEMBER WHO HAS FAILED TO DISCHARGE HIS OR HER DUTIES EFFECTIVELY, OR HAVE COMMITTED OTHER ABUSES AS STIPULATED IN EXISTING LAWS ON PUBLIC OFFICIALS, THROUGH A 2/3 MAJORITY VOTE;
- (C) THE KATIPUNAN NG KABATAAN SHALL MEET AT LEAST TWICE A YEAR OR AT THE CALL OF THE CHAIRPERSON OF THE SANGGUNIANG KABATAAN. THE FIRST KATIPUNAN NG KABATAAN MEETING SHALL TAKE PLACE NOT LATER THAN THREE (3) MONTHS AFTER THE PROCLAMATION OF THE RESULTS OF THE PRECEDING SK ELECTIONS AND SHALL BE CONVENED BY THE SANGGUNIANG KABATAAN CHAIRPERSON. FOR THE SUCCEEDING MEETINGS AND FOR PURPOSES OF FACILITATION, THE KATIPUNAN NG KABATAAN MAY CHOSE AMONG ITS MEMBERS A KATIPUNAN CHAIRPERSON;

IN CASE THE MEMBERSHIP OF THE KATIPUNAN NG KABATAAN EXCEEDS FIVE HUNDRED (500), THE REGULAR MEETINGS OF THE KATIPUNAN MAY BE ORGANIZED ON THE BASIS OF A PROPORTIONAL SYSTEM OF REPRESENTATION AS DETERMINED BY THE SANGGUNIANG KABATAAN IN COORDINATION WITH THE SANGGUNIANG BARANGAY.

- (D) THE KATIPUNAN NG KABATAAN MAY CREATE SUCH BODIES AND COMMITTEES AS IT MAY DEEM NECESSARY TO FULFILL ITS FUNCTIONS AND DUTIES.

Sec. 5. *Katipunang Pangkaunlaran ng Kabataan.* – (a) There shall be in every Katipunan ng Kabataan a Katipunang Pangkaunlaran ng Kabataan, a body that shall develop the development programs and activities of the Sangguniang Kabataan and shall serve as its civil society arm.

(b) The Katipunang Pangkaunlaran ng Kabataan shall be composed of representatives from different youth organizations and associations operating in the barangay. Its first assembly shall be convened by the Sangguniang Kabataan Chairperson prior to the first Katipunan ng Kabataan meeting.

(c) The Katipunang Pangkaunlaran ng Kabataan shall develop, along with the Sangguniang Kabataan, an annual youth development plan for the barangay, and shall monitor its implementation.

(d) The Katipunang Pangkaunlaran ng Kabataan shall elect among its members two (2) ex-officio representatives to the Sangguniang Kabataan that shall have the same powers and discharge the same duties and functions as the Sangguniang Kabataan members. The elections of the representatives shall be facilitated by the Sangguniang Kabataan in coordination with the Commission on Elections.

Sec. 6. Powers and Duties of the Sangguniang Kabataan. – Section 426 of Republic Act 7160 is hereby amended to read as follows:

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

- (a) XXX
- (b) INITIATE AND IMPLEMENT PROGRAMS THAT AIM TO PROMOTE MEANINGFUL YOUTH PARTICIPATION, ACCESSIBLE EDUCATION, YOUTH EMPLOYMENT, ACTIVE CITIZENSHIP, SEXUAL AND REPRODUCTIVE HEALTH, SPORTS AND SUSTAINABLE DEVELOPMENT;
- (c) XXX
- (d) XXX
- (e) Submit and present annual and end-of-term PROGRAM AND FINANCIAL reports to the Sangguniang Barangay, KATIPUNAN NG KABATAAN, AND KATIPUNANG PANGKAUNLARANG NG KABATAAN on their projects and activities for the survival and development of the youth in the barangay;
- (f) CONSULT AND COORDINATE WITH THE KATIPUNAN NG KABATAAN, KATIPUNANG PANGKAUNLARANG NG KABATAAN AND DIFFERENT YOUTH ORGANIZATIONS IN THE BARANGAY FOR POLICY FORMULATION AND PROJECT IMPLEMENTATION;
- (g) XXX
- (h) COORDINATE AND COOPERATE WITH THE SANGGUNIANG BARANGAY ON OTHER YOUTH-RELATED PROJECTS AND PROGRAMS THAT THE SANGGUNIANG BARANGAY WISHES TO INITIATE AND IMPLEMENT;
- (i) XXX
- (j) PRESENT TO THE KATIPUNAN NG KABATAAN ITS ANNUAL PROGRAM OF ACTION AND ITS BUDGET; AND
- (k) DEVELOP AND IMPLEMENT A SANGGUNIANG KABATAAN GUIDELINES IN LINE WITH THE DUTIES AND PRINCIPLES OUTLINED IN THIS ACT

Sec. 7. Qualifications. – Section 428 of Republic Act 7160 is hereby amended to read as follows:

Section 428. Qualifications. – An elective member of the Sangguniang Kabataan must have following qualifications:

- A. HE OR SHE MUST BE A CITIZEN OF THE PHILIPPINES;
- B. HE OR SHE MUST BE A QUALIFIED MEMBER OF THE KATIPUNAN NG KABATAAN;
- C. HE OR SHE MUST BE BETWEEN FIFTEEN (15) TO TWENTY FIVE YEARS OLD (25), EXCEPT FOR THE SANGGUNIAN KABATAAN CHAIRPERSON, WHO MUST NOT BE BELOW EIGHTEEN (18) YEARS OLD;
- D. HE OR SHE MUST BE A RESIDENT OF THE BARANGAY AT LEAST ONE (1) YEAR IMMEDIATELY PRIOR TO ELECTION;
- E. HE OR SHE MUST BE ABLE TO READ AND WRITE FILIPINO, ENGLISH, OR THE LOCAL DIALECT;
- F. HE OR SHE MUST NOT HAVE BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE;

143 G. HE OR SHE MUST NOT HAVE ANY RELATIVE IN ELECTIVE PUBLIC OFFICE
144 WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY.
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146 **Sec. 8. Term of Office.** – Section 429 of Republic Act 7160 is hereby amended to read as
147 follows:
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149 Section 429. Term of office – The sangguniang kabataan CHAIRPERSON and
150 members shall hold office for a period of three (3) years unless sooner removed for cause as
151 provided by law, permanently incapacitated, die or resign from office. NO MEMBER OR
152 CHAIRPERSON OF THE SANGGUNIANG KABATAAN SHALL SERVE FOR MORE THAN THREE
153 (3) CONSECUTIVE TERMS.
154

155 **Sec. 9. Sangguniang Kabataan CHAIRPERSON.** – Section 430 of Republic Act 7160 is
156 hereby amended to read as follows:

157 Section 430. *Sangguniang Kabataan CHAIRPERSON.* - The registered voters of the
158 katipunan ng kabataan shall elect the chairperson of the sangguniang kabataan who shall
159 automatically serve as an ex-officio member of the sangguniang barangay upon his
160 assumption to office. As such, the CHAIRPERSON shall exercise the same powers, discharge
161 the same duties and functions, and enjoy the same privileges as the regular sangguniang
162 barangay members, and shall be the CHAIRPERSON of the COMMITTEE ON YOUTH
163 DEVELOPMENT in the said sanggunian.

164 **Section 10. Powers and Duties of the Sangguniang Kabataan Chairperson.** –
165 Section 431 of Republic Act 7160 is hereby amended to read as follows:

166 Section 431. *Powers and Duties of the Sangguniang Kabataan CHAIRPERSON.* – THE
167 SANGGUNIANG KABATAAN CHAIRPERSON SHALL HAVE THE FOLLOWING DUTIES:

168 (a) Call and preside over all meetings of the sangguniang kabataan, AND UPON THE
169 DECISION OF THE BODY, THE KATIPUNAN NG KABATAAN;

170 (b) ENSURE THE IMPLEMENTATION OF policies, programs, and projects within his
171 OR HER jurisdiction in coordination with the sangguniang barangay ;

172 (c) Exercise general supervision over the affairs and activities of the sangguniang
173 kabataan and the official conduct of its members, and such other officers of the
174 sangguniang kabataan within his OR HER jurisdiction;

175 (d) XXX;

176 (e) PRESENT TO THE KATIPUNAN NG KABATAAN AND SANGGUNIANG BARANGAY
177 THE SANGGUNIANG KABATAAN'S ANNUAL PROGRAM OF ACTION AND FINANCIAL REPORT;

178 (F) Exercise such other powers and perform such other duties and functions as may
179 be prescribed by law or ordinance; AND,

180 (G) COORDINATE WITH THE SANGGUNIANG BARANGAY FOR THE YOUTH-RELATED
181 PROJECTS AND PROGRAMS OF THE SANGGUNIANG KABATAAN.

182 **Section 11. Powers and Duties of the Sangguniang Kabataan Secretary.** – Section
183 432 of Republic Act 7160 is hereby amended to read as follows:

184 Section 432. *Sangguniang Kabataan Secretary*. - The sangguniang kabataan
185 secretary shall:

186 (a) XXX

187 (b) XXX

188 (c) XXX

189 (d) Perform such other duties and discharge such other functions as the
190 CHAIRPERSON of the sangguniang kabataan may prescribe or direct.

191 **Section 12. Powers and Duties of the Sangguniang Kabataan Treasurer.** – Section
192 433 of Republic Act 7160 is hereby amended to read as follows:

193 Section 433. *Sangguniang Kabataan Treasurer*. - The sangguniang kabataan
194 treasurer shall:

195 (a) XXX

196 (b) XXX

197 (c) XXX

198 (d) XXX

199 (e) Submit to the KATIPUNAN NG KABATAAN, sangguniang kabataan and to the
200 sangguniang barangay certified and detailed statements of actual income and expenditures
201 at the end of every month; and

202 (f) Perform such other duties and discharge such other functions as the
203 CHAIRPERSON of the sangguniang kabataan may prescribe or direct.

204 **Section 13. Privileges of Sangguniang Kabataan officials** - Section 434 of Republic
205 Act 7160 is hereby amended to read as follows:

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207 Section 434. Privileges of the Sangguniang Kabataan Officials – (A) The Sangguniang
208 Kabataan CHAIRPERSON shall have the same privileges enjoyed by other sangguniang
209 barangay officials under this Code subject to such requirements and limitations provided
210 herein.

211
212 (B) ALL REGULAR SANGGUNIANG KABATAAN KAGAWADS SHALL RECEIVE
213 HONORARIA, ALLOWANCES AND SUCH OTHER EMOLUMENTS AS MAY BE AUTHORIZED BY
214 LAW OR BARANGAY, MUNICIPALITY OR CITY ORDINANCE IN ACCORDANCE WITH THE
215 PROVISIONS OF THIS CODE, BUT IN NO CASE SHALL IT BE LESS THAN ONE THOUSAND
216 PESOS (P1, 000.00) PER MONTH: PROVIDED, HOWEVER, THAT THE ANY ADDITIONAL
217 HONORARIA, ALLOWANCES AND SUCH OTHER EMOLUMENTS THAT ARE TO BE TAKEN
218 FROM THE SANGGUNIANG KABATAAN FUNDS SHALL BE FIRST APPROVED BY THE
219 KATIPUNAN NG KABATAAN.

220
221 (C) DURING THEIR INCUMBENCY, SANGGUNIANG KABATAAN OFFICIALS,
222 INCLUDING THE EX-OFFICIO REPRESENTATIVES, SHALL BE EXEMPT FROM PAYMENT OF
223 TUITION AND MATRICULATION FEES WHILE ENROLLED IN PUBLIC TERTIARY SCHOOLS,

224 INCLUDING STATE COLLEGES AND UNIVERSITIES. THE NATIONAL GOVERNMENT SHALL
225 REIMBURSE SAID COLLEGE OR UNIVERSITY THE AMOUNT OF THE TUITION AND
226 MATRICULATION FEES: PROVIDED, THAT, TO QUALIFY FOR THE PRIVILEGE, THE SAID
227 OFFICIALS SHALL ENROLL IN THE STATE COLLEGE OR UNIVERSITY WITHIN THE REGION
228 OF THE BARANGAY WHERE THE SANGGUNIANG KABATAAN OFFICIAL IS SERVING.
229

230 **Section 14. *Removal from Office, Succession and Filling of Vacancies.*** – Section 435
231 of Republic Act 7160 is hereby amended to read as follows:

232 Section 433. *REMOVAL FROM OFFICE, Succession, and Filling of Vacancies.* – A. THE
233 FOLLOWING SHALL BE GROUNDS FOR REMOVAL FROM OFFICE FOR SANGGUNIANG
234 KABATAAN CHAIRPERSON AND MEMBERS:

235 (A) ABSENCE WITHOUT VALID REASONS FOR THREE CONSECUTIVE MONTHS;
236 (B) FAILURE TO CONVENE MEETINGS OF THE KATIPUNAN NG KABATAAN AND
237 SANGGUNIANG KABATAAN;
238 (C) CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE; AND
239 (D) VIOLATION OF EXISTING LAWS AGAINST GRAFT AND CORRUPTION AND
240 OTHER CIVIL SERVICE LAWS.

241 B. A SANGGUNIANG KABATAAN CHAIRPERSON OR MEMBER IS DEEMED ELIGIBLE
242 FOR REPLACEMENT IF HE OR SHE REFUSES TO ASSUME OFFICE, FAILS TO QUALIFY,
243 VOLUNTARILY RESIGNS, DIES OR IS PERMANENTLY INCAPACITATED.

244 C. IN CASE THE SANGGUNIANG KABATAAN CHAIRPERSON IS REMOVED FROM
245 OFFICE OR BECOMES ELIGIBLE FOR REPLACEMENT, THE SANGGUNIANG KABATAAN
246 MEMBER WHO RECEIVED THE HIGHEST NUMBER OF VOTES SHALL ASSUME THE OFFICE
247 OF THE CHAIRPERSON FOR THE UNEXPIRED PORTION OF THE TERM, AND SHALL
248 DISCHARGE THE POWER AND DUTIES, AND ENJOY THE RIGHTS AND PRIVILEGES
249 APPURTENANT OF THE OFFICE. IN CASE THE SAID MEMBER REFUSES OR FAILS TO
250 QUALIFY, THE SANGGUNIANG KABATAAN MEMBER WHO RECEIVED THE NEXT HIGHEST
251 OF VOTES SHALL ASSUME THE OFFICE OF THE CHAIRPERSON FOR THE UNEXPIRED
252 PORTION OF THE TERM. IN CASE ALL MEMBERS OF THE SANGGUNIANG KABATAAN
253 REFUSES TO ASSUME OFFICE OR FAILS TO QUALIFY, A SPECIAL ELECTION IN A
254 KATIPUNAN NG KABATAAN SHALL BE CONVENED FIFTEEN (15) DAYS AFTER THE VACANCY
255 IN COORDINATION WITH THE COMMISSION ON ELECTIONS AND THE SANGGUNIANG
256 BARANGAY TO ELECT A NEW CHAIRPERSON.

257 D. IN CASE OF VACANCY IN THE POSITIONS OF THE SANGGUNIANG KABATAAN
258 KAGAWAD, THE CHAIRPERSON OF THE SANGGUNIANG KABATAAN SHALL CONVENE A
259 SPECIAL MEETING OF THE KATIPUNAN NG KABATAAN TO ELECT MEMBERS FOR THE
260 VACATED POSITIONS, PROVIDED THAT SUCH ELECTION SHALL BE CONDUCTED IN
261 COORDINATION WITH THE COMMISSION ON ELECTIONS AND THE SANGGUNIANG
262 BARANGAY.

263 **Section 15. *Barangay funds.*** – Section 329 of Republic Act 7160 is hereby amended to
264 read as follows:

265 Section 329. *Barangay funds.* – All the income of the barangay from whatever source
266 shall accrue to its general fund and shall, at the option of the barangay concerned, be kept
267 as trust fund in custody of the city or municipal treasurer or deposited in a bank, preferably
268 government-owned, situated in or nearest to its area of jurisdiction. At least ten percent
269 (10%) of the general fund of the barangay shall be set aside for the sangguniang kabataan.

270 THE SANGGUNIANG BARANGAY SHALL APPROPRIATE THE SANGUNIANG KABATAAN FUND
271 IN LUMP SUM. THE SANGGUNIANG KABATAAN SHALL HAVE FISCAL AUTONOMY IN ITS
272 OPERATIONS AS TO THE DISBURSEMENT AND ENCASHMENT OF THEIR INCOME AND
273 EXPENSES: PROVIDED, THAT THE ALLOCATION OF THE FUNDS SHALL BE APPROVED BY
274 THE KATIPUNAN NG KABATAAN AND THAT MECHANISM FOR REVIEW OF THE ALLOCATION
275 AND DISBURSEMENT OF FUNDS BY THE KATIPUNANG PANGKAUNLARAN NG KABATAAN
276 SHALL BE ESTABLISHED.

277 **Section 16. Appropriations.** – Such sum as may be necessary for the implementation of
278 the provisions of this Act is hereby authorized to be incorporated in the Annual General
279 Appropriation Act.

280
281 **Section 17. Separability Clause.** – If any section or provision of this Act shall be declared
282 unconstitutional, other provisions not affected shall continue to be in full force and effect.

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284 **Section 18. Repealing clause.** - All laws, presidential decrees, executive orders, rules and
285 regulations, or parts thereof, inconsistent with this Act, are hereby repealed or modified
286 accordingly

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288 **Section 20. Effectivity.** This Act shall take effect fifteen (15) days after its publication in
289 at least two (2) newspapers of general circulation.

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292 Approved,