

Republic of the Philippines
HOUSE OF REPRESENTATIVES
 Quezon City

SIXTEENTH CONGRESS
 First Regular Session

HOUSE BILL NO. 1333



Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

EXPLANATORY NOTE

This bill aims to transform the Sangguniang Kabataan (SK) by; a) changing the age requirement for SK members and officers from 15-17 years old to 18-21 years old; b) removing SK Federation President as ex-officio member of the Sangguniang Bayan, Sangguniang Panglungsod and Sangguniang Panlalawigan, and c) scrapping the 10% allocation of Internal Revenue Allotment (IRA) due to barangays designated for the SK.

The present SK set-up is flawed because:

- 1) Public funds are at the disposal of SK officials who are minors. In cases of misappropriation or malversation, they are immune from graft and corruption charges;
- 2) For 2013 alone, P6-Billion will be spent to fund various sports related activities and conferences of the SK nationwide. The spending habits of SK must be aligned with the National Development Agenda for education and health;
- 3) Local politicians are interested to get the SK Federation President to vote or side with them in the municipality, city and provincial boards. This is the primordial reason why they finance the campaign of SK candidates. Removing the "ex-officio" position of SK in the local government legislative bodies insulates the SK from the negative influence of unscrupulous politicians.
- 4) The SK is not truly representative of the entire youth population of the country. Based on data supplied by COMELEC and the National Youth Commission (NYC), there are only 2,459,520 registered SK voters for the October 2010 elections, which is not even 10% of the 27,825,500 total youth population nationwide.

We cannot entrust power and public funds to teenagers aged 15-17 years old who are just beginning to learn what responsibility and accountability are all about. Under our existing laws, minors who are below 18 years old cannot enter into agreements, sign contracts, enter into marriage, obtain drivers license, nor be prosecuted for criminal offense. They have not reached the age of majority or emancipation.

The fear that the youth might not be heard is baseless as persons 18 years old and above can be elected as *barangay kagawad*, persons 21 years old and above can be elected in the City or Municipal Council and persons 25 years of age can be elected as member of the House of Representatives

In electing the 42,025 SK Chairmen and 294,175 Sangguniang Kabataan councilors across the archipelago, the COMELEC needs at least P3.2 billion to stage the political exercise. The Local Government Code provides that 10 percent of the IRA share of barangays should go to the SK. For 2013 alone, barangays are entitled to a total IRA of P60.47 billion. Henceforth, P6.05 billion goes to the youth councils. With the approval of this bill, our government saves P9.25 Billion which can be allocated for teacher training and materials development under the K to 12 Law.

Approval of the measure is earnestly sought.


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Introduced by **ATTY. MAGTANGGOL T. GUNIGUNDO I**

AN ACT
CHANGING THE AGE REQUIREMENT FOR THE SANGGUNIANG KABATAAN (SK) MEMBERS FROM 15-17 TO 18-21 AND TO REMOVE SK FEDERATION PRESIDENT AS EX-OFFICIO MEMBER OF SANGGUNIANG BAYAN, SANGGUNIANG PANLUNGSOD AND SANGGUNIANG PANLALAWIGAN, AND FOR OTHER PURPOSES

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

Section 1. Section 424 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"Sec. 424. *Katipunan ng Kabataan.* – The Katipunan ng Kabataan shall be composed of Filipino citizens actually residing in the barangay for at least six (6) months, who are **EIGHTEEN(18) BUT LESS THAN TWENTY-ONE (21) YEARS** of age on the day of the election, and who are duly registered in the list of the sangguniang kabataan or in the official barangay list in the custody of the barangay secretary."

Section 2. Section 428 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"Sec. 428. *Qualifications.* – An elective official of the Sangguniang Kabataan must be a Filipino citizen, a qualified voter of the Katipunan ng Kabataan, a resident of the *barangay* for at least one (1) year immediately prior to election, at least **EIGHTEEN (18) YEARS BUT LESS THAN TWENTY-ONE (21) YEARS OF AGE** on the day of the election, able to read and write Filipino, English, or the local dialect, and must not have been convicted of any crime involving moral turpitude."

Section 3. Section 429 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"Sec. 429. *Term of Office.* - ***The term of office of the Sangguniang Kabataan officials elected under this Act shall commence at noon of November 30 next following their election and shall end at noon on 30 November five years thereafter*** unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office **OR HAVE REACHED THE AGE OF TWENTY-ONE".**

Section 4. Sections 436 to 438 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, pertaining to the Pederasyon ng mga Sangguniang Kabataan are hereby **repealed**.

Section 5. Sections 329 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, pertaining to the general fund of the barangay fund is hereby modified to read as follows:

“Sec. 329. *Barangay Funds.* – Unless otherwise provided in this Title, 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.” [Ten percent (10%) of the general fund of the barangay shall be set aside for the sangguniang kabataan]

Section 6. Section 3 of RA 9164 is hereby amended to read as follows:

“Sec. 3. *Registration.*– For purposes of the OCTOBER 2015 synchronized barangay and Sangguniang Kabataan election provided under this Act, a special registration of voters shall be fixed by the Commission on Elections (COMELEC). Subsequent registration of barangay and SK voters shall be governed by RA 8189.”

Section 7. *Appropriations.* – The amount necessary for the implementation of this Act shall be taken from the appropriation of the Commission on Elections under the General Appropriations Act and/or supplementary appropriations thereafter.

Section 8. *Implementing Rules and Regulations.* – The Commission on Elections and the Department of Interior and Local Government shall promulgate such rules and regulations necessary within sixty (60) days after its effectivity to implement this Act.

Section 9. *Separability Clause.* – If any of the provisions of this Act is declared unconstitutional, the other provisions shall remain valid.

Section 10. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 11. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,