

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 2321



Introduced By: REPRESENTATIVE HENRY S. OAMINAL

EXPLANATORY NOTE

The present Sangguniang Kabataan (SK) started in 1975 as the Kabataang Barangay (KB) composed of residents "at least fifteen years of age or over but less than eighteen."¹ The paramount objective was to give the youth a definitive role in community affairs and ample opportunities to express their views on any issue pertaining to the youth in the barangay. Notably, the age of majority was lowered from twenty-one (21) to eighteen (18) years in 1989.²

Presidential Decree No. 1191, or the KB Autonomy Decree, provided the organization with corporate powers and total autonomy in the management and operational affairs. The KB was then renamed into the Sangguniang Kabataan by the Local Government Code of 1991. It was further empowered and allotted a share in barangay funds to implement youth-related programs and projects.³ These changes gave the SK the power, authority and the fiscal capacity to conduct its own affairs.

Nonetheless, this organization still consisted of the youth aged fifteen (15) years above but less than eighteen (18)⁴ emphasizing their lack of capacity to act. Further, allegations of political dynasty, corruption and inefficiency have continuously pestered the organized youth.

As a result, some sectors have been clamoring for the abolition of the SK positing that it has become a breeding ground for corruption and the launching pad for higher elective offices as most of those occupying positions from barangay up to the national federation level have come from established political families.

However, it cannot be overemphasized that abolition is not the proper response given this current situation. Our political history reinforces the need to empower our youth and

¹ Section 4, Presidential Decree 684 (April 15, 1975)

² Section 1, Republic Act No. 6809 amending Article 234 of the Family Code of the Philippines (December 13, 1989).

³ Section 329, Republic Act No. 7160, as amended.

⁴ Sections 424 and 428, *ibid*.

appreciate their many contributions. Even our Constitution acknowledges that: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."⁵

This bill therefore seeks to introduce reforms in the Sangguniang Kabataan in order to address the myriad of problems that plagued the organization such as political dynasty, political immaturity, corruption, etc. Entrusting positions endowed with money and power to minors under eighteen (18) years of age greatly contributed to boost allegations that they can be easily influenced and swayed by various interest groups.

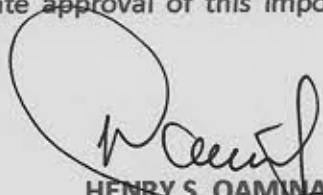
By increasing the age limitation to twenty-five (25) years and establishing a prerequisite that only those who have attained the age of majority will qualify to be elected as Chairperson, the SK will now be headed by politically-mature leaders capable of adapting to the ever-changing and complex needs of our youth.

Moreover, this bill contains features that will grant the SK fiscal autonomy and effective mechanisms to plug the loopholes in the allocation and disbursement of funds for youth-related projects.

Likewise, in order to further insulate the youth from highly politicized environment and to ensure that the SK remains non-partisan, the control and supervision of the SK shall be transferred to the National Youth Commission (NYC). The elections from the barangay up to the national federation level shall be conducted and administered by the NYC.

It is ironic that while the Youth in Nation-Building Act mandates the NYC to formulate and initiate the national policy or policies on youth and to provide training and a national secretariat for the Sangguniang Kabataan National Federation,⁶ it has nothing to do with the affairs of the only organized youth in the country, the SK.

In view of the foregoing reasons, the immediate approval of this important piece of legislation is earnestly sought.


HENRY S. OAMINAL
Representative
2nd District, Misamis Occidental

⁵ Section 13, Article II, 1987 Philippine Constitution.

⁶ Section 10, Republic Act 8044 (June 7, 1995).



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AN ACT

INTRODUCING REFORMS IN THE SANGGUNIAN KABATAAN, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF REPUBLIC ACT No. 7160, AS AMENDED, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991 AND REPUBLIC ACT No. 8044, OTHERWISE KNOWN AS THE YOUTH IN NATION-BUILDING ACT

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

SECTION 1. Short Title. – This Act shall be known as "*The Sangguniang Kabataan Reform Act of 2013*".

SECTION 2. Section 423 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, 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 chairman, seven (7) members, a secretary and a treasurer.

(b) A Sangguniang kabataan official, who during his term of office, shall have passed the age of [~~twenty-one (21)~~] TWENTY-FIVE (25) years shall be allowed to serve the remaining portion of the term for which he was elected."

SECTION 3. Section 424 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SECTION 424. *Katipunan ng Kabataan.* – The katipunan ng kabataan shall be composed of all citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) years of age but not more than [~~eighteen (18)~~] TWENTY-FIVE (25) years of



age, 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 4. Section 428 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SECTION 428. *Qualifications.* – An elective official of the sangguniang kabataan must be a citizen of the Philippines, 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 fifteen (15) years but less than ~~[eighteen (18)]~~ TWENTY-FIVE (25) 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: PROVIDED, HOWEVER, THAT ONLY THOSE WHO HAVE REACHED THE AGE OF EIGHTEEN (18) YEARS AND ABOVE BUT LESS THAN TWENTY-FIVE YEARS OF AGE ON THE DAY OF THE ELECTION SHALL BE QUALIFIED TO BE ELECTED AS CHAIRPERSON OF THE SANGGUNIANG KABATAAN."

SECTION 5. Section 438 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SECTION 438. *Membership in the Sanggunian.* – (a) A sangguniang kabataan chairman shall, upon certification of his election by the [COMELEC] NATIONAL YOUTH COMMISSION (NYC) and during his tenure of office is elected as pederasyon president, serve as an *ex-officio* member of the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, as the case may be, without the need of further appointment."

SECTION 6. Section 329 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SECTION 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[.], WHICH SHALL BE AUTOMATICALLY RELEASED TO A BANK ACCOUNT OPENED AND MAINTAINED BY THE SANGGUNIANG KABATAAN, PREFERABLY IN A GOVERNMENT-OWNED DEPOSITORY BANK, IN ACCORDANCE WITH THE MECHANISM FOR ALLOCATION AND



DISBURSEMENT TO BE INSTITUTED BY THE NATIONAL YOUTH COMMISSION, IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE COMMISSION ON AUDIT."

SECTION 7. Sub-paragraph (a) of Section 532 of Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

"SECTION 532. Elections for the Sangguniang Kabataan. – (a) ~~[The first] REGULAR elections for the sangguniang kabataan to be conducted under this Code shall be held [thirty (30) days after the next local elections : Provided, That, the regular elections for the sangguniang kabataan shall be held on the first Monday of May 1996: Provided, further, That the succeeding regular elections for the sangguniang kabataan shall be held] every three (3) years [thereafter: Provided, finally, That the national, special metropolitan, provincial, city and municipal federations of the sangguniang kabataan shall conduct the election of their respective officers thirty (30) days after the May 1996 sangguniang kabataan elections] on dates to be scheduled by the [Commission on Elections] NATIONAL YOUTH COMMISSION.~~

The conduct of the sangguniang kabataan elections shall be under the CONTROL AND supervision of the ~~[Commission on Elections]~~ NATIONAL YOUTH COMMISSION.

~~[The Omnibus Election Code shall govern the elections of the sangguniang kabataan.]"~~

SECTION 8. *Transfer of Control and Supervision.* – The conduct of the Sangguniang Kabataan elections shall be under the control and supervision of the National Youth Commission. Pursuant thereto, the National Youth Commission is hereby authorized to enforce, conduct and administer the Sangguniang Kabataan elections at all levels. It shall deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the government, including the Armed Forces of the Philippines, for the purpose of ensuring free, orderly, honest, peaceful and credible Sangguniang Kabataan elections.

SECTION 9. *Non-partisan character.* – The National Youth Commission shall ensure that the conduct of Sangguniang Kabataan elections, affairs and activities remain non-partisan, to insulate the organized youth from being unduly influenced by various interest groups.

SECTION 10. Section 9 of Republic Act No. 8044, as amended, otherwise known as the Youth in Nation-Building Act, is hereby amended to read as follows:

"SEC. 9. *Powers of the Commission.* – The Commission shall have the following powers:



X X X

X X X

X X X

(h) ~~[To issue rules and regulations in pursuance of the provisions of this Act; and]~~ TO ADMINISTER THE CONDUCT OF SANGGUNIANG KABATAAN ELECTIONS IN ALL LEVELS, IN AN EFFICIENT AND ORDERLY MANNER;

(i) ~~[To perform any and all other acts incident to or required by virtue of its creation.]~~ TO DEPUTIZE, WITH THE CONCURRENCE OF THE PRESIDENT, LAW ENFORCEMENT AGENCIES AND INSTRUMENTALITIES OF THE GOVERNMENT, INCLUDING THE ARMED FORCES OF THE PHILIPPINES, FOR THE PURPOSE OF ENSURING FREE, ORDERLY, HONEST, PEACEFUL AND CREDIBLE SANGGUNIANG KABATAAN ELECTIONS;

(J) To issue rules and regulations in pursuance of the provisions of this Act; and

(K) To perform any and all other acts incident to or required by virtue of its creation."

SECTION 11. Section 10 of Republic Act No. 8044, as amended, otherwise known as the Youth in Nation-Building Act, is hereby amended to read as follows:

"SEC. 9. *Functions of the Commission.* – The Commission shall have the following functions:

X X X

X X X

X X X

(p) ~~[To submit an annual report on the implementation of this Act to the President and to Congress; and]~~ TO EXERCISE DIRECT CONTROL AND SUPERVISION OVER THE CONDUCT OF SANGGUNIANG KABATAAN ELECTIONS IN ALL LEVELS;

(q) ~~[To perform such other functions as may be necessary to effectively and efficiently carry out the provisions of this Act.]~~ TO RESOLVE DISPUTES RELATED TO SANGGUNIANG KABATAAN ELECTIONS APPEALED TO THE COMMISSION, WITHIN A PERIOD OF THIRTY (30) DAYS;

(R) To submit an annual report on the implementation of this Act to the President and to Congress; and

(S) To perform such other functions as may be necessary to effectively and efficiently carry out the provisions of this Act."



SECTION 12. Section 12 of Republic Act No. 8044, as amended, otherwise known as the Youth in Nation-Building Act, is hereby amended to read as follows:

"SEC. 12. Duties and Responsibilities of the Secretariat. – The Secretariat shall be responsible for:

X X X

X X X

X X X

(e) [~~Providing and performing general administrative and technical staff support; and~~] ENSURING THAT ALL DISPUTES RELATED TO SANGGUNIANG KABATAAN ELECTIONS ARE PROMPTLY DECIDED AND ACTED UPON BY OFFICERS DULY-AUTHORIZED BY THE COMMISSION TO ADMINISTER THE SANGGUNIANG KABATAAN ELECTIONS, WHICH SHALL BE IMMEDIATELY EXECUTORY NOTWITHSTANDING APPEAL FILED WITH THE COMMISSION;

(f) [~~Performing such other functions as the Commission may deem necessary.~~] FINALIZING THE CONDUCT OF SANGGUNIANG KABATAAN ELECTIONS FOR ALL LEVELS TO BE SYNCHRONIZED WITH SCHEDULED BARANGAY ELECTIONS, AS THE CASE MAY BE, APPROVED BY THE COMMISSION;

(G) Providing and performing general administrative and technical staff support; and

(H) Performing such other functions as the Commission may deem necessary."

SECTION 13. Implementing Rules and Regulations. – The National Youth Commission shall formulate and issue the appropriate rules and regulations necessary for the effective implementation of this Act within Sixty (60) days from approval hereof, in accordance with the provisions of the Local Government Code of 1991, as amended.

SECTION 14. Appropriations. – The amount necessary for the implementation of this Act shall be charged against the appropriations of the National Youth Commission under the General Appropriations Act for the year following its enactment into law and/or supplementary appropriations thereafter.

SECTION 15. Separability Clause. – If any section or provision of this Act shall be declared invalid, other provisions not affected thereby shall remain in full force and effect.

SECTION 16. Repealing Clause. – All laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby amended, repealed or modified accordingly.



SECTION 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,

