



Republic of the Philippines
House of Representatives
Quezon City



SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. **5411**

Introduced by REP. RODEL M. BATOCABE, REP. ALFREDO A. GARBIN, Jr. and
REP. CHRISTOPHER S. CO

**AN ACT RECOGNIZING THE BOY SCOUTS OF THE PHILIPPINES AS AN
INDEPENDENT, VOLUNTARY, AUTONOMOUS, NON-GOVERNMENTAL
ORGANIZATION, INSTITUTING ITS NEW CHARTER, DEFINING ITS OBJECTIVES,
POWERS AND FUNCTIONS, REPEALING FOR THE PURPOSE, COMMONWEALTH
ACT NO. 111, AS AMENDED**

EXPLANATORY NOTE

The Scout Movement is a worldwide organization that provides non-formal education to the youth by way of practical activities, sports, skills training, character building, physical and outdoor activities. It is one of the strongest means of promoting physical, intellectual, moral, spiritual and social growth of the young people.

"Boy Scouts of the Philippines, a public corporation created under Commonwealth Act 111, is a civic and benevolent institution engaged in the promotion and development of the character, patriotism, courage, self-reliance, and kindred virtues in the boys of the country." (Boy Scout of the Philippines vs. Juliana Araos, G.R. No. L- 10091, January 29, 1958.)

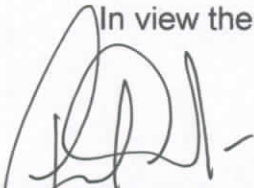
Similarly, the Supreme Court, in the case of Boy Scout of the Philippines vs. National Labor Relations Commission, et. al (G.R. No. 80767, April 22, 1991) explained that *"BSP's functions do relate to the fostering of the public virtues of citizenship and patriotism and the general improvement of the moral spirit and fiber of our youth. The social value of activities like those to which the BSP dedicates itself by statutory mandate have in fact, been accorded constitutional recognition. Article II of the 1987 Constitution includes in the "Declaration of Principles and State Policies," the following:*

Section 13. 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."

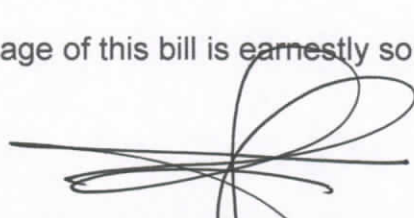
More than 100 years after the first Boy Scout troop was formed and organized in Zamboanga City, the Boy Scouts of the Philippines continues to strive in pursuing its mission – *to inculcate in our Scouts love of God, country and fellowmen; to prepare the youth for responsible leadership; and to contribute to nation-building according to the ideals, principles and programs of Scouting.*

Since the 8th Congress, attempts to institute a new charter for the Boy Scouts of the Philippines has persisted. This bill redefines its powers, duties and functions as an independent, voluntary, autonomous, non-government organization and install a more concrete institution to make it more attuned to the changing times and to the growing challenges in the society.

In view thereof, the passage of this bill is earnestly sought.



RODEL M. BATOCABE



ALFREDO A. GARBIN, Jr.



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2 **INDEPENDENT, VOLUNTARY, AUTONOMOUS, NON-GOVERNMENTAL**
3 **ORGANIZATION, INSTITUTING ITS NEW CHARTER, DEFINING ITS OBJECTIVES,**
4 **POWERS AND FUNCTIONS, REPEALING FOR THE PURPOSE, COMMONWEALTH**
5 **ACT NO. 111, AS AMENDED**
6

7 *Be it enacted by the Senate and House of Representatives of the Philippines in*
8 *Congress assembled:*
9

10 **SECTION 1. Short Title.** This Act shall be known as the "*Boy Scouts of the*
11 *Philippines Charter of 2016.*"
12

13 **SECTION 2. Declaration State Policies.** Recognizing the vital role of the youth in
14 nation-building, it is therefore the policy of the State to ensure and protect their physical,
15 moral, intellectual, emotional, social and spiritual growth by promoting Scouting as an
16 integral component of the basic education system.
17

18 It shall act in conformity with the Universal Declaration on Human Rights, the UN
19 Declaration on the Rights of the Child, and other international laws, protocols and statutes
20 relating to the youth and gender-equality, as well as the pertinent provisions of the Charter
21 of the World Organization of the Scout Movement (WOSM) , an internationally recognized
22 organization of young people, and shall establish and promote the development of a duly
23 recognized independent, voluntary, and autonomous non-governmental organization for
24 the young people.
25

26 The State shall, at all times, respect the independence, autonomy, neutrality,
27 voluntary and non-government nature of the organization.
28

29 **SECTION 3. Objectives.** The objectives of this Act are:
30

- 31 a) To promote through organizations and cooperation with other agencies, the ability
32 of the young people and/or the Filipino youth, to do useful things for themselves
33 and others;
34
35 b) To train young people and/or the Filipino youth in the attitudes, skills and habits of
36 responsible citizenship;
37

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

6
7 **SECTION 4.** *Boy Scouts of the Philippines.* The Boy Scouts of the Philippines (BSP)
8 shall have its principal office in Metropolitan Manila. They may establish such other
9 offices, agencies or branches anywhere in the Philippines as its operations would require
10 and its National Executive Board would determine.

11
12 It shall maintain membership with the World Organization of the Scout Movement
13 (WOSM).

14
15 **SECTION 5.** *Corporate Powers.* As a juridical entity, the BSP shall have perpetual
16 succession and shall enjoy the following corporate powers:

- 17
18 a) To sue and be sued;
19 b) To acquire, hold and convey such real and personal properties, rights and choses
20 in action as shall be deemed necessary and desirable for its purposes as
21 hereinafter set forth or other means, to do business in whatever form and to
22 conduct fund-raising activities;
23 c) To receive funds, real and personal properties by gift, devise and donation,
24 contribution or other means and accept bequests of all classes;
25 d) To adapt a seal and to alter and destroy the same at pleasure;
26 e) To have offices and conduct its business and affairs in the Metropolitan Manila
27 area and in the provinces, cities, municipalities and barangays in the Philippines;
28 f) Enter into agreements with public authorities, international and local organizations,
29 private corporations and non-government organizations, as well as other entities,
30 and accept provisions for the cost of any service or activity which may be entrusted
31 to it or which it may render, within the scope of its object and functions, pursuant
32 to such agreements;
33 g) To make and to adopt its own By Laws, rules and regulations consistent with the
34 provisions of this Act and the laws of the Philippines and generally do such acts
35 and things, including the establishment of regulations for the election of its
36 successors, as may be necessary to carry into effect the provisions of this Act and
37 to promote the purposes of the said organization: Provided, that the said
38 organization shall have no power to issue certificates of stock or to declare or pay
39 dividends, its objectives and purposes being solely of benevolent character and
40 not for the pecuniary profit of its members; and,
41 h) Generally, to exercise all the powers of a corporation and do all such acts and
42 things as may be necessary to carry into effect of the provisions of this Act and
43 promote the purposes of said organization.

44
45 **SECTION 6.** *Nature and Purpose.* The Boy Scouts of the Philippines is an
46 independent, voluntary, non-stock, non-profit, non-sectarian, non-political, autonomous,
47 non-governmental organization which shall willingly co-operate with other persons,
48 natural and juridical, public and private, whose ideals and procedures are in accord with
49 those conferred or authorized by this Act.

1 **SECTION 7. *Chief Scout.*** The President of the Republic of the Philippines shall be
2 the Chief Scout of Boy Scouts of the Philippines.

3
4 **SECTION 8. *Vice Chief Scout.*** The Vice President of the Republic of the
5 Philippines shall be the Vice Chief Scout of the Boy Scouts of the Philippines.

6
7 **SECTION 9. *Authority of the Chief Scout and Vice Chief Scout.*** The Chief Scout
8 and Vice Chief Scout are honorary members of the Boy Scouts of the Philippines but are
9 not deemed to be members of the National Executive Board unless they are duly elected
10 as members thereof in accordance with the provisions of this Act and of the Corporation's
11 by-laws.

12
13 **SECTION 10. *National Executive Board.*** - The governing body of the said
14 corporation shall consist of a National Executive Board, the members of which shall be
15 Filipino citizens of good moral character. The Board shall be composed of the following:

- 16
17 a) The Secretary of the Department of Education;
18 b) Secretary of the Department of Interior and Local Government;
19 c) The National President of the Girl Scouts of the Philippines;
20 d) Regional Chairmen of the geographical regions of the Corporation to be known as
21 Scout Regions who shall be elected by the representatives of all the chartered
22 Provincial, City or conglomerate of cities and municipalities to be known as
23 Local Councils within the region during its meeting called for this purpose;
24 e) One Senior/Rover Scout each from Luzon, Visayas and Mindanao areas, to be
25 elected during the conference of Scouts ages 13 to 26 known as the Scout Youth
26 Forum in their respective geographical areas;
27 f) Twelve (12) regular members to be elected by the members of the National Council
28 in its meeting called for this purpose;
29 g) Fifteen (15) additional members from the private sector; and,
30 h) The Immediate Past President as ex-officio member.

31
32 Thereafter, the National Executive Board as herein fully constituted shall elect from
33 among themselves the following officers of the corporation:

- 34
35 a) President;
36 b) Senior Vice President;
37 c) One (1) Vice-President each from Luzon, Visayas and Mindanao areas;
38 d) Treasurer;
39 e) Chief National Commissioner;
40 f) International Commissioner; and,
41 g) Such other officers as the Board may deem necessary.

42
43 The numerical composition of the National Executive Board shall also be provided for
44 in the By-Laws of the Boy Scouts of the Philippines.

45
46 The qualification, term of office and manner of electing the abovementioned members
47 of the National Executive Board shall be prescribed within the By-Laws of the corporation.

48
49 The term of office of the members of the Board shall be one (1) year, except for the
50 regular members elected by the National Council whose terms shall three (3) years.

1 However all incumbent elective officers of the BSP whose terms have not yet expired at
2 the effectivity of this Act shall be allowed to serve the unexpired portion of their terms as
3 herein provided for and the President of the Corporation shall be eligible for reelection.
4

5 Vacancies in the National Executive Board shall be filled by a majority vote of the
6 remaining members and a member thus elected shall serve only for the unexpired term.
7

8 The bylaws may prescribe the number of members of the National Executive Board
9 necessary to constitute a quorum of the board.
10

11 Owing to the voluntary nature of their services and involvement in the organization,
12 the officers and members of the National Executive Board shall serve without any kind of
13 compensation, allowances or emoluments.
14

15 **SECTION 11. Powers and Functions of the National Executive Board.** – The
16 National Executive Board shall exercise the following powers and functions:
17

- 18 a) To make and to amend the bylaws subject to the ratification by a majority vote of
19 the members present at a meeting of the National Council or at a special meeting
20 called for this purpose;
- 21 b) To authorize and cause to be executed mortgages and liens upon the property of
22 the Corporation by a two-thirds (2/3) vote of the whole Board at meeting called for
23 this purpose;
- 24 c) To designate five (5) or more of their number to constitute an executive or
25 governing committee, of which a majority shall constitute a quorum, through a
26 resolution passed by a majority of the whole Board. Such Committee, to the extent
27 provided in said resolution or in the bylaws of the corporation, shall have and
28 exercise the powers of the National Executive Board in the management of the
29 business affairs of the Corporation, and may have the power to authorize the seal
30 of the corporation to be affixed to all papers which may require it;
- 31 d) To create standing and special committees and appoint the chairmen and
32 members thereof from among themselves by affirmative vote of a majority of the
33 whole Board. Such standing committees shall exercise such powers as may be
34 authorized by the bylaws;
- 35 e) To dispose in any manner a part or the whole property of the Corporation with the
36 consent in writing and pursuant to an affirmative vote of two-thirds (2/3) of the
37 members of the National Council; and,
- 38 f) To hold regular meetings at a time and place to be designated in the bylaws.
39 Special meetings of the Board may be called by the National President or upon
40 such notice as may be prescribed in the bylaws.
41

42 **SECTION 12. National Council.** The National Council is the highest corporate
43 policy-making body of the Boy Scouts of the Philippines that shall manage the affairs and
44 business of the corporation. The National Council shall be composed of the following
45 members:
46

- 47 a) The members of the National Executive Board;
- 48 b) The Regional Scout Commissioner; a person duly appointed and commissioned
49 by the National Executive Board;
- 50 c) The Chairmen and Commissioners of all Local Councils; and,

1 d) Other duly accredited delegates of all Local Councils as may be provided in the
2 bylaws.

3
4 The qualifications, terms of office, and the manner of electing the abovementioned
5 members of the National Council shall be prescribed in the bylaws of the corporation.

6
7 The numerical composition of the National Council shall provide for in the bylaws of
8 the Boy Scouts of the Philippines. Provided, that all regions and all local councils shall
9 be duly represented therein by a least two (2) duly accredited delegates in addition to
10 those who are members of the National Executive Board as provided for under Section
11 11 of this Act.

12
13 The National Council shall convene annually in a convention assembled for the
14 purpose. Special meetings of the National Council may be called upon such notice as
15 may be prescribed in the bylaws. One-third (1/3) of the members of the National Council
16 shall constitute a quorum to do business during meetings.

17
18 The National Council and the National Executive Board shall have the power to hold
19 their meetings and keep the seal, books, documents, and papers of the corporation within
20 or out of Metropolitan Manila.

21
22 The National President of the corporation shall preside over the meetings of the
23 National Council.

24
25 Each local council represented in the annual or special meeting of the National Council
26 shall be entitled to four (4) votes plus one (1) vote for every ten thousand (10,000) of their
27 scout membership. The members of the National Executive Board and the life members
28 shall each be entitled to one (1) vote.

29
30 **SECTION 13. Powers and Duties of the National Council.** – The National Council
31 shall exercise the following powers and functions:

- 32
33 a) To hold an Annual National Council Meeting at a time and place to be designated
34 in the bylaws. The purpose of such meetings is to discuss the National concerns
35 and issues of each Local Council for the proper governance of the Boy Scouts of
36 the Philippines;
37 b) To approve and/or ordain any amendments to the National By Laws;
38 c) To require the majority vote of the National Council before the cause of any lien,
39 encumbrance or disposition of any real property;
40 d) To propose the creation of any committee either governing or special to govern or
41 do any legal task that the Regional or Local Councils may require; and,
42 e) All other powers necessary for the effective management of the affairs of the
43 Regional and Local Councils as long as they are not inconsistent with the decisions
44 and powers of the National Executive Board and the powers and duties provided
45 for in the by-laws.

46
47 **SECTION 14. Exclusivity Clause.** - The corporation created by this Act shall adopt
48 and shall have the sole and exclusive right to use distinctive titles, emblems, descriptive
49 or designing marks, words and phrases, badges, uniforms and insignia for the Boy Scouts
50 of the Philippines in carrying out its program in accordance with the purposes of this Act,

1 and which shall be published in the Official Gazette or in any newspaper of general
2 circulation in the Philippines.

3
4 a) The BSP shall adopt distinctive emblems, badges, insignias, uniforms and other
5 equipment which shall be made available to and used only by registered Scouts
6 or officials who have satisfactorily complied with the international requirements and
7 which BSP shall use in carrying out its programs consistent with purpose of this
8 Act. The BSP shall cause the registration of said emblems, badges, insignias,
9 uniforms and other equipment in accordance with the provisions of Republic Act
10 No. 8293, otherwise known as the Intellectual Property Code of the Philippines, as
11 amended. The Intellectual Property Office (IPO) is hereby directed to cause said
12 registration free of charge.

13
14 b) The Securities and Exchange Commission (SEC), the Intellectual Property Office
15 (IPO) and the Department of Trade and Industry (DTI) shall refuse the registration
16 of associations, the registration of trade names and the filling of trademarks,
17 commercial marks and industrial models and designs making use of the emblems,
18 badges, insignias, uniforms and other equipment of the Boy Scouts of the
19 Philippines or their translation in any official language and dialect in violation of this
20 Act.

21
22 **SECTION 15. Fiscal Incentives.** – Any donation or contribution which from time to
23 time may be made to the Boy Scouts of the Philippines by the Government or any of its
24 subdivisions, branches, offices, agencies or instrumentalities or by a foreign government
25 or by private entities and individuals shall be expended by the National Executive Board
26 in pursuance of this Act. The Corporation shall be entitled to the following tax and duty
27 privileges:

- 28
29 a) Exemption from income tax pursuant to Section 30 (e), (g) and (h) of the National
30 Internal Revenue code of 1997, as Amended;
31 b) Tax and/or duty exemption of donations from foreign countries as provided under
32 relevant laws such as but not limited to Section 105 of the Tariff and Customs Code
33 of the Philippines, as amended, and Section 109 (q) of the National Internal
34 Revenue code of 1997, as Amended;
35 c) Exemption from all direct and indirect taxes, including value-added tax (VAT),
36 capital gains tax, income tax, fees and other charges of all kinds on all income
37 derived from its operations, scout shops, and other economic enterprise, including
38 the use, lease or sale of its real properties and the provision of services;
39 d) Exemption from the direct and indirect taxes, including VAT, duties, fees and other
40 charges on importations and purchases for its exclusive use;
41 e) Tax and/or duty exemption of donations from foreign countries as provided under
42 relevant laws such as, but not limited to, Section 105 of the Tariff and Customs
43 Code of the Philippines, as amended, and Section 109(K) of the National Internal
44 Revenue Code of 1997, as Amended.
45 f) Exemption from payment of any tax or duty for any donation or contribution which
46 from time to time may be made to the Boy Scouts of the Philippines by the national
47 or local government or any of its subdivisions, branches, offices, agencies or
48 instrumentalities or by foreign governments or international scout organizations,
49 foundations, private corporations or entities and individuals which shall be used by

1 the organization in accordance with the provisions of this Act or in times of
2 disasters and natural calamities;

3 g) Exemption from payment of real property taxes on all real properties owned by it;
4 and,

5 h) The BSP shall likewise be exempt from payment from all other taxes, duties,
6 imposts, and charges.
7

8 Likewise, all donations, legacies and gifts made to the Boy Scouts of the Philippines
9 to support its purposes and objectives shall be exempt from the donor's tax and shall be
10 deductible from the gross income of the donor for income tax purposes or from the
11 computation of the donor-decedent's net estate as a transfer for public use for estate tax
12 purposes.
13

14 **SECTION 16. *Penal Clause.*** - From and after the passage of this Act, it shall be
15 unlawful for any person within the jurisdiction of the Philippines to falsely and fraudulently
16 wear the Boy Scouts of the Philippines uniform, call himself as, or represent himself to be
17 a member of, or an agent for, the Boy Scouts of the Philippines. It shall be unlawful for
18 any person to manufacture, sell or distribute or cause to be manufactured, sold or
19 distributed fraudulently or without the official knowledge and written approval of the
20 National Executive Board of the Boy Scouts of the Philippines badges, uniforms, insignia,
21 or Scouting paraphernalia or the photos or visuals of a Scout or Scouts in uniform, or the
22 logo, seal, motto, slogan, Scout Oath and Law, neckerchief, badge, emblem, or corporate
23 name of the Boy Scouts of the Philippines, in any print ad, radio or television commercial,
24 billboard, collateral material or any form of advertisement, including the internet, or on
25 any clothing material, polo, polo shirt, jackets and the likes, pen, ball pen, pencils, book,
26 notebook or any writing material and any other similar items goods and clothing ; or to
27 use the name of the Boy Scouts of the Philippines in any illegal purpose or personal or
28 economic gain. Any violation of the provisions of this section shall be punished by prison
29 correctional in its maximum period to prison mayor in its medium period and fine of not
30 less than Five Hundred Thousand Pesos (Php500, 000.00) nor more than One Million
31 Pesos (Php1,000,000.00). Provided, that in case of corporations, partnership,
32 associations, societies or companies, the manager, administrator or the person in charge
33 or the management or administration of the business shall be criminally responsible for
34 any such violation.
35

36 This shall be without prejudice to the applicable penalties for violations of the
37 intellectual property rights of the BSP under the Intellectual Code of the Philippines, as
38 amended, as well as other applicable laws.
39

40 **SECTION 17. *Transitory Clause*** - Until such time that the organization and
41 restructuring of the Boy Scouts of the Philippines in accordance with this Act is effected,
42 the incumbent officers and members of the National Executive Board of the Boy Scouts
43 of the Philippines shall conduct the affairs of Boy Scouts of the Philippines and take the
44 necessary steps to effect such reorganization until a new set of national officers shall
45 have been elected within six (6) months from the effectivity of this Act.
46

47 **SECTION 18. *Repealing Clause.*** - Commonwealth Act No. 111, Presidential
48 Decree No. 460, Republic Act No. 7278, and Executive Order 509 (Series of 1992) are
49 hereby repealed and/or amended accordingly. All other laws, orders and proclamations,

1 rules and regulations or parts thereof, inconsistent with or contrary to the provisions of
2 this Act or its purposes are hereby repealed or modified accordingly.

3
4 **SECTION 19. *Separability Clause.*** - If for any reason, any provision of this Act or
5 the application thereof to any person or circumstances, is held invalid, the remaining
6 provision not affected thereby shall be in full force and effect.

7
8 **SECTION 20. *Effectivity Clause.*** - This act shall take effect fifteen (15) days after
9 its publication in the Official Gazette or in at least (2) newspapers of general circulation.

10
11 *Approved.*