

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3191



Introduced by **HON. EDGAR M. CHATTO**
First District, Bohol

EXPLANATORY NOTE

*"On my honor I will my best: To do my duty to God and my country
and To obey the Scout Law; To help other people at all times;
To keep myself physically strong, mentally awake, and morally straight".*
- The Scout Oath

The Boy Scout Movement, started by the Chief Scout of the World Robert Baden-Powell, began in England in 1908. America followed suit in 1909 and brought scouting to the Philippines as early as 1912 with the first Filipino troop consisting of 26 boys formed on November 15, 1914. But it was not until January 01, 1938 that the inauguration of the Boy Scouts of the Philippines (BSP) was formally held in Manila.

More than a century later, BSP has grown to become the largest, oldest and the fastest-growing youth organization in the country. It remains strong with 2,674,995 boy scouts, including adult leaders, as of June 2017, and with 2% monthly growth rate or roughly around 47,000 new scouts per month.

And several years after Commonwealth Act. No. 111, with its subsequent amendments under Presidential Decree No. 460 and Republic Act No. 7278, the BSP 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.

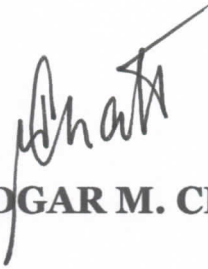
The Department of Education (DepEd) recognizes that, "scouting with the Boy Scouts of the Philippines is an effective program in the leadership and value formation of every child. The main objective of this program is consistent with the Department of Education's mission to develop boys and young men into well-rounded individuals with exemplary character worth the emulation of schoolchildren. The BSP has, so far, consistently produced leaders and models who are true adherents to the Scout Oath and Law.

With its impressive track record on youth development, the Department of Education recognizes the significant role of the Boy Scouts of the Philippines in aiding the school system mold pupils and students into responsible and responsive citizens of the country and in contributing to efforts to achieve quality education. As a co-curricular program, Scouting helps stem away vices and bad influence of drugs and peers. As such, membership and participation in Boy Scouting and its programs, projects and activities should be highly encouraged and supported in the schools."

No less than the Chief Scout, President Rodrigo R. Duterte, endorses the inclusion of the Scouting program in the school curriculum and making Scouting membership mandatory in all schools.

The instant proposed measure reflects the inputs of the BSP and aims to redefine the powers, duties and functions of the BSP as an independent, voluntary, autonomous, non-government organization auxiliary to the Republic of the Philippines similar to the newly enacted Charter of the Philippine Red Cross under Republic Act No. 10072. This is also consistent with the provisions of the Constitution of the World Organization of the Scout Movement (WOSM), where BSP maintains membership since 1946. The proposed Charter will also pave the way for the installation of a more concrete institution for youth development, making BSP more attuned to the changing calls of the time and to the growing challenges that our youth are facing everyday.

For the above considerations, the immediate passage of this bill is earnestly sought.



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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

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

SECTION 1. Short Title. – This Act shall be known as the “Boy Scouts of the Philippines Charter of 2019.”

SECTION 2. Declaration of State Policies. – Recognizing the vital role of the youth 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.

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

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

SECTION 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 young people and/or the Filipino youth in the attitudes, skills and habits of responsive 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.

SECTION 4. The Boy Scouts of the Philippines (BSP). – The Boy Scouts of the Philippines is an independent, voluntary, non-stock, non-sectarian, non-political, autonomous, non-governmental organization which shall willingly co-operate with other persons, natural and juridical, public and private, whose ideals and procedures are in accord with those conferred or authorized by this Act.

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

SECTION 5. Principal Office. – The Boy Scouts of the Philippines (BSP) shall have its principal office in Metropolitan Manila. They may establish such other offices, agencies or branches anywhere in the Philippines as its operations would require and its National Executive Board would determine.

SECTION 6. Powers. – As a juridical entity, the BSP shall have perpetual succession and shall have the following powers:

- a) To sue and be sued;
- b) To acquire, hold and convey such real and personal properties, rights and choses in action as shall be deemed necessary and desirable for its purposes as hereinafter set forth or other means, to do business in whatever form and to conduct fund-raising activities;
- c) To receive funds, real and personal properties by gift, devise and donation, contribution or other means and accept bequests of all classes;
- d) To adapt 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;
- f) Enter into agreements with public authorities, international and local organizations, private corporations and non-government organizations, as well as other entities and accept provisions for the cost of any service or activity which may be entrusted to it or which it may render, within the scope of its object and functions, pursuant to such agreements;
- g) To make and adopt its own By-Laws, rules and regulations consistent with the provisions of this Act and the laws of the Philippines and generally do such acts and things, including the establishment of regulations for the election of its successors, as may be necessary to carry into effect the provisions of this Act and to promote the purposes of the said organization: Provided, that the said organization shall have no power to issue certificates of stock or to declare or pay dividends, its objectives and purposes being solely of benevolent character and not for the pecuniary profit of its members; and,
- h) Generally, to exercise all the powers of a corporation and do all such acts and things as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization.

SECTION 7. Chief Scout. – The President of the Republic of the Philippines shall be the Chief Scout of the Boy Scouts of the Philippines.

SECTION 8. Vice Chief Scout. – The Vice President of the Republic of the Philippines shall be the Vice Chief Scout of the Boy Scouts of the Philippines.

SECTION 9. Authority of the Chief Scout and Vice Chief Scout. – The Chief Scout and Vice Chief Scout are honorary members of the BSP 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 its By-Laws.

SECTION 10. 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 character. The Board shall be composed of the following:

- a) Secretary of the Department of Education;
- b) Secretary of the Department of the Interior and Local Government;
- c) National President of the Girl Scouts of the Philippines;
- d) Regular Chairmen of the geographical regions 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 13-26 known as the Scout Youth Forum in their respective geographical areas;
- f) Twelve (12) regular members to be elected by the members of the National Council in its meeting called for this purpose;
- g) Fifteen (15) additional members from the private sector; and
- h) The immediate past president of the Board as ex-officio member.

Thereafter, the National Executive Board, as herein fully constituted, shall elect from among themselves the following officers of the BSP:

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

The numerical composition as well as the qualifications and manner of electing the abovementioned members of the National Executive Board shall also be provided for in the By-Laws.

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

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

SECTION 11. 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 special meeting called for this purpose;
- 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 in a meeting called for this purpose;
- c) To designate five (5) or more of their members 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 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 an 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 of, 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;
- g) Appoint and/or remove its officers in accordance with the By-Laws;

SECTION 12. The President. – The President, as voted by the National Executive Board, shall have the following powers and functions:

- a) Exercise general supervision and authority over the regular course of business, affairs, and property of the BSP, and over its employees and officers;
- b) Ensure that all orders and resolutions of the Board are carried into effect;
- c) Submit to the Board as soon as possible, after the close of each fiscal year, at the annual meeting, if applicable, a complete report of the operations of the BSP for the preceding year, and the state of its affairs;
- d) Report to the Board from time to time all matters which the interest of the BSP may require to be brought to its notice; and
- e) Perform such other duties and responsibilities as the Board may require.

SECTION 13. National Council. – The National Council is the highest corporate policy-making body of the Boy Scouts of the Philippines that shall manage its affairs and business. The National Council shall be composed of the following members:

- a) The members of the National Executive Board;
- b) The Regional Scout Commissioner;

- c) A person duly appointed and commissioned by the National Executive Board;
- d) The Chairmen and Commissioners of all Local Councils; and,
- e) Other duly accredited delegates of all Local 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 By-Laws.

The numerical composition of the National Council shall be provided for in the By-Laws. Provided, that all regions and all local councils shall be duly represented therein by at 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 annually 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 meetings.

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

The National President shall preside over the meetings of the National Council.

Each local 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) of their scout membership. The members of the National Executive Board and the life members shall each be entitled to one (1) vote.

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

- a) To hold an Annual National Council Meeting 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 Council for the proper governance of the Boy Scouts of the Philippines;
- b) To approve and/or ordain any amendments to the national By-Laws;
- c) To require the majority vote of the National Council before the cause of any lien, encumbrance or disposition of any real property;
- d) To propose the creation of any committee either governing or special to govern or do any legal task that the Regional or 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.

SECTION 15. Exclusivity Clause. – The Boy Scouts of the Philippines shall adopt and shall have the sole and exclusive right to use its own distinctive titles, emblems, descriptive or designing marks, words and phrases, badges, uniforms and insignia 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.

- a) The BSP shall adopt distinctive emblems, badges, insignias, uniforms and other equipment which shall be made available to and used only by registered Scouts or officials who have satisfactorily complied with the international requirements and which BSP shall use in carrying out its program consistent with purpose of this Act. The BSP shall cause the registration of said emblems, 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 (SEC), the Intellectual Property Office (IPO) and the Department of Trade and Industry (DTI) shall refuse the registration of associations, the registration of trade names and the filing of trademarks, commercial marks and industrial models and designs making use of the emblems, 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.

SECTION 16. Fiscal Incentives. – Any donation or contribution which from time to time may be made to the Boy Scouts of the Philippines by the Government or any of its subdivisions, branches, offices, agencies or instrumentalities or by a foreign government or by private entities and individuals shall be expended by the National Executive Board in pursuance of this Act. The BSP shall be entitled to the following tax and duty 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 donations 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 Code of 1997, as amended;
- c) Exemption from all direct and indirect taxes, including value-added tax (VAT), capital gains tax, income tax, fees and other charges of all kinds on all income derived from its operations, scout shops, and other economic enterprise, including the use, lease or sale of its real properties and the provisions 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;
- e) Tax and/or duty exemption of donations 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 (K) of the National Internal Revenue Code of 1997, as amended;
- f) Exemption from payment of any tax or duty for any donation or contribution which from time to time may be made to the Boy Scouts of the Philippines by the national or local government or any of its subdivisions, branches, offices, agencies or instrumentalities or by foreign governments or international scout organizations, foundations, private corporations or entities and individuals which shall be used by the organization in accordance with the provisions of this Act;
- g) Exemption from payment of real property taxes on all real properties owned by it; and,

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

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

SECTION 17. Prohibited Acts. – From and after the passage of this Act, it shall be unlawful for any person within the jurisdiction of the Philippines:

- a) 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 Scouts of the Philippines;
- b) 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, motto, slogan, Scout Oath and law, neckerchief, badge, emblem, 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 on any clothing material, polo, polo shirt, jackets and the likes, pen, ball pen, pencils, book, notebook or any writing material and other similar items goods and clothing;
- c) to use the name of the Boy Scouts of the Philippines in any illegal purpose or personal or economic gain.

Any violation of the provisions of this Act shall be punished by prison correccional in its maximum period to prison mayor in its medium period and fine of not less than Five Hundred Thousand Pesos (Php 500,000.00) nor more than One Million (Php 1,000,000.00). Provided, that in case of corporations, partnerships, associations, societies or companies, the manager, administrator or the person in charge of the management or administration of the business shall be criminally responsible for any such violation.

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

SECTION 18. Transitory Clause. – Until such time that 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 the Boy Scouts of the Philippines and take the necessary steps to effect such reorganization until a new set of national officers shall have been elected within six (6) months from the effectivity of this Act.

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

SECTION 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 provisions not affected thereby shall be in full force and effect.

SECTION 21. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the official Gazette or in at least (2) newspapers of general circulation.

Approved.