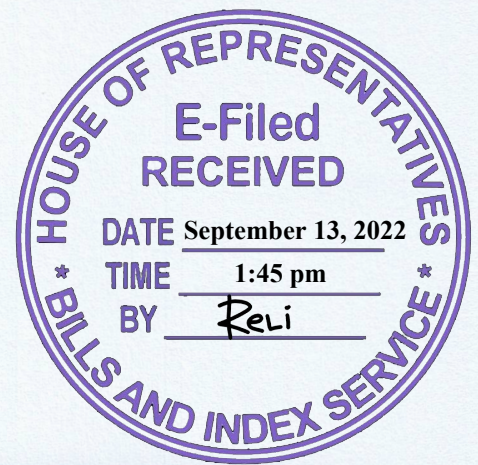


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4749



Introduced by Representative Rex Gatchalian

**AN ACT GRANTING JURISDICTION AND PROVIDING THE MANNER FOR
THE CONDUCT OF DISCIPLINARY AND NON-DISCIPLINARY ACTIONS
OF THE PEDERASYON NG MGA SANGGUNIANG KABATAAN, AMENDING
FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 10742
OTHERWISE KNOWN AS THE “SANGGUNIANG KABATAAN REFORM
ACT OF 2015”**

EXPLANATORY NOTE

According to the UNDP, “youth are often the driving forces behind reform movements and the youth also tend to get involved in civic, service-oriented activities, such as volunteering for a social cause.”¹

In the Philippines, youth participation in nation building and public and civic affairs was strengthened with the return of the Sangguniang Kabataan (SK) through Republic Act. No. 10742, otherwise known as the “*Sangguniang Kabataan Reform Act of 2015*.” The Act provided measures to make SK officials more accountable to the public. Recently, RA 11768 was enacted which introduced new reforms to further improve the SK as an institution.

This bill seeks to grant jurisdiction and clear manner of conducting disciplinary and non-disciplinary actions against erring Pederasyon ng Sangguniang Kabataan officials. The SK Reform Act provides that “the manner of election, suspension and removal of the officers of the Pederasyon shall be governed by the guidelines to be jointly issued by the Department of

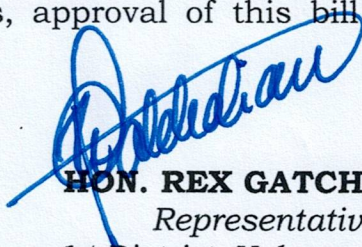
¹ P. Pajayon-Berse, Beyond their numbers: The youth vote, their concerns and aspirations. See <https://www.bworldonline.com/opinion/2022/03/07/434345/beyond-their-numbers-the-youth-vote-their-concerns-and-aspirations/>.

Interior and Local Government (DILG), the Commission on Elections (COMELEC) and the National Youth Commission (NYC).²

Republic Act 10742 did not confer jurisdiction upon any court, office, or tribunal concerning the removal of any officer of the Pederasyon. The law simply delegated to COMELEC, DILG and the NYC the authority to issue guidelines to govern, among others, the removal of a Pederasyon officer. Legislative power in this instance has not been properly delegated because it lacks the requirements for a valid delegation.

This bill is a curative measure to provide for the proper delegation of legislative powers, conferring hereto the jurisdiction and manner of removing erring Pederasyon officers. The process for discipline and removal is clear and the manner of appeal has been outlined to set the parameters for the exercise of the power. It is likewise the intent of this bill to apprise the Pederasyon officers that they shall be held accountable for their actions either through disciplinary or non-disciplinary measures. With this amendment to RA 10742 or the SK Law, it is envisioned that our Pederasyon ng Sangguniang Kabataan will be conscientious and more responsible in their actions – one that is capable of carrying out its mandate to pursue growth and empowerment of the youth sector.

In view of the foregoing considerations, approval of this bill is earnestly sought.



HON. REX GATCHALIAN

Representative

1st District, Valenzuela City

² Section 21 (c), Republic Act No. 10742

1 A VERIFIED COMPLAINT AGAINST ANY PEDERASYON
2 OFFICER SHALL BE INITIATED ONLY BY ANY OFFICER OR
3 MEMBER OF THE CONCERNED PEDERASYON, OR BY THE
4 NATIONAL YOUTH COMMISSION (NYC) AND SHALL BE FILED
5 BEFORE THE OFFICE OF THE PRESIDENT OR THE
6 SANGGUNIAN, WHICH SHALL CONDUCT *INVESTIGATION*
7 *AND HEARING* OF THE ADMINISTRATIVE COMPLAINTS
8 WHICH INCLUDES THE RECEPTION OF EVIDENCE.
9

10 1. ANY PEDERASYON OFFICER MAY BE SUSPENDED OR
11 REMOVED FROM OFFICE AFTER DUE NOTICE AND
12 HEARING ON ANY OF THE FOLLOWING GROUNDS:
13

- 14 i. DISHONESTY, OPPRESSION, MISCONDUCT
15 IN OFFICE, GROSS NEGLIGENCE, OR
16 DERELICTION OF DUTY;
- 17 ii. ABUSE OF AUTHORITY;
- 18 iii. CONVICTION OF ANY OFFENSE INVOLVING
19 MORAL TURPITUDE OR AN OFFENSE
20 PUNISHABLE BY AT LEAST *PRISION MAYOR*
21 WHICH IS FROM SIX (6) YEARS AND ONE (1)
22 DAY TO TWELVE (12) YEARS
23 IMPRISONMENT; AND
- 24 iv. VIOLATION OF ANY EXISTING LAWS
25 AGAINST GRAFT AND CORRUPTION AND
26 OTHER CIVIL SERVICE LAWS, RULES AND
27 REGULATIONS.
- 28 v. COMMISSION OF ANY VIOLATIONS CITED IN
29 THE RESPECTIVE IRP OF THE CONCERNED
30 PEDERASYON;
- 31

32 2. WITHIN SEVEN (7) DAYS AFTER THE VERIFIED
33 COMPLAINT IS FILED, THE OFFICE OF THE
34 PRESIDENT OR THE SANGGUNIAN SHALL REQUIRE
35 THE RESPONDENT TO SUBMIT HIS/HER VERIFIED
36 ANSWER WITHIN FIFTEEN (15) DAYS FROM RECEIPT
37 THEREOF, AND SHALL COMMENCE THE
38 INVESTIGATION OF THE CASE WITHIN TEN (10) DAYS
39 AFTER RECEIPT OF SUCH ANSWER OF THE
40 RESPONDENT.

41 NO INVESTIGATION SHALL BE HELD WITHIN NINETY
42 (90) DAYS IMMEDIATELY PRIOR TO ANY LOCAL
43 ELECTION AND NO PREVENTIVE SUSPENSION SHALL
44 BE IMPOSED WITHIN THE SAID PERIOD. IF

1 PREVENTIVE SUSPENSION HAS BEEN IMPOSED PRIOR
2 TO THE 90-DAY PERIOD IMMEDIATELY PRECEDING
3 THE LOCAL ELECTION, IT SHALL BE DEEMED
4 AUTOMATICALLY LIFTED UPON THE START OF THE
5 AFORESAID PERIOD.

6 NON-APPEARANCE OF EITHER PARTY MAY HAVE THE
7 FOLLOWING EFFECTS:

- 8
9 i. NON-APPEARANCE OF THE COMPLAINANT,
10 WITHOUT JUSTIFIABLE CAUSE, SHALL RESULT IN
11 THE DISMISSAL OF THE COMPLAINT
12 ii. NON-APPEARANCE OF THE RESPONDENT, WITHOUT
13 JUSTIFIABLE CAUSE, SHALL CONSTITUTE A
14 WAIVER OF HIS/HER RIGHT TO PRESENT HIS/HER
15 SIDE.

- 16
17 3. THE FOLLOWING OFFICES MAY IMPOSE A SINGLE
18 PREVENTIVE SUSPENSION WHICH MAY BE IMPOSED
19 FOR A PERIOD NOT EXCEEDING SIXTY (60) DAYS OR
20 IN THE EVENT WHEREIN SEVERAL COMPLAINTS ARE
21 FILED, FOR A PERIOD NOT EXCEEDING NINETY (90)
22 DAYS WITHIN A SINGLE YEAR ON THE SAME GROUND
23 OR GROUNDS EXISTING AND KNOWN AT THE TIME OF
24 THE FIRST SUSPENSION:

- 25
26 i. BY THE PRESIDENT, IF THE RESPONDENT IS A
27 PEDERASYON OFFICER OF A PROVINCE, A HIGHLY
28 URBANIZED OR AN INDEPENDENT COMPONENT
29 CITY OR THE PEDERASYON OFFICER OF PATEROS,
30 NCR; OR
31 ii. BY THE GOVERNOR, IF THE RESPONDENT IS
32 PEDERASYON OFFICER OF A COMPONENT CITY OR
33 MUNICIPALITY;

- 34
35 4. PREVENTIVE SUSPENSION MAY BE IMPOSED ANY
36 TIME AGAINST ANY SK PEDERASYON OFFICER AT ALL
37 LEVELS, UNDER THE FOLLOWING CONDITIONS:

- 38
39 i. AFTER ISSUES ARE JOINED;
40 ii. WHEN THE EVIDENCE OF GUILT IS STRONG; AND
41 iii. WHEN THERE IS GREAT PROBABILITY THAT THE
42 CONTINUANCE IN THE OFFICE OF THE
43 RESPONDENT OF THE RESPONDENT COULD
44 INFLUENCE THE WITNESSES OR POSE A THREAT TO

1 **THE SAFETY AND INTEGRITY OF THE RECORDS**
2 **AND OTHER EVIDENCE.**

3
4 **5. THE INVESTIGATION OF THE CASE SHALL BE**
5 **TERMINATED WITHIN THIRTY (30) DAYS FROM THE**
6 **START THEREOF.**

7
8 **6. WITHIN THIRTY (30) DAYS FROM THE END OF THE**
9 **INVESTIGATION, THE OFFICE OF THE PRESIDENT OR**
10 **THE SANGGUNIAN SHALL RENDER A WRITTEN**
11 **DECISION STATING CLEARLY AND DISTINCTLY THE**
12 **FACTS AND REASONS FOR SUCH DECISION.**

13
14 **7. DECISIONS OF THE CONCERNED SANGGUNIAN MAY,**
15 **WITHIN THIRTY (30) DAYS FROM RECEIPT OF SAID**
16 **DECISION SHALL BE APPEALED AS FOLLOWS:**

17
18 **i. THE SANGGUNIANG PANLALAWIGAN, IN THE CASE**
19 **OF DECISIONS OF THE SANGGUNIANG PANLUNGSOD**
20 **OF COMPONENT CITIES AND SANGGUNIANG BAYAN;**
21 **OR**

22 **ii. THE OFFICE OF THE PRESIDENT, IN THE CASE OF**
23 **DECISIONS OF THE SANGGUNIANG PANLALAWIGAN,**
24 **THE SANGGUNIANG PANLUNGSOD OF HIGHLY**
25 **URBANIZED CITIES AND INDEPENDENT**
26 **COMPONENT CITIES, INCLUDING THE DECISION OF**
27 **THE SANGGUNIANG BAYAN OF PATEROS, NCR.**

28 **iii. DECISIONS OF THE OFFICE OF THE PRESIDENT**
29 **IS FINAL AND EXECUTORY.**

30
31 **8. WITHIN THIRTY (30) DAYS FROM THE EFFECTIVITY**
32 **OF THIS ACT, THE PEDERASYON SHALL FORMULATE**
33 **ITS CONSTITUTION AND BY-LAWS WHICH SHALL**
34 **GOVERN THE TERM OF OFFICE, MANNER OF**
35 **ELECTION, REMOVAL AND SUSPENSION OF OFFICERS**
36 **OF THE PEDERASYON AT ALL LEVELS IN**
37 **CONFORMITY WITH THE PROVISIONS OF THIS ACT."**

38 **D. A CITY, MUNICIPALITY OR PROVINCIAL OFFICER OF THE**
39 **PEDERASYON CAN ALSO BE REPLACED BY A MAJORITY**
40 **VOTE OF ALL ITS MEMBERS, IN A MEETING CALLED FOR**
41 **THE SAID PURPOSE SPECIFYING THEREIN THEIR LACK OF**
42 **TRUST AND CONFIDENCE ON SAID OFFICIAL/OFFICIALS.**

1 **E. REMOVAL AS PRESIDENT OF THE LOWER PEDERASYON**
2 **SHALL AUTOMATICALLY RESULT TO HIS OR HER REMOVAL**
3 **AS OFFICER OF THE HIGHER PEDERASYON. FURTHER, ANY**
4 **SK PEDERASYON PRESIDENT WHO IS VALIDLY REPLACED**
5 **UNDER THIS SECTION AND SECTION C HEREOF SHALL**
6 **LIKEWISE BE REMOVED AS AN EX-OFFICIO MEMBER OF**
7 **THE SANGGUNIANG PANLUNGSOD/BAYAN OR**
8 **SANGGUNIANG PANLALAWIGAN, AS THE CASE MAY BE.**
9 **CONVERSELY, REMOVAL OF AN SK PEDERASYON**
10 **PRESIDENT AS EX-OFFICIO MEMBER IN THE SANGGUNIAN**
11 **IN WHICH HE OR SHE SITS IN SUCH CAPACITY SHALL *IPSO***
12 ***FACTO* RESULT IN THE LOSS OF HIS OR HER PRESIDENCY**
13 **IN THE SK PEDERASYON.”**

14 **SEC. 2. *Separability Clause.*** – Should any provision of this Act be
15 declared invalid, the remaining provisions shall continue to be valid and
16 subsisting.

17 **SEC. 3. *Repealing Clause.*** – All laws, executive orders, or administrative
18 orders, rules and regulations or parts thereof, which are inconsistent or
19 incompatible with this Act are hereby deemed amended, repealed or modified
20 accordingly.

21 **SEC. 4. *Effectivity.*** – This Act shall take effect within fifteen (15) days
22 after its publication in the Official Gazette or in at least two (2) newspapers of
23 general circulation.

Approved,