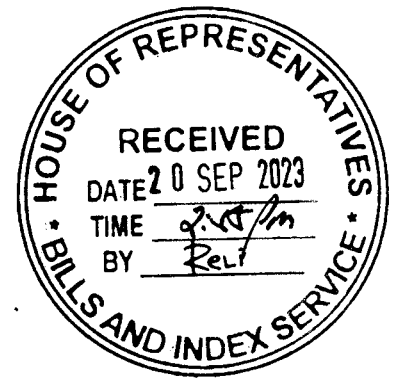


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9273



Introduced by Hon. Representatives Florida "Rida" P. Robes of the
Lone District of the City of San Jose del Monte, Bulacan

EXPLANATORY NOTE

The State Policy of the Philippines under *Article 2, Section 13 of 1987 Constitution* provides that:

"Section 13. The State recognizes the vital role of the youth in nation-building and thus, promotes and protects their physical, moral, spiritual, intellectual and social well-being, inculcates in them patriotism, nationalism and other desirable values, and encourage, their involvement in public and civic affairs.

Towards this end, the State shall establish adequate, effective, responsive and enabling mechanisms and support systems that will ensure the meaningful participation of the youth in local governance and nation-building."

The contribution of the youth in social and economic development cannot be overemphasized. Our youth is the backbone of any nation and one of its primary driving force. Thus, it is imperative that we invest in our young people and provide them with opportunities to learn, grow and succeed. In today's time, the youth increasingly playing important roles in civil society organizations and social enterprises that are working to create positive change in their communities. Organizations and forums are often led by youth and are focused on issues that have huge significance such as education, employment, and civic engagement.

It can be said that the youth are the leaders of tomorrow but can also be the leaders of today. However, in *Republic Act No. 11768*, or otherwise known as the *Sangguniang Kabataan (SK) Reform Act of 2015* providing for the "*disqualification of SK candidates to run for any SK position if the latter has any relative within second civil degree to any incumbent, elected government official regional, provincial, city municipal, or barangay official, in the locality where he or she seeks to be elected*". The disqualification seeks to address the Dynastic Culture in Philippine Politics. Unfortunately, the aforesaid provision is discriminatory and prejudicial against well-abled SK candidates who possess leadership qualities and are distinctively competent in the formulation and implementation of youth programs merely because of their family lineages.

Specifically, provision in the said Law violates the equal protection clause under *Section 1, Article 3 of 1987 Constitution*. The equal protection clause requires that all persons

similarly situated should be treated alike both as to rights and opportunities imposed. Further, under the constitutional principle, similar subjects should not be treated differently as to give undue favor to some and unjustly discriminate against others. SK Candidates are no less different from local and national elective candidates, they all bid for public positions. However, the prohibition only applies against aspiring SK candidates.

Moreover, the provision runs counter against the freedom of access to opportunities for public service under Section 26. It hinders avenue and possibilities to expand their skills and knowledge that may potentially pave their career in public service. In effect, the disqualification forfeits the core objective of creating SK which provides opportunity for young people to directly participate in local governance just because their family relatives were already in elective position.

The Philippines as a democratic country, through our election process, already provides sufficient safeguards to deter political concentration of power and adequate competition among potential candidates. Therefore, the prohibition is no longer necessary.

In view of the foregoing, the passage of this Bill is earnestly sought.



FLORIDA P. ROBES

Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
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HOUSE BILL NO. 9273

Introduced by Hon. Representatives Florida “Rida” P. Robes of the
Lone District of the City of San Jose del Monte, Bulacan

AN ACT
INTRODUCING AMENDMENT TO THE QUALIFICATIONS
PRESCRIBED IN SECTION 10 OF THE REPUBLIC ACT NO. 11768 OR
THE “SANGGUNINANG KABATAAN REFORM ACT OF 2015”

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

Section 1. Section 10 of the Republic Act No. 11768 or Sangguniang Kabataan Reform Act of 2015, in relation to Republic Act No. 7160, also known as The Local Government Code of 1991 and Republic Act No. 8044, otherwise known as “Youth In Nation-Building Act” is hereby amended removing the disqualification against an aspiring Sanggunian Kabataan (SK) Candidate who has a *relative within second civil degree to run for Sangguniang Kabataan of to any incumbent elected national official or to any incumbent elected regional, provincial, city municipal, or barangay official, in the locality where he or she seeks to be elected*, to be read as follows:

“**SECTION 10. Qualifications.** – An official of the Sangguniang Kabataan, either elective or appointee, must be a citizen of the Philippines, a qualified voter of the Katipunan ng Kabataan, a resident of the barangay for not less than one (1) year immediately preceding the day of the elections, at least eighteen (18) years but not more than twenty-four (24) years of age on the day of the elections, able to read and write Filipino, English, or the local dialect, and must not have been convicted by final judgment of any crime involving moral turpitude.”

Section 2. The Form prescribed by the Commission on Elections (COMELEC) for filing the Certificate of Candidacy shall remove the need for the declaration of the *Sanggunian Kabataan (SK)* candidate that he/she is not related up to the second civil degree to any incumbent, elected government official regional, provincial, city municipal, or barangay official, in the locality where he or she seeks to be elected.

Section 3. The amendment shall be implemented and enforced on the next SK election in 2026 or any date the COMELC shall set in case of any postponement.

Section 4. If any part or provision of this Act is declared unconstitutional the remaining parts or provisions not affected shall continue to be in full force and effect.

Section 5. All other laws, decrees, issuances, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 6. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,