



Introduced by AKBAYAN Party-List Representative
Ana Theresia Hontiveros-Baraquel

EXPLANATORY NOTE

The enactment of the Local Government Code of 1991 provided an opportunity for the country's youth to have a platform where they can engage and participate in local governance. It allowed for the allocation of a portion of barangay funds for the implementation of youth-related projects and programs and it has given representation for the youth in higher local governance organs. It is a unique set up that has provided possibilities for progressive interventions to advance meaningful youth participation, enhance access to education and youth employment, and democratize delivery of social services for the sector.

Yet to the frustration of many, the current Sangguniang Kabataan set-up has proven to be flawed. Corruption is rampant, especially in barangays where the vested interests of some SK officials are in collusion with other barangay officials. Programs and projects are seen as lacking in imagination and have largely been limited to sportsfests and beauty pageants. What could have been a powerful and relevant youth institution has been reduced in the eyes of the general public as a symbol of corruption, political disenfranchisement and patronage politics.

The solution to these problems, however, is NOT the abolition of the Sangguniang Kabataan. Doing so is to contradict the entire essence of the devolution of the government, which is to enhance and deepen the empowerment of the people at the local level. Deepening democracy in the way we organize our politics entails having relevant and accessible local government units, where the people - in this particular case, the country's youth - having direct and meaningful participation in the affairs of the State.

Putting the SK on the right track requires an overhaul of its set-up. The Katipunan ng mga Kabataan must be empowered to give the body oversight powers to make SK officials accountable to their constituency in terms of clear processes in development planning, budgeting and disbursement of funds. The involvement of youth-oriented civil society organizations must also be enhanced through the creation of a youth development council (Katipunang Pangkaunlaran ng mga Kabaatan) that has representation in the SK and has the mandate to draft the SK's annual youth development plan. Access to power should also be democratized as a way to avoid corruption and patronage through the introduction of an anti-dynasty clause in the SK, thus enabling the constitutional provision against political dynasties in governance (Section 26, Article II). These are but some of the reforms that must be undertaken to restore the trust of the youth to the SK and to make the youth body a meaningful instrument for youth empowerment at the barangay level.

To achieve these goals, the prompt enactment of this bill is earnestly sought.

Ana Theresia Hontiveros-Baraquel
Hon. Ana Theresia Hontiveros-Baraquel
Akbayan Representative

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

FOURTEENTH CONGRESS
First Regular Session

House Bill No. 959

**Introduced by AKBAYAN Party-List Representative
Ana Theresia Hontiveros-Baraquel**

AN ACT

TO REFORM AND STRENGTHEN THE SANGGUNIANG KABATAAN (SK), AMENDING FOR THAT PURPOSE REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

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

SECTION 1. Title. – This Act shall be known as “The Sangguniang Kabataan Reform and Empowerment Act of 2007.”

Sec. 2. Creation and Election. – Section 423 of Republic Act 7160 is hereby amended to read as follows:

SEC. 423. Creation and Election. – (a) There shall be in every barangay a sangguniang kabataan to be composed of a CHAIRPERSON, seven (7) ELECTED members, TWO (2) EX-OFFICIO MEMBERS, a secretary and a treasurer.

(b) A SANGGUNIANG KABATAAN OFFICIAL WHO, DURING HIS OR HER TERM OF OFFICE, SHALL HAVE PASSED THE AGE OF TWENTY-FIVE (25) YEARS SHALL BE ALLOWED TO SERVE THE REMAINING PORTION OF THE TERM FOR WHICH HE OR SHE WAS ELECTED.

Sec. 3. Katipunan ng mga Kabataan – Section 424 of Republic Act 7160 is hereby amended to read as follows:

Section 424. Katipunan ng mga Kabataan. – THERE SHALL BE IN EVERY BARANGAY A Katipunan ng mga Kabataan TO be composed of all citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) but not more than 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.

Sec. 4. Powers and Duties of the Katipunan ng mga Kabataan – Section 425 of Republic Act 7160 is hereby amended to read as follows:

SECTION 425. POWERS AND DUTIES OF THE KATIPUNAN NG KABATAAN. –

(A) THE KATIPUNAN NG KABATAAN SHALL BE THE HIGHEST POLICY-MAKING BODY TO DECIDE ON MATTERS AFFECTING THE YOUTH OF THE BARANGAY. ALL PLANS AND

PROGRAMS OF THE SANGUNIANG KABATAAN HAS TO BE APPROVED BY THE KATIPUNAN NG KABATAAN;

- (B) THE KATIPUNAN NG KABATAAN MAY REPRIMAND, CENSURE OR REMOVE ANY SANGGUNIANG KABATAAN MEMBER WHO HAS FAILED TO DISCHARGE HIS OR HER DUTIES EFFECTIVELY, OR HAVE COMMITTED OTHER ABUSES AS STIPULATED IN EXISTING LAWS ON PUBLIC OFFICIALS, THROUGH A 2/3 MAJORITY VOTE;
- (C) THE KATIPUNAN NG KABATAAN SHALL MEET AT LEAST TWICE A YEAR OR AT THE CALL OF THE CHAIRPERSON OF THE SANGGUNIANG KABATAAN. THE FIRST KATIPUNAN NG KABATAAN MEETING SHALL TAKE PLACE NOT LATER THAN THREE (3) MONTHS AFTER THE PROCLAMATION OF THE RESULTS OF THE PRECEDING SK ELECTIONS AND SHALL BE CONVENED BY THE SANGGUNIANG KABATAAN CHAIRPERSON. FOR THE SUCCEEDING MEETINGS AND FOR PURPOSES OF FACILITATION, THE KATIPUNAN NG KABATAAN MAY CHOSE AMONG ITS MEMBERS A KATIPUNAN CHAIRPERSON;

IN CASE THE MEMBERSHIP OF THE KATIPUNAN NG KABATAAN EXCEEDS FIVE HUNDRED (500), THE REGULAR MEETINGS OF THE KATIPUNAN MAY BE ORGANIZED ON THE BASIS OF A PROPORTIONAL SYSTEM OF REPRESENTATION AS DETERMINED BY THE SANGGUNIANG KABATAAN IN COORDINATION WITH THE SANGGUNIANG BARANGAY.

- (D) THE KATIPUNAN NG KABATAAN MAY CREATE SUCH BODIES AND COMMITTEES AS IT MAY DEEM NECESSARY TO FULFILL ITS FUNCTIONS AND DUTIES.

Sec. 5. *Katipunang Pangkaunlaran ng Kabataan* – (a) There shall be in every Katipunan ng Kabataan a Katipunang Pangkaunlaran ng Kabataan, a body that shall develop the development programs and activities of the Sangguniang Kabataan and shall serve as its civil society arm.

(b) The Katipunang Pangkaunlaran ng Kabataan shall be composed of representatives from different youth organizations and associations operating in the barangay. Its first assembly shall be convened by the Sangguniang Kabataan Chairperson prior to the first Katipunan ng Kabataan meeting.

(c) The Katipunang Pangkaunlaran ng Kabataan shall develop, along with the Sangguniang Kabataan, an annual youth development plan for the barangay, and shall monitor its implementation.

(d) The Katipunang Pangkaunlaran ng Kabataan shall elect among its members two (2) ex-officio representatives to the Sangguniang Kabataan that shall have the same powers and discharge the same duties and functions as the Sangguniang Kabataan members. The elections of the representatives shall be facilitated by the Sangguniang Kabataan in coordination with the Commission on Elections.

Sec. 6. *Powers and Duties of the Sangguniang Kabataan*. – Section 426 of Republic Act 7160 is hereby amended to read as follows:

Section 426. Powers and DUTIES of the Sangguniang Kabataan – The Sangguniang Kabataan shall:

- (a) XXX
- (b) INITIATE AND IMPLEMENT PROGRAMS THAT AIM TO PROMOTE MEANINGFUL YOUTH PARTICIPATION, ACCESSIBLE EDUCATION, YOUTH EMPLOYMENT, ACTIVE CITIZENSHIP, SEXUAL AND REPRODUCTIVE HEALTH, SPORTS AND SUSTAINABLE DEVELOPMENT;
- (c) XXX
- (d) XXX
- (e) Submit and present annual and end-of-term PROGRAM AND FINANCIAL reports to the Sangguniang Barangay, KATIPUNAN NG KABATAAN, AND KATIPUNANG

- PANGKAUNLARANG NG KABATAAN on their projects and activities for the survival and development of the youth in the barangay;
- (f) CONSULT AND COORDINATE WITH THE KATIPUNAN NG KABATAAN, KATIPUNANG PANGKAUNLARAN NG KABATAAN AND DIFFERENT YOUTH ORGANIZATIONS IN THE BARANGAY FOR POLICY FORMULATION AND PROJECT IMPLEMENTATION;
 - (g) XXX
 - (h) COORDINATE AND COOPERATE WITH THE SANGGUNIANG BARANGAY ON OTHER YOUTH-RELATED PROJECTS AND PROGRAMS THAT THE SANGGUNIANG BARANGAY WISHES TO INITIATE AND IMPLEMENT;
 - (i) XXX
 - (j) PRESENT TO THE KATIPUNAN NG KABATAAN ITS ANNUAL PROGRAM OF ACTION AND ITS BUDGET; AND
 - (k) DEVELOP AND IMPLEMENT A SANGGUNIANG KABATAAN GUIDELINES IN LINE WITH THE DUTIES AND PRINCIPLES OUTLINED IN THIS ACT

Sec. 7. *Qualifications.* – Section 428 of Republic Act 7160 is hereby amended to read as follows:

Section 428. *Qualifications.* – An elective member of the Sangguniang Kabataan must have following qualifications:

- A. HE OR SHE MUST BE A CITIZEN OF THE PHILIPPINES;
- B. HE OR SHE MUST BE A QUALIFIED MEMBER OF THE KATIPUNAN NG KABATAAN;
- C. HE OR SHE MUST BE BETWEEN FIFTEEN (15) TO TWENTY FIVE YEARS OLD (25), EXCEPT FOR THE SANGGUNIAN KABATAAN CHAIRPERSON, WHO MUST NOT BE BELOW EIGHTEEN (18) YEARS OLD;
- D. HE OR SHE MUST BE A RESIDENT OF THE BARANGAY AT LEAST ONE (1) YEAR IMMEDIATELY PRIOR TO ELECTION;
- E. HE OR SHE MUST BE ABLE TO READ AND WRITE FILIPINO, ENGLISH, OR THE LOCAL DIALECT;
- F. HE OR SHE MUST NOT HAVE BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE;
- G. HE OR SHE MUST NOT HAVE ANY RELATIVE IN ELECTIVE PUBLIC OFFICE WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY.

Sec. 8. *Term of Office.* – Section 429 of Republic Act 7160 is hereby amended to read as follows:

Section 429. *Term of office* – The sangguniang kabataan CHAIRPERSON and members shall hold office for a period of three (3) years unless sooner removed for cause as provided by law, permanently incapacitated, die or resign from office. NO MEMBER OR CHAIRPERSON OF THE SANGGUNIANG KABATAAN SHALL SERVE FOR MORE THAN THREE (3) CONSECUTIVE TERMS.

Sec. 9. *Sangguniang Kabataan CHAIRPERSON.* – Section 430 of Republic Act 7160 is hereby amended to read as follows:

Section 430. *Sangguniang Kabataan CHAIRPERSON.* - The registered voters of the katipunan ng kabataan shall elect the chairperson of the sangguniang kabataan who shall automatically serve as an ex-officio member of the sangguniang barangay upon his assumption to office. As such, the CHAIRPERSON shall exercise the same powers, discharge the same duties and functions, and enjoy the same privileges as the regular sangguniang barangay members, and shall be the CHAIRPERSON of the COMMITTEE ON YOUTH DEVELOPMENT in the said sanggunian.

Section 10. Powers and Duties of the Sangguniang Kabataan Chairperson. – Section 431 of Republic Act 7160 is hereby amended to read as follows:

Section 431. *Powers and Duties of the Sangguniang Kabataan CHAIRPERSON.* – THE SANGGUNIANG KABATAAN CHAIRPERSON SHALL HAVE THE FOLLOWING DUTIES:

(a) Call and preside over all meetings of the sangguniang kabataan, AND UPON THE DECISION OF THE BODY, THE KATIPUNAN NG KABATAAN;

(b) ENSURE THE IMPLEMENTATION OF policies, programs, and projects within his OR HER jurisdiction in coordination with the sangguniang barangay ;

(c) Exercise general supervision over the affairs and activities of the sangguniang kabataan and the official conduct of its members, and such other officers of the sangguniang kabataan within his OR HER jurisdiction;

(d) XXX;

(e) PRESENT TO THE KATIPUNAN NG KABATAAN AND SANGGUNIANG BARANGAY THE SANGGUNIANG KABATAAN'S ANNUAL PROGRAM OF ACTION AND FINANCIAL REPORT;

(F) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance; AND,

(G) COORDINATE WITH THE SANGGUNIANG BARANGAY FOR THE YOUTH-RELATED PROJECTS AND PROGRAMS OF THE SANGGUNIANG KABATAAN.

Section 11. Powers and Duties of the Sangguniang Kabataan Secretary. – Section 432 of Republic Act 7160 is hereby amended to read as follows:

Section 432. *Sangguniang Kabataan Secretary.* - The sangguniang kabataan secretary shall:

(a) XXX

(b) XXX

(c) XXX

(d) Perform such other duties and discharge such other functions as the CHAIRPERSON of the sangguniang kabataan may prescribe or direct.

Section 12. Powers and Duties of the Sangguniang Kabataan Treasurer. – Section 433 of Republic Act 7160 is hereby amended to read as follows:

Section 433. *Sangguniang Kabataan Treasurer.* - The sangguniang kabataan treasurer shall:

(a) XXX

(b) XXX

(c) XXX

(d) XXX

(e) Submit to the KATIPUNAN NG KABATAAN, sangguniang kabataan and to the sangguniang barangay certified and detailed statements of actual income and expenditures at the end of every month; and

(f) Perform such other duties and discharge such other functions as the CHAIRPERSON of the sangguniang kabataan may prescribe or direct.

Section 13. *Privileges of Sangguniang Kabataan officials* - Section 434 of Republic Act 7160 is hereby amended to read as follows:

Section 434. Privileges of the Sangguniang Kabataan Officials – (A) The Sangguniang Kabataan CHAIRPERSON shall have the same privileges enjoyed by other sangguniang barangay officials under this Code subject to such requirements and limitations provided herein.

(B) ALL REGULAR SANGGUNIANG KABATAAN KAGAWADS SHALL RECEIVE HONORARIA, ALLOWANCES AND SUCH OTHER EMOLUMENTS AS MAY BE AUTHORIZED BY LAW OR BARANGAY, MUNICIPALITY OR CITY ORDINANCE IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE, BUT IN NO CASE SHALL IT BE LESS THAN ONE THOUSAND PESOS (P1, 000.00) PER MONTH: PROVIDED, HOWEVER, THAT THE ANY ADDITIONAL HONORARIA, ALLOWANCES AND SUCH OTHER EMOLUMENTS THAT ARE TO BE TAKEN FROM THE SANGGUNIANG KABATAAN FUNDS SHALL BE FIRST APPROVED BY THE KATIPUNAN NG KABATAAN.

(C) DURING THEIR INCUMBENCY, SANGGUNIANG KABATAAN OFFICIALS, INCLUDING THE EX-OFFICIO REPRESENTATIVES, SHALL BE EXEMPT FROM PAYMENT OF TUITION AND MATRICULATION FEES WHILE ENROLLED IN PUBLIC TERTIARY SCHOOLS, INCLUDING STATE COLLEGES AND UNIVERSITIES. THE NATIONAL GOVERNMENT SHALL REIMBURSE SAID COLLEGE OR UNIVERSITY THE AMOUNT OF THE TUITION AND MATRICULATION FEES: PROVIDED, THAT, TO QUALIFY FOR THE PRIVILEGE, THE SAID OFFICIALS SHALL ENROLL IN THE STATE COLLEGE OR UNIVERSITY WITHIN THE REGION OF THE BARANGAY WHERE THE SANGGUNIANG KABATAAN OFFICIAL IS SERVING.

Section 14. *Removal from Office, Succession and Filling of Vacancies*. – Section 435 of Republic Act 7160 is hereby amended to read as follows:

Section 433. *REMOVAL FROM OFFICE, Succession, and Filling of Vacancies*. – A. THE FOLLOWING SHALL BE GROUNDS FOR REMOVAL FROM OFFICE FOR SANGGUNIANG KABATAAN CHAIRPERSON AND MEMBERS:

- (A) ABSENCE WITHOUT VALID REASONS FOR THREE CONSECUTIVE MONTHS;
- (B) FAILURE TO CONVENE MEETINGS OF THE KATIPUNAN NG KABATAAN AND SANGGUNIANG KABATAAN;
- (C) CONVICTION OF A CRIME INVOLVING MORAL TURPITUDE; AND
- (D) VIOLATION OF EXISTING LAWS AGAINST GRAFT AND CORRUPTION AND OTHER CIVIL SERVICE LAWS.

B. A SANGGUNIANG KABATAAN CHAIRPERSON OR MEMBER IS DEEMED ELIGIBLE FOR REPLACEMENT IF HE OR SHE REFUSES TO ASSUME OFFICE, FAILS TO QUALIFY, VOLUNTARILY RESIGNS, DIES OR IS PERMANENTLY INCAPACITATED.

C. IN CASE THE SANGGUNIANG KABATAAN CHAIRPERSON IS REMOVED FROM OFFICE OR BECOMES ELIGIBLE FOR REPLACEMENT, THE SANGGUNIANG KABATAAN MEMBER WHO RECEIVED THE HIGHEST NUMBER OF VOTES SHALL ASSUME THE OFFICE OF THE CHAIRPERSON FOR THE UNEXPIRED PORTION OF THE TERM, AND SHALL DISCHARGE THE POWER AND DUTIES, AND ENJOY THE RIGHTS AND PRIVILEGES APPURTENANT OF THE OFFICE. IN CASE THE SAID MEMBER REFUSES OR FAILS TO QUALIFY, THE SANGGUNIANG KABATAAN MEMBER WHO RECEIVED THE NEXT HIGHEST OF VOTES SHALL ASSUME THE OFFICE OF THE CHAIRPERSON

FOR THE UNEXPIRED PORTION OF THE TERM. IN CASE ALL MEMBERS OF THE SANGGUNIANG KABATAAN REFUSES TO ASSUME OFFICE OR FAILS TO QUALIFY, A SPECIAL ELECTION IN A KATIPUNAN NG KABATAAN SHALL BE CONVENED FIFTEEN (15) DAYS AFTER THE VACANCY IN COORDINATION WITH THE COMMISSION ON ELECTIONS AND THE SANGGUNIANG BARANGAY TO ELECT A NEW CHAIRPERSON.

D. IN CASE OF VACANCY IN THE POSITIONS OF THE SANGGUNIANG KABATAAN KAGAWAD, THE CHAIRPERSON OF THE SANGGUNIANG KABATAAN SHALL CONVENE A SPECIAL MEETING OF THE KATIPUNAN NG KABATAAN TO ELECT MEMBERS FOR THE VACATED POSITIONS, PROVIDED THAT SUCH ELECTION SHALL BE CONDUCTED IN COORDINATION WITH THE COMMISSION ON ELECTIONS AND THE SANGGUNIANG BARANGAY.

Section 15. *Barangay funds.* – Section 329 of Republic Act 7160 is hereby amended to read as follows:

Section 329. *Barangay funds.* – 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 custody of the city or municipal treasurer or deposited in a bank, preferably government-owned, situated in or nearest to its area of jurisdiction. At least ten percent (10%) of the general fund of the barangay shall be set aside for the sangguniang kabataan. THE SANGGUNIANG BARANGAY SHALL APPROPRIATE THE SANGUNIANG KABATAAN FUND IN LUMP SUM. THE SANGGUNIANG KABATAAN SHALL HAVE FISCAL AUTONOMY IN ITS OPERATIONS AS TO THE DISBURSEMENT AND ENCASHMENT OF THEIR INCOME AND EXPENSES: PROVIDED, THAT THE ALLOCATION OF THE FUNDS SHALL BE APPROVED BY THE KATIPUNAN NG KABATAAN AND THAT MECHANISM FOR REVIEW OF THE ALLOCATION AND DISBURSEMENT OF FUNDS BY THE KATIPUNANG PANGKAUNLARAN NG KABATAAN SHALL BE ESTABLISHED.

Section 16. *Appropriations.* – Such sum as may be necessary for the implementation of the provisions of this Act is hereby authorized to be incorporated in the Annual General Appropriation Act.

Section 17. *Separability Clause.* – If any section or provision of this Act shall be declared unconstitutional, other provisions not affected shall continue to be in full force and effect.

Section 18. *Repealing clause.* - All laws, presidential decrees, executive orders, rules and regulations, or parts thereof, inconsistent with this Act, are hereby repealed or modified accordingly

Section 20. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,