

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 168

AUTHORIZING THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT TO EXERCISE THE POWER OF APPOINTMENT TO FILL-UP EXISTING VACANCIES IN THE SANGGUNIANG KABATAAN AT THE BARANGAY LEVEL

WHEREAS, The President exercises general supervision over local governments pursuant to Article X, Section 4 of the 1987 Constitution; Section 18 of the Administrative Code of 1987; and Section 25 of the Local Government Code;

WHEREAS, the Local Government Code and its implementing rules and regulation is silent with regard to the mode of appointment to fill up existing vacancies in the Sangguniang Kabataan;

WHEREAS, the Supreme Court in the case of **Garvida vs. Sales** (271 SCRA 767) ruled that "*the vacancy shall be filled by the SK members chosen by the incumbent SK members by simple majority from among themselves.*"

WHEREAS, the Supreme Court in the case of **Montesclaros vs. Comelec** (384 SCRA 287) has declared that, "*on July 15, 2002, when the SK elections are held, the hold-over period expires and all incumbent SK officials automatically cease to hold their SK offices and their ex-officio public offices.*"

WHEREAS, with the expiration of term of the SK officials and the lack of a formal mechanism for the appointment of SK officials, the youth in some barangays have no representatives in the barangay councils;

WHEREAS, the President shall exercise such other powers and functions vested in the President which are provided for under the law and which are not specifically enumerated above or which are not delegated by the President in accordance with law. (Section 20, Administrative Code of 1987);

WHEREAS, to strengthen the role of the youth in nation-building, it is imperative that the vacancies in the Sangguniang Kabataan be filled up in accordance with the procedure set in the Garvida case and confirmed by an appointment pursuant to Article VII, Section 16 of the Constitution;



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WHEREAS, this power to appoint may be exercised directly by the President or through his duly authorized delegate;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by the Constitution and existing law do hereby order:

SECTION 1. The Secretary of Interior and Local Government is hereby authorized to exercise the power of appointment, for and in behalf of the President of the Philippines, for purposes of filling up the vacancies in the Sangguniang Kabataan, provided however that the appointment shall be exercised only in the following instances:

- 1.1 In cases where no set of SK officials were elected in the July 15, 2002 Synchronized Barangay and SK election, due to the fact that nobody filed a certificate of candidacy;
- 1.2 In case where despite the call for a special election to complete the set of SK officials pursuant to Section 435 (c) of the Local Government Code and DILG Memorandum Circular 2002-205 dated December 23, 2002, still nobody filed a certificate of candidacy.

SECTION 2. In the appointment herein mentioned, the following shall be the requisites:

- a. A recommendation of the majority of the members of Katipunan ng Kabataan embodied in a resolution of the duly constituted Katipunan. The duly constituted Katipunan ng Kabataan, per Section 424 of the Local Government Code, as amended, shall refer to the citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) but less than eighteen (18) years of age on the day of the election, 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.
- b. A formal application signifying his interest to be appointed and showing therein that the applicant possesses all the qualification and none of the disqualification provided in the Local Government Code, as amended.



SECTION 3. The appointee shall serve only the unexpired portion of the term of office of the vacant seat;

SECTION 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 12th day of January, in the year of Our Lord, Two Thousand Seven.

Gloria M. Arroyo



By the President:

Eduardo R. Ermita
EDUARDO R. ERMITA
Executive Secretary

