



Republic of the Philippines  
**House of Representatives**  
Batasan Hills, Quezon City



Eighteenth Congress  
First Regular Session

HOUSE BILL NO. 5198

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Introduced by Representatives Florencio Gabriel G. Noel

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**EXPLANATORY NOTE**

In the face of extreme poverty in Philippines, families often sacrifice the education of children, opting to put the little money that they have in more immediate needs. Almost 10% of the estimated thirty-nine million Filipinos ages 6 to 24 years old were out-of-school youth, according to the 2017 Annual Poverty Indicators Survey (APIS). This include those youth who's 6 to 14 years old who are not attending formal school, and those 15 to 24 years old who are currently out of school, not gainfully employed, and have not finished college or post-secondary course.<sup>1</sup>

A number of government agencies implement programs targeted at youth, including OSCY, such as DepED, DILG, DOLE, DSWD and TESDA.<sup>2</sup> However, despite the major efforts made towards improving the education system for these youth, bolder efforts are needed to make even greater strides for achieving education goals.

The passing of this bill seeks to provide for a Magna Carta of the out-of-school youth that will protect their right as provided by the constitution. This act shall also mandate an affirmative action program by the government to ensure the welfare of the out-of-school youth, giving them the access to a high-quality education that will prepare them to lead healthy and productive lives while contributing to their communities and country.

This bill has already been approved by the House of Representatives on its 3<sup>rd</sup> and final reading in the 17<sup>th</sup> Congress. In view of the foregoing, immediate approval of this measure is earnestly sought.

**FLORENCIO GABRIEL "BEM" G. NOEL**  
An Waray Partylist Representative

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<sup>1</sup> <https://psa.gov.ph/content/nine-percent-filipinos-aged-6-24-years-are-out-school-results-2017-annual-poverty-indicators>

<sup>2</sup> [https://www.academia.edu/30813344/OUT-OF-SCHOOL\\_CHILDREN\\_AND\\_YOUTH\\_IN\\_THE\\_PHILIPPINES\\_ISSUES\\_AND\\_OPPORTUNITIES\\_Human\\_Development\\_Sector\\_Unit\\_East\\_Asia\\_and\\_Pacific\\_Region\\_The\\_World](https://www.academia.edu/30813344/OUT-OF-SCHOOL_CHILDREN_AND_YOUTH_IN_THE_PHILIPPINES_ISSUES_AND_OPPORTUNITIES_Human_Development_Sector_Unit_East_Asia_and_Pacific_Region_The_World)



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AN ACT  
PROVIDING FOR THE MAGNA CARTA OF THE OUT-OF-SCHOOL YOUTH

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

**CHAPTER I**  
**GENERAL PROVISIONS**

SECTION 1. **Short Title.** – This Act shall be known as the “*Magna Carta of the Out-of-School Youth.*”

SEC. 2. **Declaration of Policy.** – The State values the dignity of every human person and guarantees full respect for human rights. Pursuant thereto, the State recognizes the right as partners in nation-building. Towards this end, the State shall promulgate measures to achieve the following objectives:

- a. To inspire and encourage the out-of-school youth to contribute to nation building;
- b. To recognize the rights of out-of-school youth in society;
- c. To provide an alternative learning system and a program for technical or vocational education for the out-of-school youth;
- d. To give full support to the improvement of the total well-being of the out-of-school youth by providing educational development and employment opportunities; and
- e. To recognize the important role of the private sector in improving the welfare of out-of-school and to actively seek their partnership.



## **CHAPTER II DEFINITION OF TERMS**

**SEC. 3. *Definition of Terms.*** – As used in this Act:

- a. *Alternative Learning System* refers to a parallel learning system in the Philippines that provides a practical option to existing formal instruction. It includes both the non-formal and informal sources of knowledge and skills;
- b. *Out-of-School youth* refers to a member of the population aged 15 to 30 years old who is currently out of school, not gainfully employed, and has not finished college or a post-secondary course;
- c. *Social Protection* refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all out-of-school youth by promoting livelihood and employment opportunities, protecting against financial hazards such as the sudden loss of income, and improving people's capacity to manage risks. Its components are labor market programs, social insurance, social welfare, and social safety nets;
- d. *Substantive Equality* refers to the full and equal enjoyment of rights and freedoms contemplated under this Act and encompasses de jure, de facto equality and equality in outcomes;
- e. *Technical/Vocational Education* refers to the aspects of educational process involving, in addition to general education, the study of technologies and related sciences and the acquisition of practical skills relating to occupations in various sectors of economic and social life. The term is comprised of formal (organized programs as part of the school system), and non-formal (organized classes outside the school system) approaches; and
- f. *TESDA graduate* refers to a student or trainee who has completed the requirements set for a Technical Education and Skills Development Authority (TESDA)-registered Technical Vocational Education and Training (TVET) course/program.

## **CHAPTER III DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH**

**SEC. 4. *State as the Primary Duty-Bearer.*** - The State, through the National Youth Commission (NYC) and concerned youth serving agencies, shall be guided by progressive developments in the human rights of out-of-school youth under international law, and shall endeavor to design policies, laws, and other regulatory measures to fulfill these duties. It shall institute programs that will carry out the objectives of this Act and promote:

- a. The protection of the rights of out-of-school youth against discrimination by private corporations, entities, and individuals; and
- b. The substantive equality in the rights of out-of-school youth in all spheres of growth and development.

SEC. 5. *Duties of the State Agencies and Instrumentalities.* – The duties of the State as stated in Section 4 of this Act shall extend to all state agencies, offices, and instrumentalities at all levels of government including government-owned and controlled corporations, subject to the Constitution and pertinent laws, policies, or administrative guidelines that define specific duties of state agencies and entities concerned.

#### CHAPTER IV RIGHTS AND EMPOWERMENT

SEC. 6. *Human Rights of Out-of-School Youth.* – An out of school youth shall enjoy without discrimination, all rights provided for in the Constitution and those rights recognized under international instruments duly ratified by the Philippines, in consonance with Philippine law.

SEC. 7. *Protection from Violence.* – The State shall ensure that all out-of-school youths shall be protected from all forms of violence, particularly in cases of physical abuse, sexual exploitation and human trafficking as provided in existing laws. The Department of Justice, Department of Social Welfare and Services, and other concerned agencies, shall give priority to the defense and protection of out-of-school youths and help in attaining justice and healing.

SEC. 8. *Equal Treatment Before the Law.* – The NYC and other youth-serving agencies shall take steps to review and, when necessary, amend or repeal existing laws that are discriminatory to out-of-school youths.

SEC. 9. *Representation of Out-of-School Youth Issues and Concerns in Media and Film.* – The NYC and other concerned agencies shall formulate policies and programs for the advancement of out-of-school youth in collaboration with government and non-government media-related organizations.

For this purpose, the State shall ensure allocation of resources for the production, publication and airing of all forms of information materials on the rights of out-of-school youth and non-government media-related organizations.

SEC. 10. *Recognition and Preservation of Cultural Identity and Integrity.* – The rights of Moro and indigenous out-of-school youth to practice, promote, protect, and preserve their own culture, traditions, and institutions and to consider these rights in the formulation and implementation of national policies and programs shall be upheld.

To this end, the National Commission on Muslim Filipinos and the National Commission on Indigenous Peoples shall, in consultation with the sectors concerned to protect their rights, indigenous knowledge system and practices, traditional livelihood, and other manifestations of their cultures and ways of life recommend legislation and other appropriate measures to promote and to respect for their rights, practices and way of life: *Provided*, That these cultural systems and practices do not discriminate against other out-of-school youth.



## **CHAPTER V GOVERNMENT ASSISTANCE AND SUPPORT**

**SEC. 11. *Government Assistance.*** - The National Government, through its agencies and instrumentalities shall provide the following:

- a. Education – The Department of Education (DepEd), TESDA and the Commission on Higher Education (CHED), in consultation with non-government organizations (NGOs), shall institute a program that will ensure access of out-of-school youth to formal and non-formal education;
- b. Health – The Department of Health (DOH), in coordination with local government units (LGUs) and NGOs, shall institute a national health program and provide an integral health service for out-of-school youth;
- c. Social Services – The Department of Social Welfare and Development (DSWD), in cooperation with the LGUs, NGOs and other relevant stakeholders shall develop and implement programs on social services for out-of-school youth, the components of which are:
  1. Social Enhancement Service, which provide the out-of-school youth with opportunities for socializing, organizing creative expression, and improvement of self;
  2. After Care Services, which provide for support services for out-of-school youth who are discharged from the homes or institutions of the DSWD, and other private institutions duly accredited by the DSWD, especially those who have problems of reintegration with family and the community.
- d. Employment – The Department of Labor and Employment (DOLE), in coordination with other government agencies such as the Department of Trade and Industry (DTI), TESDA shall assess, design, and implement training programs that will provide skills and welfare or livelihood support for out-of-school youth.

## **CHAPTER VI EDUCATION**

**SEC. 12. *Mandatory Technical/Vocational Education.*** – It shall be the duty of the State to provide technical or vocational education to out-of-school youth. The course shall be provided and/or managed by TESDA in accordance with its training regulation.

**SEC. 13. *Education Cost and Support.*** – The technical/vocational education shall be offered by the State free of charge to the out-of-school youth. The State shall likewise provide materials, instruments, and tools that the out-of-school youth may need while enrolled in a technical/vocational course, as well as sufficient allowance to cover transportation and other related costs for the duration of training.

**SEC. 14. *Skills Development Coordinators at LGUs.*** – The LGUs, through the Community Training and Employment Coordinators (CTECs) or duly designated LGU personnel, shall

have the responsibility of monitoring the progress and development of the OSYs in the chosen technical/vocational course by requiring the technical vocational institutions (TVIs) to submit, among others, regular enrollment and completion reports of the programs being implemented.

SEC. 15. **Promotion to Formal Tertiary Education.** – The local Social Welfare and Development Officer may recommend an out-of-school youth to be a recipient of a scholarship program from CHED under either Republic Act No. 10931 or the Universal Access to Quality Tertiary Education or Republic Act No. 10687 or the Unified Student Financial System for Tertiary Education Act (UniFAST).

SEC. 16. **Entrepreneurial Education.** – The DTI, in coordination with TESDA and other relevant government agencies, shall conduct a training program to provide the out-of-school youth with the knowledge, skills and motivation to encourage entrepreneurial success. The program shall include small business management education and new approaches on how to promote innovation or introduce new products or services to the markets.

SEC. 17. **Alternative Learning System.** – An alternative learning system of education shall be made available to out-of-school youth in the barangays.

For out-of-school youth who are in the custody of a home or an institution managed by DSWD, the latter shall coordinate with the DepEd for the provision of Alternative Learning System within its premises.

## **CHAPTER VII EMPLOYMENT AND ENTREPRENEURIAL FACILITATION**

SEC. 18. **Employment.** – An out-of-school youth who has the capacity and desire to work shall be provided employment opportunities. The State shall also make use of the existing privileges under Republic Act No. 9547 as amended by Republic Act No. 10917 or the Special Program for Employment of Students (SPES) to enable them to be productive members of the society.

SEC. 19. **Entrepreneurial Facilitation.** – The State shall establish a community-based method of addressing the needs and barriers facing out-of-school youth entrepreneurs. The objective is to encourage and develop a diverse and robust local entrepreneurial economy that will lead to more opportunities for the enterprising out-of-school youth.

SEC. 20. **Right to Decent Work.** – The State shall progressively grant and ensure decent work standards of out-of-school youth who have graduated in TVET courses, which shall include, but not be limited, to the following minimum guarantees:

- a. Local job generation and employment, as well as other economic opportunities for TVET graduates, providing strict regulations against their forced and involuntary displacement;
- b. Promotion and protection of the rights and welfare of migrant TVET graduates regardless of their work status, and protection against discrimination in wages, conditions or work, and employment opportunities in host countries; and
- c. Opportunities for work shall be productive and fairly remunerative as family living wage, security of tenure in the workplace, and better prospects for personal development and social integration.



**SEC. 21. *Social Protection.* -**

- a. The State shall endeavor that out-of-school youth workers and TVET graduates acquire a mandatory life, accident, and health insurance coverage to be provided by their employer.
- b. The State shall institute policies and programs that seek to reduce poverty as well as vulnerability to risks of out-of-school youth by protecting against hazards of sudden loss of income and improving his/her capacity to manage risks.

**CHAPTER VIII  
ESPECIALLY DIFFICULT CIRCUMSTANCE**

**SEC. 22. *Especially Difficult Circumstance.* -** Out-of-school youth who are in especially difficult circumstances such as victims of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, out-of-school youth in conflict with the law, and such other related circumstances which have caused their functional incapacity, in the society, shall be provided with services and interventions as necessary, such as, but not limited to, the following:

- a. Temporary protective custody;
- b. Medical and dental services;
- c. Psychological evaluation;
- d. Counseling;
- e. Psychiatric evaluation;
- f. Legal services;
- g. Productivity skill capacity building;
- h. Livelihood assistance;
- i. Financial assistance;
- j. Life skills training; and
- k. Health education and information.

**SEC. 23. *Inter-agency Support.* -** The DSWD, Department of Justice (DOJ), DOH and DepEd, in coordination with the appropriate LCD, shall lead in facilitating implementing, monitoring and planning programs for rehabilitation of the out-of- school youth.

**SEC. 24. *Duty of the LGU.* -** It is the duty of the LGU where the out-of-school youth resides to deliver the services and interventions necessary under their respective jurisdictions.

**CHAPTER IX  
ADMINISTRATION AND ENFORCEMENT**

**SEC. 25. *Advisory Council.* -** The Advisory Council created under Republic Act No. 8044 or the Youth in Nation Building Act shall plan, coordinate and monitor yearly work programs in pursuance of the objectives of this Act. It shall also create and implement a National Comprehensive Multi-Stakeholder Plan of Action for Out-of- School Youth.

The Advisory Council shall also coordinate with and ensure that the relevant agencies of the Government have appropriate programs for the out-of-school youth in accordance with objectives of this Act.

SEC. 26. **Local Social Welfare and Development Officer.** - The local Social Welfare and Development Officer shall assist in the effective implementation of the provisions of this Act and shall have the following functions:

- a. To draw up a list of available and required services which can be provided for out-of-school youth;
- b. To maintain and regularly update on an annual basis the list of out-of-school youth and to issue nationally uniform individual identification cards free of charge, which shall be valid anywhere in the country;
- c. To serve as a general information and liaison center to serve the needs of the out-of-school youth;
- d. To coordinate with the Advisory Council to ensure compliance with the provisions of this Act;
- e. To report to the mayor, any individual, establishment, business entity, institution, or agency found in violation of any provision of this Act; and
- f. To require government institutions as well as private establishments to prominently display notices that will generate public awareness on the right and welfare of out-of-school youth.

SEC. 27. **Role of Non-Government Organizations.** - Non-government organizations or private volunteer organization dedicated to the promotion, enhancement, and support of the welfare of out-of-school youth are hereby encouraged to become partners of government in the implementation of programs and projects for the out-of-school youth.

## CHAPTER X FINAL PROVISIONS

SEC. 28. **Implementing Rules and Regulations.** - Within ninety (90) days from the effectivity of this Act, the Advisory Council, DSWD, DOJ, DOLE, DTI, CHED, DepEd and TESDA shall promulgate the implementing rules and regulations as may be necessary to ensure the efficient and effective implementation of this Act, in consultation with other stakeholders including NGOs or peoples organizations for the out-of-school youth duly accredited by the DSWD.

SEC. 29. **Appropriations.** - The necessary appropriations for the initial implementation of this Act shall be appropriated from any available funds from the National Treasury. Thereafter, any such sums as may be needed for the continued implementation of this Act shall be included in the annual General Appropriations Act of the respective agencies.

SEC. 30. **Separability Clause.** - Should any part of this Act be declared unconstitutional, the rest of the provisions of this Act not affected shall continue to be in effect and subsisting.

SEC. 31. **Repealing Clause.** - The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 32. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,