

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**



**EIGHTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 2066

Introduced by Honorable Wes Gatchalian

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

Explanatory Note

The Philippine Out-of-School-Youths continue to remain high despite several efforts of the national government. Official statistics generated by the Philippine Statistics Authority (PSA) indicate that one of every ten Filipino youths aged 6 to 24 are counted among the OSY population.

Although the conduct of programs for OSY needs are important, it is evident that these existing public-sector-led strategies and interventions that are designed to reduce the Filipino OSY population are often deployed without adequate coordination and foresight. Thus, there is an urgent need to institutionalize an inter-agency framework capable of coordinating, rationalizing and maximizing the impact of short-term, medium-term, and long-term interventions. These interventions must not only concentrate on reducing the number of OSYs but should be able to address the symptoms and effects of the OSY issue, and strengthen their capacity to acquire mid-level and high-level proficiencies in emerging high-value knowledge-based industries. This is the salient feature of this measure.

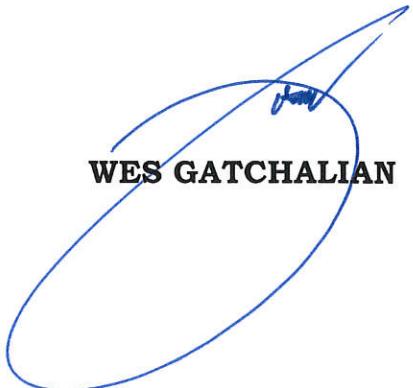
The proposed Magna Carta for OSY seeks to provide a framework upon which aid can be deployed to youths forced out of the formal education system and institutionalizing interventions that shall target their cognitive, physical, emotional and social development.

For its effective implementation, the Advisory Council created under R.A. 8044 entitled the "*Youth in Nation Building Act*" shall plan, coordinate and monitor yearly work programs pursuant to the objectives of the Act

alongside the local Social Welfare and Development Officer of every Local Government Unit.

This bill has been filed by the undersigned during the 17th Congress and was passed on 3rd reading by the House of Representatives. Its Senate counterpart reached second reading.

Cognizant of these issues, it is proposed that the passage and approval of this legislation is earnestly sought, for the welfare and improvement of the quality of life of our OSY.



WES GATCHALIAN

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

CHAPTER 1
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 Policies. – It is hereby declared that the State values the dignity of every human person and guarantees full respect for human rights. The State therefore recognizes the right of out-of-school youth to social protection and development. Towards this end, the State shall promulgate measures to achieve the following objectives:

- (a) Inspire and encourage the out-of-school youth to contribute to nation building;
- (b) Recognize the rights of out-of-school youth in the society;
- (c) Provide an Alternative Learning System and a program for technical/vocational education for the out-of-school youth;
- (d) 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) Recognize the important role of the private sector in the improvement of the welfare of out-of-school youth and to actively seek their partnership.

CHAPTER II **DEFINITION OF TERMS**

SEC. 3. *Definitions.* – As used in this Act:

- (a) *Alternative Learning System* refers to a parallel learning system in the Philippines that provides a practical option to the existing formal instruction. It includes both the non-formal and informal sources of knowledge and skills;
- (b) *Out-of-school Youth* refers to members of the population aged 15 to 30 years old who are currently out of school, not gainfully employed, and have 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 and protecting the livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risk. 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* and *de facto* equality and also equality in outcomes;
- (e) *Technical/Vocational Education* refers to the education or training process where it involves, 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 life and social life, comprises 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 TVET course/program.

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

SEC. 4. *The State as the Primary Duty-Bearer.* – The State, as the primary duty bearer shall be guided by progressive developments in human rights of out-of-school youth under international law, and 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. It shall promote:

- (a) The protection of the rights of the 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 and 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.* – All rights in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine law, shall be rights of out-of-school youth under this Act to be enjoyed without discrimination.

SEC. 7. *Protection from Violence.* – The State shall ensure that all out-of-school youth shall be protected from all forms of violence, particularly cases of physical abuse, sexual exploitation, and human trafficking, as provided for in existing laws. Agencies of government shall give priority to the defense and protection of out-of-school youth and help them to attain justice and healing.

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

SEC. 9. *Representation of Out-of-School Youth Issues and Concern in Media and Film.* – The State 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 space, airtime, and resources, strengthen programming, production, and image-making that appropriately present out-of-school youth's needs, issues and concerns

in all forms of media, communication, information dissemination, and advertising.

SEC. 10. *Recognition and Preservation of Cultural Identity and Integrity.* – The State shall recognize and respect the rights of Moro and indigenous peoples 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.

To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights, their indigenous knowledge systems and practices, traditional livelihood, and other manifestations of their culture[s] and way[s] of life: *Provided*, That these cultural systems and practices are not discriminatory to the 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 local government units (LGUs) and non-government organizations (NGOs) shall institute a program that will ensure access to formal and non-formal education;
- (b) Health – The Department of Health (DOH), in coordination with LGUs and NGOs shall institute a national health program and [shall] provide an integral health service for out-of-school youth;
- (c) Social Services – The Department of Social Welfare and Development (DSWD), in cooperation with LGUs and 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 Services which provide the out-of-school youth with opportunities for socializing, organizing creative expression, and improvements of self;
 - (2) After Care Services for out-of-school who are discharged from the homes or institutions of the DSWD and other private institutions duly accredited by DSWD, especially those who have problems of reintegration with family and community.
- (d) Employment – The Department of Labor and Employment (DOLE), in coordination with other government agencies such as, but not limited to, the Department of Trade and Industry (DTI) and 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 mandatory technical/vocational education to out-of-school youth. The course shall be provided and/or managed by TESDA in accordance with its Training Regulations.

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 the training.

SEC. 14. *Skills Development Coordinators at the 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 the CHED under either Republic Act 10931 or the *Universal Access to Quality Tertiary Education* [Without prejudice to] or Republic Act No. 10687 or the *Unified Student Financial System for Tertiary Education Act (UniFAST)*.

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SEC. 17. *Alternative Learning System.* – The Alternative Learning Mode 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 the 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 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 for 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 protect them against discrimination in wages, conditions of 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 capability 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, DOH and DepEd, in coordination with the appropriate LGU, shall lead in facilitating, implementing, monitoring and planning programs for the 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, implement, and monitor yearly work programs in pursuance of the objectives of this Act. It shall also create, 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 the 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 [and monitor] to ensure compliance with the provisions of this Act;
- (e) To report to the Mayor, any individual, establishment[s], 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 organizations 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. *Penalties.* – Any person who violates any provision of this Act shall, upon conviction, suffer the following penalties:

- (a) For the first violation, imprisonment of not less than six (6) months but not more than two (2) years and a fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00);
- (b) For any subsequent violation, imprisonment of not less than two (2) years but not more than six (6) years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00); and

- (c) Any person who not being qualified under this Act or with deceit and fraudulent machination shall avail of any of the benefits and privileges granted under this Act shall suffer the penalty of imprisonment for not less than six (6) months and fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00).

If the offender is a corporation, organization or any similar entity, the officials thereof directly involved in the commission of the act in violation of any of the provisions of this Act shall be held liable.

If the offender is an alien or foreigner, he shall be deported immediately upon service of sentence without further proceedings.

Upon filing of the appropriate complaint or information, the proper authorities, in coordination with the concerned LGU, shall cause the cancellation or revocation of the business permit, permit to operate, franchise, and other similar privileges granted to any business, entity or person that fails to abide by or violates the provisions of this Act.

SEC. 29. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Advisory Council and DSWD 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. 30. *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. 31. *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. 32. *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. 33. *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,

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- (c) Any person who not being qualified under this Act or with deceit and fraudulent machination shall avail of any of the benefits and privileges granted under this Act shall suffer the penalty of imprisonment for not less than six (6) months and fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00).

If the offender is a corporation, organization or any similar entity, the officials thereof directly involved in the commission of the act in violation of any of the provisions of this Act shall be held liable.

If the offender is an alien or foreigner, he shall be deported immediately upon service of sentence without further proceedings.

Upon filing of the appropriate complaint or information, the proper authorities, in coordination with the concerned LGU, shall cause the cancellation or revocation of the business permit, permit to operate, franchise, and other similar privileges granted to any business, entity or person that fails to abide by or violates the provisions of this Act.

SEC. 29. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Advisory Council and DSWD 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. 30. *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. 31. *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. 32. *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. 33. *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,

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 [and monitor] to ensure compliance with the provisions of this Act;
- (e) To report to the Mayor, any individual, establishment[s], 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 organizations 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. *Penalties.* – Any person who violates any provision of this Act shall, upon conviction, suffer the following penalties:

- (a) For the first violation, imprisonment of not less than six (6) months but not more than two (2) years and a fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00);
- (b) For any subsequent violation, imprisonment of not less than two (2) years but not more than six (6) years and a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00); and