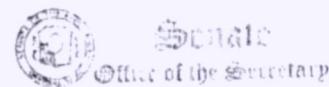


**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session



Senate
Office of the Secretary

**SENATE
S.B. NO. 564**

19 JUL 17 P 2 :45

Introduced by Senator Maria Lourdes Nancy S. Binay

RECEIVED

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

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Philippine Constitution provides:

"The State values the dignity of every human person and guarantees full respect for human rights."

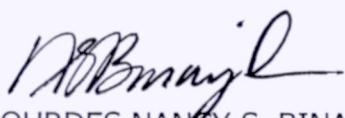
Article II, Section 13 of the 1987 Philippine Constitution provides:

"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

Human life is sacred and every child deserves a brighter future. Poverty is among the main causes that hinders children from receiving an education. Thus, many children learn to earn at an early age and are unable to experience the immediate value and significance of finishing a high school education or a college degree. Hence, government intervention is necessary in order to encourage parents to inspire out-of-school youths to recognize the importance of education and pursue Alternative Learning Systems.

This bill seeks to provide educational development and employment opportunities to our out-of-school youths in order to safeguard their welfare and empower them.

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



MARIA LOURDES NANCY S. BINAY
Senator

**EIGHTEENTH CONGRESS OF THE REPUBLIC
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SENATE
S.B. NO. 564

19 JUL 17 P2 :46

Introduced by Senator Maria Lourdes Nancy S. Binay

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

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

1 **CHAPTER I**
2 **GENERAL PROVISIONS**
3

4 Section 1. *Short Title.* – This Act shall be known as the "Magna Carta of
5 the Out-of-School Youth."

6
7 Sec. 2. *Declaration of Policy.* – It is hereby declared that the State values
8 the dignity of every human person and guarantees full respect for human rights.
9 The State therefore recognizes the right of out-of-school youth to social
10 protection and development. Towards this end, the State shall promulgate
11 measures to achieve the following objectives:

- 12 (a) Inspire and encourage the out-of-school youth to contribute
13 to nation building;
14 (b) Recognize the rights of out-of-school youth in the society;
15 (c) Provide an Alternative Learning System and a program for
16 technical/vocational education for the out-of-school youth;
17 (d) Give full support to the improvement of the total well-being
18 of the out-of-school youth by providing educational
19 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. *Definition of Terms.* – As used in this Act;

- (a) "Alternative Learning System" shall refer 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" shall refer to members of the population aged fifteen (15) to thirty (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" shall refer 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" shall refer to the full and equal enjoyment of rights and freedoms contemplated under this Act and encompasses *de jure* and *de facto* equality and equality in outcomes;

- (e) "Technical/Vocational Education" shall refer to the education or training 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" shall refer to a student or trainee who has completed the requirement 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

18 Sec. 4. *The State as the Primary Duty-Bearer.* – The State, as the primary
19 duty bearer, shall be guided by progressive developments in human rights of
20 out-of-school youth under international law, and endeavor to design policies,
21 laws, and other regulatory measures to fulfill these duties. It shall institute
22 programs that will carry out the objectives of this Act. It shall 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.

29 Sec. 5. *Duties of State Agencies and Instrumentalities.* – The duties of the
30 State as stated in Section 4 of this Act shall extend to all state agencies, offices,

1 and instrumentalities at all levels and government-owned and -controlled
2 corporations, subject to the Constitution and pertinent laws, policies, or
3 administrative guidelines that define specific duties of state agencies and entities
4 concerned.

5

6 **CHAPTER IV**
7 **RIGHTS AND EMPOWERMENT**
8

9 *Sec. 6. Human Rights of Out-of-School Youth.* – Out-of-school youth shall
10 enjoy, without discrimination, all rights in the Constitution and those rights
11 recognized under international instruments duly signed and ratified by the
12 Philippines, in consonance with Philippine law.

13

14 *Sec. 7. Protection from Violence.* – The State shall ensure that all out-of-
15 school youth shall be protected from all forms of violence, particularly cases of
16 physical abuse, sexual exploitation, and human trafficking. Agencies of
17 government shall give priority to the defense and protection of out-of-school
18 youth and help them to attain justice and healing.

19

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

23

24 *Sec. 9. Representation of Out-of-School Youth Issues and Concerns in*
25 *Media and Film.* – The State shall formulate policies and programs for the
26 advancement of out-of-school youth, in collaboration with government and non-
27 government media-related organizations.

28 For this purpose, the State shall ensure allocation of space, airtime, and
29 resources, strengthening programming, production, and image-making that

- 1 appropriately present the out-of-school youth's needs, issues and concerns in all
- 2 forms of media, communication, information dissemination, and advertising.
- 3

4 Sec. 10. *Recognition and Preservation of Cultural Identity and Integrity.* –
5 The State shall recognize and respect the rights of Moro and Indigenous peoples
6 who are out-of-school youth to practice, promote, protect, and preserve their
7 own culture, traditions, and institutions and to consider these rights in the
8 formulation and implementation of national policies and programs.

9 To this end, the State shall adopt measures in consultation with the
10 sectors concerned to protect their rights, their indigenous knowledge systems
11 and practices, traditional livelihood, and other manifestations of their culture and
12 way of life; *Provided*, That these cultural systems and practices are not
13 discriminatory to the out-of-school youth.

CHAPTER V GOVERNMENT ASSISTANCE AND SUPPORT

18 Sec. 11. *Government Assistance.* – The National Government, through its
19 agencies and instrumentalities, shall provide the following:

- 20 (a) Education – The Department of Education (DepEd), TESDA,
21 and the Commission on Higher Education (CHED), in
22 consultation with local government units (LGUs) and non-
23 government organizations (NGOs), shall institute a program
24 that will ensure access to formal and non-formal education;

25 (b) Health – The Department of Health (DOH), in coordination
26 with LGUs and NGOs shall institute a national health
27 program and provide an integral health service for out-of-
28 school youth;

29 (c) Social Services – The Department of Social Welfare and
30 Development (DSWD), in cooperation with LGUs and NGOs

1 and other relevant stakeholders shall develop and
2 implement programs on social services for out-of-school
3 youth, the components of which are:

- 4 (1) Social Enhancement Services which provide
5 out-of-school youth with opportunities for
6 socializing, organizing creative expression, and
7 improvements of self; and
- 8 (2) After Care Services for out-of-school youth who
9 are discharged from the homes or institutions
10 of the DSWD and other private institutions duly
11 accredited by the DSWD, especially those who
12 have problems of reintegration with family and
13 community;
- 14 (d) Employment – The Department of Labor and Employment
15 (DOLE), in coordination with other government agencies
16 such as, but not limited to, the Department of Trade and
17 Industry (DTI) and TESDA, shall assess, design, and
18 implement training programs that will provide skills and
19 welfare or livelihood support for out-of-school youth.

20

21 **CHAPTER VI**
22 **EDUCATION**
23

24 Sec. 12. *Mandatory Technical/Vocational Education.* – It shall be the duty
25 of the State to provide mandatory technical/vocational education to out-of-school
26 youth. The course shall be provided and/or managed by TESDA in accordance
27 with its Training Regulations.

28
29 Sec. 13. *Education Cost and Support.* – The technical/vocational education
30 shall be offered by the State free of charge to the out-of-school youth. The State

1 shall likewise provide materials, instruments, and tools that the out-of-school
2 youth may need while enrolled in a technical/vocational course, as well as
3 sufficient allowance to cover transportation and other related costs for the
4 duration of the training.

5

6 *Sec. 14. Skills Development Coordinators at the LGUs.* – The LGUs,
7 through the Community Training and Employment Coordinators (CTECs) or duly
8 designated LGU personnel, shall have the responsibility of monitoring the progress
9 and development of the OSYs in the chosen technical/vocational course by
10 requiring the technical vocational institutions (TVIs) to submit, among others,
11 regular enrollment and completion reports of the programs being implemented.

12

13 *Sec. 15. Promotion to Formal Tertiary Education.* – The local Social
14 Welfare and Development Officer may recommend an out-of-school youth to be
15 a recipient of a scholarship program from the CHED under either Republic Act
16 No. 10391 or the Universal Access to Quality Tertiary Education Act or Republic
17 Act No. 10687 or the Unified Student Financial System for Tertiary Education Act
18 (UniFAST).

19

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

26

27 *Sec. 17. Alternative Learning System.* – The Alternative Learning Mode of
28 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

8 Sec. 18. *Employment.* – An out-of-school youth who has the capacity and
9 desire to work shall be provided employment opportunities to enable them to be
10 productive members of the society.

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

18 Sec. 20. *Right to Decent Work.* – The State shall progressively grant and
19 ensure decent work standards for out-of-school youth who have graduated in
20 TVET courses, which shall include, but not be limited, to the following minimum
21 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 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

19 Sec. 22. *Especially Difficult Circumstances.* – Out-of-school youth who are
20 in especially difficult circumstances such as victims of sexual and physical abuse,
21 illegal recruitment, prostitution, trafficking, armed conflict, out-of-school youth in
22 conflict with the law, and such other related circumstances which have caused
23 their functional incapacity in the society, shall be provided with services and
24 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), and DepEd, in coordination with the appropriate LGU, shall lead in creating, implementing, monitoring and planning programs for the rehabilitation of the out-of-school youth.

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

CHAPTER IX ADMINISTRATION AND ENFORCEMENT

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

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

28 Sec. 26. *Local Social Welfare and Development Officer.* – The local Social
29 Welfare and Development Officer shall assist in the effective implementation of
30 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 organizations dedicated to the promotion, encouragement, 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

28 Sec. 28. *Penalties.* – Any person who violates any provision of this Act
29 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 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).

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 a 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.

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

1 promulgate the implementing rules and regulations as may be necessary to
2 ensure the efficient and effective implementation of this Act, in consultation with
3 other stakeholders including NGOs or peoples organizations for the out-of-school
4 youth duly accredited by the DSWD.

5

6 Sec. 30. *Appropriations.* – The necessary appropriations for the initial
7 implementation of this Act shall be appropriated from any available funds from
8 the National Treasury. Thereafter, any sums as may be needed for the continued
9 implementation of this Act shall be included in the annual General Appropriations
10 Act of the respective agencies.

11

12 Sec. 31. *Separability Clause.* – Should any part of this Act be declared
13 invalid or unconstitutional, the rest of the provisions of this Act not affected shall
14 continue to be in effect and subsisting.

15

16 Sec. 32. *Repealing Clause.* – The provisions of other laws, decrees,
17 executive orders, rules and regulations inconsistent with this Act are hereby
18 repealed, amended or modified accordingly.

19

20 Sec. 33. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
21 after its publication in the Official Gazette or in at least two (2) newspapers of
22 general circulation.

Approved,