

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

Office of the Secretary
S. No. 463

SENATE

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S. No. 463

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Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

Article II Section 12 of the 1987 Constitution states that, "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."

No less than our national hero, Dr. Jose Rizal, emphasized the importance of our youth who once said, "*ang kabataan ang pag-asaya ng bayan.*" While early formation and intervention are the ideal approaches in molding young minds, the fact remains that the efforts of the society – the government and the parents – are still insufficient because there are still youngsters who are out-of-school; and as such, their knowledge, skills and potentials are not being maximized for their benefit and for the benefit of the country.

According to a press release of the Philippine Statistics Authority last 06 June 2018, "Based on the 2017 Annual Poverty Indicators Survey (APIS), about nine percent of the estimated 39.2 million Filipinos aged 6 to 24 years old were out-of-school children and youth (OSCY)." It further explained that, "The most common

reasons among OSCYs for not attending school were marriage or family matters (37.0%), lack of personal interest (24.7%), and high cost of education or financial concern (17.9%)."

This measure provides for the "Magna Carta of the Out-of-School Youth". It serves as their instrument to protect their rights, protect them of discrimination and violence, ensure their representation in various platforms, and preserve their cultural identity and integrity.

This proposed legislation outlines the role of concerned government agencies in providing assistance and support to the out-of-school youth in the aspect of education, health and social services

This measure was approved on Third Reading by the House of Representatives and was transmitted to this Chamber where it was sent to the Archives due to the adjournment of the 17th Congress.

The immediate passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

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**AN ACT
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Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:

CHAPTER I

GENERAL PROVISIONS

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

5 Sec. 2. *Declaration of Policy.* - The State values the dignity of every human
6 person and guarantees full respect for human rights. Pursuant thereto, the State
7 recognizes the right of out-of-school youth to social protection and to develop their
8 full potential as partners in nation-building. Towards this end, the State shall
9 promulgate measures to achieve the following objectives:

- 10 (a) To inspire and encourage the out-of-school youth to contribute to nation
11 building;
- 12 (b) To recognize the rights of out-of-school youth in society;
- 13 (c) To provide an alternative learning system and a program for technical
14 or vocational education for the out-of-school youth;
- 15 (d) To give full support to the improvement of the total well-being of the
16 out-of-school youth by providing educational development and
17 employment opportunities; and,

- (e) To recognize the important role of the private sector in improving 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* 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 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 a 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 encompass *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

1 Authority (TESDA)-registered Technical Vocational Education and
2 Training (TVET) course/program.

3

4 CHAPTER III

5 DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH

6 Sec. 4. *State as the Primary Duty-Bearer.* – The State, through the National
7 Youth Commission (NYC) and concerned youth-serving agencies, shall be guided by
8 progressive development in the human rights of out-of-school youth under
9 international law, and shall endeavor to design policies, laws, and other regulatory
10 measures to fulfil these duties. It shall institute programs that will carry out the
11 objectives of this act and promote:

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

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

22

CHAPTER IV

23 RIGHTS AND EMPOWERMENT

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

28 Sec. 7. *Protection from Violence.* – The State shall ensure that all out-of-school
29 youths shall be protected from all forms of violence, particularly in cases of physical
30 abuse, sexual exploitation and human trafficking as provided for in existing laws. The
31 Department of Justice, Department of Social Welfare and Development, and other

1 concerned agencies, shall give priority to the defense and protection of out-of-school
2 youths and help in attaining justice and healing.

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

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

10 For this purpose, the State shall ensure allocation of resources for the
11 production, publication and airing of all forms of information materials on the rights
12 of out-of-school youth and the various services and benefits provided to them under
13 this Act.

14 Sec. 10. *Recognition and Preservation of Cultural Identity and Integrity.* – The
15 rights of Moro and indigenous out-of-school youth to practice, promote, protect, and
16 preserve their own culture, traditions, and institutions and to consider these rights in
17 the formulation and implementation of national policies and programs shall be upheld.
18 To this end, the National Commission on Muslim Filipinos and the National Commission
19 on Indigenous Peoples shall, in consultation with the sectors concerned to protect
20 their rights, indigenous knowledge system and practices, traditional livelihood, and
21 other manifestations of their cultures and ways of life, recommend legislation and
22 other appropriate measures to promote and to respect their rights, practices and way
23 of life: *Provided*, That these cultural systems and practices do not discriminate against
24 other out-of-school youth

25 CHAPTER V

26 GOVERNMENT ASSISTANCE AND SUPPORT

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

29 (a) Education – The Department of Education (DepEd), TESDA and the
30 Commission on Higher Education (CHED), in consultation with non-
31 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 Services, which provide the out-of-school youth with opportunities for socializing, organizing creative expression, and improvement of self; and,

(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), 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

MANDATORY TECHNICAL AND VOCATIONAL EDUCATION

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

Sec. 13. *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 the DSWD, the latter shall coordinate with the DepEd for the provision of an alternative learning system within its premises.

4 Sec. 14. *Education Cost and Support.* – The TESDA shall provide technical and
5 vocational education services to out-of-school youth free of charge. It shall likewise
6 provide materials, instruments, and tools that the out-of-school youth may need while
7 enrolled in a technical/vocational course, and financial support to cover transportation
8 and other related costs for the duration of the training.

9 Sec. 15. *Entrepreneurial Education.* – The DTI, in coordination with TESDA and
10 other relevant government agencies, shall conduct a training program to provide the
11 out-of-school youth with the knowledge, skills and motivation to encourage
12 entrepreneurial endeavors. The program shall include small business management,
13 new approaches on innovation or introduction of new products or services to the
14 markets.

15 Sec. 16. *Promotion to Formal Tertiary Education.* – The Local Social Welfare
16 and Development Officer may recommend an out-of-school youth to be a recipient of
17 a scholarship grant from the CHED under Republic Act 10931 or the Universal Access
18 to Quality Tertiary Education or Republic Act 10687 or the Unified Student Financial
19 Assistance System for Tertiary Education Act (UNIFAST).

CHAPTER VII

EMPLOYMENT AND ENTREPRENEURIAL FACILITATION

22 Sec. 17. *Employment.*—Out-of-school youth who have the capacity and desire
23 to work shall be provided employment opportunities to enable their transition as
24 productive members of society.

25 Sec. 18. *Entrepreneurial Facilitation.* – The DTI shall establish a community-
26 based method of addressing the needs and barriers facing out-of-school youth
27 entrepreneurs. The objective of entrepreneurial facilitation is to encourage and retain
28 a diverse and robust local entrepreneurial economy that leads to more opportunities
29 for the out-of-school youth.

30 Sec. 19. *Right to Decent Work.* – The DOLE, in coordination with TESDA, shall
31 ensure decent work standards for out-of-school youth who have graduated from TVET
32 courses, including the following minimum guarantees:

- (a) Local job generation and employment, economic opportunities and providing strict regulations against forced and involuntary displacement; and,
 - (b) Protection of the rights and promotion of the welfare of migrant TVET graduates regardless of work status, and protection against discrimination in wages, conditions of work, and employment opportunities in host countries.

8 Sec. 20. *Social Protection.* – The National Poverty Commission and concerned
9 agencies shall institute policies and programs that seek to reduce the poverty and
10 vulnerability to risks of out-of-school youth by protecting them against the financial
11 hazards of sudden loss of income, and improving capacity to manage risks.

12 Further, the State shall ensure that out-of-school youth workers and TVET
13 graduates shall be provided by their employer with a mandatory life, accident and
14 health insurance coverage.

CHAPTER VIII

ESPECIALLY DIFFICULT CIRCUMSTANCE

17 Sec. 21. *Especially Difficult Circumstance.* – Out-of-school youth who are in
18 especially difficult circumstances such as victims of sexual and physical abuse, illegal
19 recruitment, prostitution, trafficking, armed conflict, out-of-school youth in conflict
20 with the law, and such other related circumstance which have caused functional
21 incapacity in society, shall be provided with services and interventions as necessary
22 such as:

- (a) Temporary and protective custody;
 - (b) Medical and dental services;
 - (c) Psychological evaluation;
 - (d) Counseling;
 - (e) Psychiatric evaluation;
 - (f) Legal services;
 - (g) Productivity capability building;
 - (h) Livelihood assistance;
 - (i) Financial assistance;
 - (j) Life skills training:

(k) Health education and information.

2 Sec. 22. *Inter-Agency Support.* – The National Youth Commission, in
3 coordination with the DSWD, DOJ, DOH, DepEd and the Advisory Council created
4 under Republic Act No. 8044, and concerned LGUs shall lead in facilitating,
5 implementing, monitoring and planning programs for the rehabilitation of out-of-
6 school youth.

7 Sec. 23. *Duty of the LGU.* – It is the duty of the LGU where out-of-school youth
8 resides to deliver the necessary services and interventions under their respective
9 jurisdictions.

CHAPTER IX

ADMINISTRATION AND ENFORCEMENT

12 Sec. 24. *Role of Advisory Council.* – The Advisory Council created under
13 Republic Act No. 8044 or the "Youth in Nation-Building Act" shall plan, coordinate and
14 monitor yearly work programs in compliance with the objectives of this Act. It shall
15 formulate and implement a National Comprehensive Multi-Stakeholder Plan of Action
16 for Out-of-School Youth.

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

20 The Advisory Council shall cause the prominent display of information materials
21 in government institutions and private establishments aimed at generating public
22 awareness on the rights of out-of-school youth.

23 Sec. 25. *Role of Local Social Welfare and Development Officer.* – The Local
24 Social Welfare and Development Officer shall assist the Advisory Council in the
25 effective implementation of the provisions of this Act and shall perform the following
26 functions:

- (a) Draw up a list of available and required services which can be provided for out-of-school youth;
 - (b) 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) Serve as a focal person in the dissemination of general information and feedback with regard to the needs of the out-of-school youth;
 - (d) Report to the Mayor any individual, establishment, business entity, institution, or agency found violating any provision of this Act;
 - (e) Coordinate with the Advisory Council to ensure compliance with the provisions of this Act; and,
 - (f) Monitor the compliance of government institutions as well as private establishments to prominently display information materials such as posters, banners and pamphlets that will generate public awareness on the rights and welfare of out-of-school youth.

11 Sec. 26. *Role of Non-Government Organizations.* – Non-government
12 organizations or private volunteer organizations dedicated to the promotion,
13 enhancement, and support of the welfare of out-of-school youth are hereby
14 encouraged to become partners of government in the implementation of programs
15 and projects for out-of-school youth.

CHAPTER X

FINAL PROVISIONS

Sec. 27. *Penalties.* — Any person who violates any provision of this Act shall, upon conviction, suffer the following penalties:

- 20 (a) For the first violation, imprisonment of not less than six (6) months but
21 not more than two (2) years and fine of not less than Fifty thousand
22 pesos (P50,000.00) but not more than One hundred thousand pesos
23 (P100,000.00);

24 (b) For any subsequent violation, imprisonment of not less than two (2)
25 years but not more than six (6) years and a fine of not less than One
26 hundred thousand pesos (P100,000.00) but note more than Two
27 hundred thousand pesos (P200,000.00);

28 (c) For any person who avails of any of the benefits and privileges granted
29 under this Act but who is not qualified to avail of the same, imprisonment
30 of not less than six (6) months and a fine of not less than Fifty thousand
31 pesos (P50,000.00) but not more than One hundred thousand pesos
32 (P100,000.00);

1 (d) If the offender is a corporation, organization or any similar entity, the
2 officials thereof directly involved in the violation or abuse shall be held
3 liable.

4 (e) If the offender is an alien or a foreigner, the person shall be deported
5 immediately upon service of sentence without further proceedings.

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

11 Sec. 28. *Appropriations.* – The amount necessary for the effective
12 implementation of this act shall be included in the budget of the concerned
13 government agencies in the annual General Appropriations Act.

14 Sec. 29. *Implementing Rules and Regulations.* – The Advisory Council created
15 under Republic Act No. 8044 shall promulgate, not later than thirty (30) days upon
16 the effectivity of this Act, the necessary rules and regulations for the effective
17 implementation of this Act: *Provided*, That the failure to promulgate the rules and
18 regulations shall not prevent the implementation of this Act upon its effectivity.

19 Sec. 30. *Separability Clause.* – If any provision of this Act is declared
20 unconstitutional, the remainder of this Act or any provision not affected thereby shall
21 remain in full force and effect.

22 Sec. 31. *Repealing Clause.* – All laws, decrees, orders, issuances, rules and
23 regulations or parts thereof inconsistent with the provisions of this Act are hereby
24 repealed, amended or modified accordingly.

25 Sec. 32. *Effectivity.* – This Act shall take effect fifteen (15) days after its
26 publication in the *Official Gazette* or in a newspaper of general circulation.

27

28 Approved,