

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1574

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
RECOGNIZING THE POTENTIALS OF THE FILIPINO YOUTH
TOWARDS NATION BUILDING, PRESCRIBING THE FREE
EXERCISE OF CERTAIN RIGHTS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Our Constitution enjoins the State to recognize the role of the youth in nation building and to promote and protect, at all times, their physical, moral, spiritual, intellectual and social well being. Further, the State is tasked to inculcate in the youth patriotism and nationalism and to encourage their involvement in public and civic affairs.

Despite this emphatic Constitutional mandate, there are rampant cases of abuses and discrimination perpetrated against the youth. To prevent these incidents from escalating further, there is a need to craft a specific working framework that will be the guiding principle in promoting the youth's welfare towards the realization of the dream of making the youth the pillars of our society.

The proposed Bill seeks to concretize the ideals of the Constitution by institutionalizing the rights and freedoms of the youth in every aspect of their lives. This way, the proposed Bill aims to arm the youth with all the tools necessary to guarantee their place in society.

For these reasons, the passage of this bill is earnestly recommended.


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Second District, Camarines Sur


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

SECTION 1. This Act shall be known as the "Magna Carta for the Youth Act of 2010."

ARTICLE I
DECLARATION OF PRINCIPLES

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote and protect the rights and welfare of the youth to enable them to actively and effectively participate in democratic processes and to become catalysts of progress and socio-political and moral transformation.

SECTION 3. *Guiding Principles.* - The State recognizes the vital role of the Filipino youth in nation building. Accordingly, the State shall work tirelessly to ensure that the youth are given their due share of moral duties and responsibilities toward themselves, the society and their country. For this purpose, the youth shall be encouraged to be actively involved in public and civic

affairs, in the promotion and protection of their physical, moral, spiritual, intellectual, and social well-being and in the enhancement of an orderly, harmonious, sustainably progressive and politically determined society. All efforts shall be exerted by the State to remove any form of prejudices against the youth. The State shall continue to extend full support for the youth's total well-being and for their consequent recognition as "the nation's only hope for the future". To the extent permissible, the government across all levels shall adopt policies ensuring the youth's empowerment, emancipation self-reliance and development through the enhancement of their skills and potentials that will enable them to compete favorably for available opportunities, become significant contributors to national progress and foster more meaningful, productive and satisfying lives.

SECTION 4. *Definition of Terms.* – For purposes of this Act, the following terms shall be construed to mean as follows:

a. "Youth" refers to any individual belonging to the 15-24 age range. Youth may be classified according to the following sub-sectors:

(i) In-School Youth refers to those who are either attending formal or non-formal educational programs.

(ii) Out-of-School Youth refers to those who are neither enrolled in any formal or vocational/technical school.

(iii) Working Youth refers to those who are either employed, whether self-employed or employed by a public or private institution.

(iv) Special Youth are marginalized youth who need special care, attention and protection as those who are incapacitated or disabled physically, mentally or psychologically, or those who are caught in the midst of armed conflict or victims of oppression and criminality.

ARTICLE II

ACCESS TO LABOR AND EMPLOYMENT

SECTION 5. *Youth Protection from Economic Exploitation.* – The State shall recognize the right of the youth to be protected from economic exploitation and

from performing any work that is likely to be hazardous or to interfere with the youth's education, or to be harmful to the youth's health or physical, mental, spiritual, moral or social development.

SECTION 6. *Equal Opportunity and Treatment.* – The youth shall be free from any form of discrimination, with respect to recruitment and conditions of employment or from any coercive recruitment systems, including bonded labor and other forms of debt servitude. The youth shall be entitled to equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally-related benefits, be informed of their rights under existing labor legislation and of means available to them for redress, equal treatment in labor and employment, including the protection from sexual harassment.

SECTION 7. *Prohibition Against Discrimination in Employment.* – No qualified youth shall be discriminated against on account of his or her age, handicap, socio-economic status, sexual, religious and political orientation or membership in an organization, club, or grouping in regard to job applicant procedures, hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.

ARTICLE III

A. ACCESS TO EDUCATION

SECTION 8. *Access to Education.* - 1) The State shall provide the youth with adequate access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to provide the needs of the special youth with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

2) The youth shall have the right to relevant and competent instruction vis-à-vis their personal and cultural development and that of the nation.

a. No youth shall be denied admission to any school on account of his or her handicap, socio-economic status, sexual, political or religious orientation, or membership in any organization, nor shall pregnant students and certified reformed drug abusers be discriminated against.

b. The youth shall have the right to freely choose their field of study and to continue the same up to graduation except in case of academic deficiency or violation of disciplinary regulations which do not infringe upon the exercise of their rights.

c. School administrations shall provide the youth with adequate welfare services and academic facilities which shall include, but not limited to, free annual general physical check-up to students, adequate laboratory, library, research, recreation and physical education facilities, including the prompt notification of students concerned of letters and other communications it receives in behalf of students.

SECTION 9. *Scholarship Assistance.* – Qualified and deserving student youth shall have access to scholarship assistance through grants, student loan programs, subsidies, and other incentives in both public and private schools. The National Youth Commission (NYC) in coordination with the Department of Education (DepEd) shall venture into undertakings to sort out funds for this purpose.

B. ACADEMIC FREEDOM

SECTION 10. *Academic Freedom.* – Pursuant to the principles enunciated in this Act, the following rights are hereby granted to the youth the, exercise of which are hereby guaranteed:

a. Freedom of inquiry within the campus, in curricular activities and in the extracurricular student affairs;

b. Access to information on matters of public concerns;

c. Right to hear any opinion on any subject of public or general concern, whether or not related to any subject they may be currently studying, which they believe worthy of consideration;

d. Right to invite outside speakers who shall not be vetoed by school authorities on the basis of the credentials of the speaker;

e. Right to refuse any form of attempt to subject him or her to a process of indoctrination that will impose on him or her ideological homogeneity;

f. Freedom of research in connection with academic work, and the publication, discussion and exchange of his/her findings and recommendations;

g. Right to question their curricula and if necessary, subject them to review and revision;

h. Right to information on matters directly or indirectly affecting their welfare including access to official records and other pertinent documents and papers pertaining to official acts, transactions or decisions;

i. Right to adequate welfare services and curricular activities; and

j. Right to publish regular independent and student-controlled publications and/or print, circulate and/or mount leaflets, newsletter, posters, wall news, petitions and such other materials.

SECTION 11. *Conditional Admission.* – No school policy shall oblige, compel, or demand or cause to demand or pressure a youth to sign waiver documents in exchange for admission or enrollment or re-admittance to the school.

SECTION 12. *Prohibition Against Banning Youth To Assemble.* – No youth shall be banned from taking part in an assembly nor shall they be arrested or detained for doing so. Student-youth shall not be required to ask prior permit for assemblies inside campuses.

SECTION 13. *Freedom From Unwarranted Interference.* – To guarantee the freedom of student-youth from unwarranted interference while exercising their academic freedom granted herein this Act:

a. Military detachments shall not be installed in campuses.

b. Military elements and school security forces shall not interfere with student activities inside campuses, in particular student protest actions.

c. No plainclothes policemen will be allowed entry into campuses, particularly during peaceful mass actions.

ARTICLE IV ACCESS TO HEALTH CARE AND SERVICES

SECTION 14. *Access to Health Care and Services.* - 1) The youth shall have the right to the highest standard of health and medical care attainable. The

State shall place special emphasis on the provision of primary and preventive health care, public health education and the reduction of infant mortality. Toward this end, a comprehensive health consciousness program shall be undertaken to ensure the survival of the youth against dreaded infectious and communicable diseases.

2) The State shall promote the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled youth, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling the State to improve their capabilities and skills and to widen their experience in these areas.

SECTION 15. *Sexual Health Needs.* – The right of the youth in meeting their special sexual health needs shall not be abridged. Free access to sex education, family planning, reproductive health services, and other forms of precautionary measures against unwanted pregnancies and the spread of sexually-transmitted diseases among them shall be promoted. Toward this end, the Commission on Population (POPCOM) in consortium with the Department of Health (DOH) and all line-agencies of government concerned shall provide comprehensive family planning and STD services and educational aid/recreational activities alongside sexuality education specifically for the youth and as much as it is possible to make these programs highly accessible and acceptable to a broad spectrum of youth.

ARTICLE V

A. FREE EXPRESSION AND INFORMATION

SECTION 16. *Access to Information.* – The State shall ensure the accessibility to youth of information and material from a diversity of sources, and it shall encourage the mass media to disseminate information which is of social and cultural benefit to the youth, and take steps to protect him or her from harmful materials.

SECTION 17. *Free and Responsible Expression.* – 1) The right of the youth to freely and responsibly express their sentiments, views, aspirations and to gather, share, solicit ideas and publish information relevant to their interest and welfare shall not be abridged.

2) Arresting or detaining a youth on the sole basis of disseminating or circulating leaflets, petitions, newsletters, posters, wall news and similar materials is prohibited. Banning a youth or youth organization from expressing his or her or its sentiments, stance or views through any medium of communication is likewise prohibited.

3) The exercise of such rights may be subjected to certain restrictions, but this shall only be such as are provided by law and are necessary:

a. for the respect of the rights or reputations of others; or

b. for the protection of national security or public order, or of public health or morals,

SECTION 18. *Inviolability of Communication and Correspondence.* – 1) The privacy of communication and correspondence among youth shall be inviolable.

2) No youth shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor and reputation.

SECTION 19. *Prohibition Against Any Form of Meddling in Student Publication.* – Nonmembers of the student publication are prohibited from indulging any form of demand, pressure, force to cause influence and determine the content of the publication. The editor shall take full responsibility for the consequences arising from the publication of articles. The role of faculty advisers in high school and college student publications shall be limited only to technical guidance. Toward this end:

a. No school administration shall serve as the sole authority in selecting the editor. The selection of the editor may be made by competitive examination supervised by a Board of Judges, which shall include students as members.

b. Editors shall enjoy security of tenure which shall not be terminated without justifiable cause before the lapse of the prescribed term.

c. Student publication shall have the right of access to institutional records.

B. ORGANIZATION AND FREE ASSEMBLY

SECTION 20. *Right to Organize.* 1) The State shall recognize the rights of the youth to form and join associations and the freedom to peaceably assemble. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the

protection of public health or morals of the protection of the rights and freedoms of others.

2) Subject to existing laws, the youth shall have the right to peaceably assemble and petition the government and/or any private institution for the redress of their grievances. Pursuant thereto, no regulation shall be imposed violating or abridging the youth's right to assembly. The right of the youth to join or not to join any particular organization shall be totally respected and no form of intimidation, coercion or harassment shall be tolerated. Toward this end:

a. Involuntary efforts to make youth sign waiver documents denying membership of and promising not to join a specified organization as prerequisite for enrollment or job acceptance is hereby prohibited.

b. The existence of any youth organization shall be subjected only to regulations that do not unduly hamper their activities.

c. Youth organizations shall be governed by minimum reasonable requirements, that is, the submission of the organization's constitution or by-laws, list of officers of the organization and a letter of notification by at least an adviser chosen by the organization.

SECTION 21. *Student Council/Government.* - Schools, colleges and universities shall recognize and ensure the democratic and autonomous existence of student councils/governments.

SECTION 22. *Prohibition Against the Use of Force and Exaction of Excessive Fees.* - 1) Imposing, demanding or exacting excessive fees from a youth or youth organization other than fees which are provided by law is prohibited. Toward this end, the youth shall not be caused, demanded or obliged to pay, donate, share, give, ask or solicit any mode of exacting payment, donation or contribution for any reason or cause.

2) Giving out solicitation forms or distributing tickets or any form of exacting money or anything of monetary value from the student-youth or causing, demanding or obliging them to pay, donate or contribute money or anything of value are prohibited unless a written prior approval from the Local School Board is sought. The approval notice of the Local School Board should manifest the following: a. name of the sponsoring agency, b. title of the project, c. noble objectives of the project and d. the specific program and the duration of the activity to be undertaken. All sponsoring agencies who may indulge into similar project or any form of income-generating activity invoking the student youth shall

be required to submit a written report of monetary income or otherwise generated from the project to the Local School Board.

C. PARTICIPATION IN POLICY FORMULATION

SECTION 23. *Involvement in Policy Formulation.* – The youth shall have the right to be involved in the formulation of policies that directly or indirectly affect them. They shall be represented in all policy making bodies of State and private-owned schools, colleges and universities.

SECTION 24. *School Fee Board.* – Within thirty (30) days from the start of the school year, the governing board of every school shall create an independent body to be known as the School Fee Board which shall study, conduct consultation and thereafter recommend on tuition and other school fee increases. This body shall be composed of an equal number of representatives from the administration, academic staff, parents, student-youth and alumni associations. These representatives shall choose a chairman from among themselves.

SECTION 25. *Participation In Screening Incoming Teachers.* – The youth shall have the right to participate in the screening committee for incoming teachers and, to make a written performance evaluation of their teachers toward the end of the school term.

D. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

SECTION 26. *Freedom of Thought, Conscience and Religion.* – The State shall respect the right of the youth to freedom of thought, conscience and religion. Freedom to manifest one's religion or beliefs may be subjected only to such limitations as are prescribed by law and are necessary to protect public safety, order, health and morals, or the fundamental rights and freedom of others.

ARTICLE VI POLITICAL REPRESSION

SECTION 27. *Freedom From Violence, Harassment and Discrimination.* –
1) The State shall take all appropriate legislative, administrative, social and educational measures to protect the youth from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or

exploitation, including sexual harassment, while in the care of parents, legal guardians or any other person who has the authority over the youth.

2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the youth and for those who have the authority over the youth, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of youth maltreatment described heretofore, and, as appropriate, for judicial involvement.

SECTION 28. *Grants and Privileges.* – Opposition to institutional policies inimical to youth's interests shall not be a ground for denying or withdrawing grants and privileges due to deserving youth.

SECTION 29. *Non-Validity of Blacklisting, Expulsion, Suspension and Other Disciplinary Sanctions.* – The blacklisting, expulsion, suspension, and other such disciplinary sanctions that may be taken against a youth shall not be valid unless the following rights have been observed and accorded the youth:

- a. To be presumed innocent;
- b. To remain silent, to be assisted by counsel of choice, and to be informed of these rights;
- c. Right to procedural fairness in disciplinary proceedings;
- d. Not to be punished for an act that is not a ground for disciplinary action when it was committed;
- e. To receive written notice of the charges; to be afforded reasonable time to answer them and prepare for the hearing;
- f. Right to a hearing before an impartial adjudicatory body;
- g. To be informed in writing of the nature and cause of the accusation against him or her;
- h. To confront witnesses against him or her and to full and unimpeded access to the evidence in the case;
- i. To defend himself/herself and to be defended by a representative or counsel of his/her choice, adequate time being given him/her for the preparation of his/her defense;

- j. Not to be a witness against him/herself;
- k. Right to appeal adverse decisions; and

l. The decision in any disciplinary proceeding must be rendered on the basis of relevant and substantial evidence presented at the hearing, or at least contained in the record and disclosed to the person affected.

SECTION 30. *Due Process.* – No youth shall be held liable for any offense without due process. Arbitrary administrative measures and penalties against the youth shall not be allowed. Pursuant to the provision of this section, the youth shall be entitled to the following rights:

- a. Freedom from arbitrary arrest, arbitrary searches and seizures and the right to resort to all available legal remedies;
- b. Right to reasonable bail, and the freedom from double jeopardy, excessive fines and cruel or unusual punishment; and
- c. Right to defend him/herself, to be heard and to present evidence on his/her behalf before an impartial body.

SECTION 31. *Unreasonable Searches and Seizures.* – Every youth shall be free from any form of unreasonable search and seizure. Except for the following instances, no search or seizure of a student shall be deemed valid:

- a. Searches made at the point of ingress and egress by the designated authority;
- b. Searches and seizures of illegal article or articles falling in the plain view of duly designated authority;
- c. Searches and seizures of articles that are illegal, discovered inadvertently by duly designated authority;
- d. Searches made when the youth is about to commit, is committing or has just committed a crime or a serious infraction of the law; and
- e. Searches made with a valid search warrant.

Articles seized in violation of the herein above provided rights shall not be used as evidenced against the youth in any disciplinary or criminal action that may be brought against him/her.

SECTION 32. *Access to Personal Records and Confidential Treatment.* – Subject to the provision of the following section, every youth shall have access to his/her own personal records, the confidentiality of which shall remain inviolable.

SECTION 33. *Torture and Deprivation of Liberty.* – No youth shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Both capital punishment and life imprisonment without the possibility of release are prohibited for offenses committed by youths below 18 years.

ARTICLE VII GENERAL PROVISIONS

SECTION 34. *Recognition of their Rights.* – The State recognizes that a mentally or physically disabled youth should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the youth's active participation in the community.

SECTION 35. *Special Care.* – The State recognizes the right of the disabled youth to special care and shall encourage and ensure the grant, subject to available resources, to the eligible youth and those responsible for his or her care, of adequate support and assistance for which application is made and which is appropriate to the youth's condition and to the circumstances of the parents or others caring for the youth.

SECTION 36. *Special Needs.* – Recognizing the special needs of a disabled youth, assistance extended in accordance with the preceding paragraph shall be provided free of charge, whenever possible, taking into account his or her family's financial resources, and shall be designed to ensure that the disabled youth has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the youth's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

SECTION 37. *Youth in Indigenous Cultural Communities.* – 1) The State shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities of cultural and artistic, recreational and leisure activity.

2) Youth in indigenous cultural communities have the right to enjoy their cultural heritage and to practice their own religion and language.

SECTION 38. *Protection against Drug Abuse.* – The State shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect the youth from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of youth in the illicit production and trafficking of such substances.

SECTION 39. *Protection Against Sexual Exploitation.* – The State shall protect the youth from any form of sexual exploitation and abuse, including prostitution and involvement in pornography or anything prejudicial to any aspects of the youth's welfare.

SECTION 40. *Armed Conflict.* – The State shall take all feasible measures to ensure that the youth shall have no direct part in the hostilities. No youth below 21 shall be recruited into the armed forces. The State shall likewise ensure the protection of the youth who are affected by armed conflict. Towards this end, the State has an obligation to ensure that youth victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social integration.

SECTION 41. *Administration of Juvenile Justice.* – A youth in conflict with the law has the right to treatment which promotes the youth's sense of dignity and worth, taking into account the youth's age and aims at his or her reintegration into society. The youth is entitled to basic guarantees as well as legal or other assistance for his or her defense. Whenever possible, judicial proceedings and institutional placements shall be avoided especially for offenders below 18 years old.

SECTION 42. *Firearms Ban.* – The youth shall not be allowed to carry firearms at all time.

ARTICLE VIII FINAL PROVISIONS

SECTION 43. *Rules and Regulations.* – Within ninety (90) days from the approval of this Act, the National Youth Commission (NYC) in collaboration with all existing agencies of the national government shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 44. *Penal Provision.* – Any person who shall willfully interfere with, restrain or coerce any youth in the exercise of his or her rights guaranteed by this Act, or who shall in another manner commit any act to defeat any provision of this Act, shall, upon conviction, be punished by a fine of not less than Ten Thousand Pesos (P10,000.00) nor more than Fifty Thousand Pesos

(P50,000.00) or by imprisonment for not less than one year nor more than five years, or both such fine and imprisonment at the discretion of the Court.

If offender is an institution, or any juridical person, the penalty shall be imposed upon the President, Treasurer, Secretary or any person or officer responsible for the violation. If the offender is an alien, he or she shall, after service of sentence, be deported immediately without further proceeding in the Bureau of Immigration (BI). If the offender is a public officer or employee, the Court shall, in addition to the penalties herein above provided, order his dismissal from the government service. In addition to the penalties herein provided, the license to operate of any institution involved may be suspended or cancelled by concerned government agency.

SECTION 45. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SECTION 46. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 47. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines, whichever comes earlier.

Approved,