

**Republic of the Philippines
House of Representatives
Quezon City**

**Eighteenth Congress
First Regular Session**

House Bill No. 198



**Introduced by Representatives
Estrellita B. Suansing and Horacio P. Suansing**

EXPLANATORY NOTE

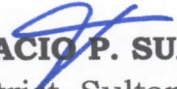
This bill seeks to provide a Magna Carta of out-of-school youth.

The 2017 Annual Poverty Indicators Survey show that nine percent (9%) of the estimated 39.2 million Filipinos aged 6 to 24 years old were out-of-school children and youth, citing marriage or family matters, lack of personal interest and the high cost of education or personal concern as primary reasons for not attending school.¹ Most, if not all, of the out-of-school youth belong to the marginalized sector of society, making them vulnerable and often subjected to discrimination and becoming victims of abuse and violence.

This bill ensures that the rights of out-of-school youth are protected and promoted, that the out-of-school youth are empowered and are granted the same opportunities and equal treatment as their peers, thereby developing their full potential as partners in nation-building.

This bill was filed as House Bill No. 9103 during the 17th Congress and was approved on third and final reading. In view of the foregoing, immediate passage of this bill is earnestly sought.


REP. ESTRELLITA B. SUANSING
1st District, Nueva Ecija


REP. HORACIO P. SUANSING, JR.
2nd District, Sultan Kudarat

¹ Source: Philippine Statistics Authority

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

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

CHAPTER I

GENERAL PROVISIONS

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

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

(a) To inspire and encourage the out-of-school youth to contribute to nation building;

(b) To recognize the rights of out-of-school youth in society;

(c) To provide an alternative learning system and a program for technical or vocational education for the out-of-school youth;

(d) To give full support to the improvement of the total well-being of the out-of-school youth by providing educational development and employment opportunities; and

(e) To recognize the important role of the private sector in improving the welfare of out-of-school youth and to actively seek their partnership.

1 **CHAPTER II**

2 **DEFINITION OF TERMS**

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

4 (a) *Alternative Learning System* refers to a parallel learning system
5 in the Philippines that provides a practical option to the existing formal
6 instruction. It includes both the non-formal and informal sources of
7 knowledge and skills;

8 (b) *Out-of-school youth* refers to a member of the population aged 15
9 to 30 years old who is currently out of school, not gainfully employed, and
10 has not finished college or a post-secondary course;

11 (c) *Social Protection* refers to policies and programs that seek to
12 reduce poverty and vulnerability to risks and enhance the social status and
13 rights of all out-of-school youth by promoting livelihood and employment
14 opportunities, protecting against financial hazards such as the sudden loss
15 of income, and improving people's capacity to manage risks. Its components
16 are labor market programs, social insurance, social welfare, and social safety
17 nets;

18 (d) *Substantive Equality* refers to the full and equal enjoyment of
19 rights and freedoms contemplated under this Act and encompasses *de jure*,
20 *de facto* equality and equality in outcomes;

21 (e) *Technical/Vocational Education* refers to the aspects of
22 educational process involving, in addition to general education, the study of
23 technologies and related sciences and the acquisition of practical skills
24 relating to occupations in various sectors of economic and social life. The term
25 is comprised of formal (organized programs as part of the school system), and
26 non-formal (organized classes outside the school system) approaches; and

27 (f) *TESDA graduate* refers to a student or trainee who has completed
28 the requirements set for a Technical Education and Skills Development
29 Authority (TESDA)-registered Technical Vocational Education and Training
30 (TVET) cours/program.

31 **CHAPTER III**

32 **DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL**
33 **YOUTH**

34 **SEC. 4. *State as the Primary Duty-Bearer.*** – The State, through the
35 National Youth Commission (NYC) and concerned youth serving agencies,

1 shall be guided by progressive developments in the human rights of out-of-
2 school youth under international law, and shall endeavor to design policies,
3 laws, and other regulatory measures to fulfill these duties. It shall institute
4 programs that will carry out the objectives of this Act and promote:

5 (a) The protection of the rights of out-of-school youth against
6 discrimination by private corporations, entities, and individuals; and

7 (b) The substantive equality in the rights of out-of-school youth in
8 all spheres of growth and development;

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

15 CHAPTER IV

16 RIGHTS AND EMPOWERMENT

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

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

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

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

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

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

CHAPTER V

GOVERNMENT ASSISTANCE AND SUPPORT

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

(a) Education – The Department of Education (DepEd), TESDA and the Commission on Higher Education (CHED), in consultation with non-government organizations (NGOs), shall institute a program that will ensure access of out-of-school youth to formal and non-formal education;

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

(c) Social Services – The Department of Social Welfare and Development (DSWD), in cooperation with the LGUs, NGOs and other relevant stakeholders shall develop and implement programs on social services for out-of-school youth, the components of which are:

(1) Social Enhancement Services, which provide out-of-school youth with opportunities for socializing, organizing creative expression, and improvement of self;

(2) After Care Services, which provide for support services for out-of-school youth who are discharged from the homes or institutions

1 of the DSWD, and other private institutions duly accredited by the
2 DSWD, especially those who have problems of reintegration with family
3 and the community.

4 (d) Employment – The Department of Labor and Employment
5 (DOLE), in coordination with government agencies such as the Department of
6 Trade and Industry (DTI), TESDA shall assess design, and implement training
7 programs that will provide skills and welfare or livelihood support for out-of-
8 school youth.

9 CHAPTER VI

10 MANDATORY TECHNICAL AND VOCATIONAL EDUCATION

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

15 **SEC. 13. *Alternative Learning System.*** – An alternative learning system of
16 education shall be made available to out-of-school youth in the barangays.

17 For out-of-school youth who are in the custody of a home or an
18 institution managed by the DSWD, the latter shall coordinate with the DepEd
19 for the provision of an alternative learning system within its premises.

20 **SEC. 14. *Education Cost and Support.*** – The TESDA shall provide technical
21 and vocational education services to out-of-school youth free of charge. It
22 shall likewise provide materials, instruments, and tools that the out-of-school
23 youth may need while enrolled in a technical/vocational course, and financial
24 support to cover transportation and other related costs for the duration of the
25 training.

26 **SEC. 15. *Entrepreneurial Education.*** – The DTI, in coordination with
27 TESDA and other relevant government agencies, shall conduct a training
28 program to provide the out-of-school youth with the knowledge, skills and
29 motivation to encourage entrepreneurial endeavors. The program shall
30 include small business management, new approaches on innovation or
31 introduction of new products or services to the markets.

32 **SEC. 16. *Promotion to Formal Tertiary Education.*** – The Local Social
33 Welfare and Development Officer may recommend an out-of-school youth to
34 be a recipient of a scholarship grant from the CHED under either Republic
35 Act No. 10931, otherwise known as the “Universal Access to Quality Tertiary

Education Act” or Republic Act No. 10687, otherwise known as the “Unified Student Financial Assistance System for Tertiary Education Act (UNIFAST).”

CHAPTER VII

EMPLOYMENT AND ENTREPRENEURIAL FACILITATION

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

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

SEC. 19. *Right to Decent Work.* - The DOLE, in coordination with TESDA, shall ensure decent work standards for out-of-school youth who have graduated from TVET 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.

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

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

CHAPTER VIII

ESPECIALLY DIFFICULT CIRCUMSTANCE

SEC. 21. *Especially Difficult Circumstance.* - Out-of-school youth who are in especially difficult circumstances such as victims of sexual and physical

1 abuse, illegal recruitment, prostitution, trafficking, armed conflict, out-of-
2 school youth in conflict with the law, and such other related circumstance
3 which have cause functional incapacity in society, shall be provided with
4 services and interventions as necessary, such as:

- 5 (a) Temporary and protective custody;
- 6 (b) Medical and dental services;
- 7 (c) Psychological evaluation;
- 8 (d) Counseling;
- 9 (e) Psychiatric evaluation;
- 10 (f) Legal services;
- 11 (g) Productivity capability building;
- 12 (h) Livelihood assistance;
- 13 (i) Financial assistance;
- 14 (j) Life skills training; and
- 15 (k) Health education and information.

16 **SEC. 22. *Inter-Agency Support.*** – The National Youth Commission, in
17 coordination with the DSWD, DOJ, DOH, DepEd, and the Advisory Council
18 created under Republic Act No. 8044, and concerned LGUs shall lead in
19 facilitating, implementing, monitoring and planning programs for the
20 rehabilitation of out-of-school youth.

21 **SEC. 23. *Duty of the LGU.*** – It is the duty of the LGU where the out-of-school
22 youth resides to deliver the necessary services and interventions under their
23 respective jurisdictions.

24 **CHAPTER IX**

25 **ADMINISTRATION AND ENFORCEMENT**

26 **SEC. 24. *Role of the Advisory Council.*** – The Advisory Council created
27 under Republic Act No. 8044, otherwise known as the “Youth in Nation-
28 Building Act”, shall plan, coordinate and monitor yearly work programs in
29 compliance with the objectives of this Act. It shall formulate and implement a
30 National Comprehensive Multi-Stakeholder Plan of Action for Out-of-School
31 Youth.

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

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

1 **SEC. 25. *Role of the Local Social Welfare and Development Officer.* –**

2 The Local Social Welfare and Development Officer shall assist the Advisory
3 Council in the effective implementation of the provisions of this Act and shall
4 perform the following functions:

5 (a) Draw up a list of available and required services which can be
6 provided for out-of-school youth;

7 (b) Maintain and regularly update on an annual basis the list of out-
8 of-school youth and to issue nationally uniform individual identification cards
9 free of charge, which shall be valid anywhere in the country;

10 (c) Serve as a focal person in the dissemination of general
11 information and feedback in regard to the needs of the out-of-school youth;

12 (d) Report to the Mayor, any individual, establishment, business
13 entity, institution, or agency found violating any provision of this Act;

14 (e) Coordinate with the Advisory Council to ensure compliance with
15 the provisions of this Act; and

16 (f) Monitor the compliance of government institutions as well as
17 private establishments to prominently display information materials such as
18 posters, banners and pamphlets that will generate public awareness on the
19 rights and welfare of out-of-school youth.

20 **SEC. 26. *Role of Non-Government Organization.* –** Non-government
21 organizations or private volunteer organizations dedicated to the promotion,
22 enhancement, and support of the welfare of out-of-school youth are hereby
23 encouraged to become partners of government in the implementation of
24 programs and projects for the out-of-school youth.

25 **CHAPTER X**

26 **FINAL PROVISIONS**

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

29 (a) For the first violation, imprisonment of not less than six (6)
30 months but not more than two (2) years and fine of not less than Fifty
31 thousand pesos (P50,000.00) but not more than One hundred thousand pesos
32 (P100,000.00);

33 (b) For any subsequent violation, imprisonment of not less than two
34 (2) years but not more than six (6) years and a fine of not less than One

1 hundred thousand pesos (P100,000.00) but not more than Two hundred
2 thousand pesos (P200,000.00);

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

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

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

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

18 **SEC. 28. Appropriations.** – The amount necessary for the effective
19 implementation of this Act shall be included in the budget of the concerned
20 government agencies in the annual General Appropriations Act.

21 **SEC. 29. Implementing Rules and Regulations.** – The Advisory Council
22 created under Republic Act No. 8044 shall promulgate, not later than thirty
23 (30) days upon the effectivity of this Act, the necessary rules and regulations
24 for the effective implementation of this Act: *Provided*, That the failure to
25 promulgate the rules and regulations shall not prevent the implementation of
26 this Act upon its effectivity.

27 **SEC. 30. Separability Clause.** – If any provision of this Act is declared
28 unconstitutional, the remainder of this Act or any provision not affected
29 thereby shall remain in full force and effect.

30 **SEC. 31. Repealing Clause.** – All laws, decrees, orders, issuances, rules and
31 regulations or parts thereof inconsistent with the provision of this Act are
32 hereby repealed, amended or modified accordingly.

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

Approved,