

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3993



Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

This bill which seeks to create a magna carta for the out-of-school youth in the country has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. However, it has not yet ripened into a law thereby necessitating the filing of the same on account of the primordial role of the youth in nation building as formidable social economic force.

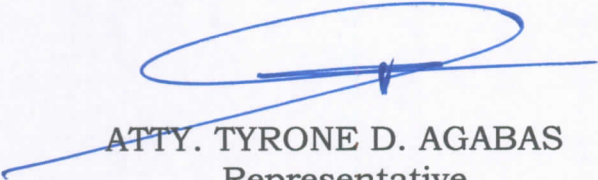
The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs. (Section 13, Article II, 1987 Constitution)

Our constitution is strongly worded in giving ample directive to protect the young especially the out-of-school youth. To this end, the government in recent years has been very active in providing general services to the out-of-school youth. In 2018 the Philippine Statistics Authority's Annual Poverty Indicator Survey recorded a decrease in the number of out-of-school youth aged 16 to 24, from 3.8 million individuals in 2016 to 3.6 million in 2017. Despite the decrease however, it is still alarming to have a 3.6 million out-of-school youth in the midst of Filipino families. In fact, the Philippine Statistics Authority also reported an increase in out-of-school youth aged 6 to 11 and 12 to 15. The increase is mainly attributed to poverty and lack of income opportunities. There is therefore a need to adopt bolder measures to

rapidly decrease in strides the incidence of out-of-school youth in the country.

Hence, the need to pass this legislative measure to encapsulate in a magna carta the various programs and incentives of the government for the out-of-school youth with the end in view of integrating them back into the fold of formal and non-formal education.

Accordingly, the approval of this bill is earnestly sought.



ATTY. TYRONE D. AGABAS
Representative
6th District, Pangasinan

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HOUSE BILL NO. 3993

Introduced by Representative **TYRONE D. AGABAS**

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 **SECTION 1. SHORT TITLE.**- This Act shall be known as the “*Magna*
4 *Carta of the Out-of-School-Youth.*”

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

- 11 (a) To inspire and encourage the out-of-school youth to
12 contribute to nation building;
- 13 (b) To recognize the rights of out-of-school youth in society;
- 14 (c) To provide an alternative learning system and a program for
15 technical or vocational education for the out-of-school youth;

- 16 (d) To give full support to the improvement of the total well-being
17 of the out-of-school youth by providing educational
18 development and employment opportunities; and
- 19 (e) To recognize the important role of the private sector in
20 improving the welfare of out-of-school youth and to actively
21 seek their partnership.

22 CHAPTER II

23 DEFINITION OF TERMS

24 **SEC 3. DEFINITION OF TERMS.** – As used in this Act:

- 25 (a) *Alternative Learning System* refers to a parallel learning
26 system in the Philippines that provide a practical option to the
27 existing formal instruction. It includes both the non-formal
28 and informal sources of knowledge and skills;
- 29 (b) *Out-of-School youth* refers to a member of the population aged
30 15 to 30 years old who is currently out of school, not gainfully
31 employed, and has not finished college or a post secondary
32 course;
- 33 (c) *Social Protection* refers to policies and programs that seek to
34 reduce poverty and vulnerability to risks and enhance the
35 social status and rights of all out-of-school youth by
36 promoting livelihood and employment opportunities,
37 protecting against financial hazards such as the sudden loss
38 of income, and improving people's capacity to manage risks.
39 Its components are labor market programs, social insurance,
40 social welfare, and social safety nets;
- 41 (d) *Substantive Equality* refers to the full and equal enjoyment of
42 rights and freedoms contemplated under this Act and
43 encompasses *de jure*, *de facto* equality and equality in
44 outcomes;
- 45 (e) *Technical/Vocational Education* refers to the aspects of
46 education process involving, in addition to general education,
47 the study of technologies and related sciences and the
48 acquisition of practical skills relating to occupations in
49 various sectors of economic and social life. The term is
50 comprised of formal (organized programs as part of the school

51 system), and non-formal (organized classes outside the school
52 system) approaches; and

- 53 (f) *TESDA* graduate refers to a student or trainee who has
54 completed the requirements set for a Technical education and
55 Skills Development Authority (TESDA) – registered Technical
56 Vocational Education and Training (TVET) course/program.

57 CHAPTER III

58 DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL 59 YOUTH

60 ***SEC. 4. State as the Primary Duty-Bearer.*** – The State, through the
61 National Youth Commission (NYC) and concerned youth saving agencies,
62 shall be guided by progressive developments in the human rights of out-
63 of-school youth under international law, and shall endeavor to design
64 policies, laws, and other regulatory measures to fulfill these duties. It shall
65 institute programs that will carry out the objectives of this act and
66 promote:

- 67 (a) The protection of the rights of out-of-school youth against
68 discrimination by private corporations, entities, and
69 individuals; and
- 70 (b) The substantive equality in the rights of out-of-school youth
71 in all spheres of growth and development.

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

78 CHAPTER IV

79 RIGHTS AND EMPOWERMENT

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

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

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

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

For this purpose, the State shall ensure allocation of 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 for 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;

- 120 a) *Education* – The Department of Education (DepEd), TESDA
121 and the Commission on Higher Education (CHED), in
122 consultation with non- government organizations (NGOs),
123 shall institute a program that will ensure access of out-of-
124 school youth to formal and non-formal education;
- 125 b) *Health* – The Department of Health (DOH), in coordination
126 with local government units (LGUs) and NGOs, shall institute
127 a national health program and provide an integral health
128 service for out-of-school youth;
- 129 c) *Social Services* – The Department of Social Welfare and
130 Development (DSWD), in cooperation with the LGUs, NGOs
131 and other relevant stakeholders shall develop and implement
132 programs on social services for out-of-school youth, the
133 components of which are:
- 134 1) Social Enhancement Services, which provide the out-of-
135 school youth with opportunities for socializing,
136 organizing creative expression, and improvement of self;
- 137 2) After Care Services, which provide for support services
138 for out-of-school youth who are discharged from the
139 homes and institutions of the DSWD, especially those
140 who have problems of reintegration with family and the
141 community.
- 142 d) *Employment* – The Department of Labor and Employment
143 (DOLE), in coordination with other government agencies such
144 as the Department of Trade and Industry (DTI), TESDA shall
145 assess, design, and implement training programs that will
146 provide skills and welfare or livelihood support for out-of-
147 school youth.

148 CHAPTER VI

149 MANDATORY TECHNICAL AND VOCATIONAL EDUCATION

150 **SEC. 12. Mandatory Technical/Vocational Education.** – It shall be the
151 duty of the State to provide technical or vocational education to the out-
152 of-school youth. The course shall be provided and/or managed by TESDA
153 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.

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

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

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

CHAPTER VII

EMPLOYMENT AND ENTERPRENEURAL 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 the out-of-school youth who have graduated from TVET courses, including the following minimum guarantees:

- 189 a) Local job generation and employment, economic opportunities
190 and providing strict regulations against forced and voluntary
191 displacement; and
- 192 b) Protection of the rights and promotion of the welfare of
193 migrant TVET graduates regardless of work status, and
194 protection against discrimination in wages, conditions of
195 work, and employment opportunities in host countries.

196 **SEC. 20. Social Protection** – The National Poverty Commission and
197 concerned agencies shall institute policies and programs that seek to
198 reduce poverty and vulnerability to risks of out-of-school youth by
199 protecting them against the financial hazards of sudden loss of income,
200 and improving capacity to manage risks. Further, the State shall ensure
201 that out-of-school youth workers and TVET graduates shall be provided
202 by their employer with a mandatory life, accident and health insurance
203 coverage.

204 CHAPTER VIII

205 ESPECIALLY DIFFICULT CIRCUMSTANCE

206 **SEC. 21. ESPECIALLY DIFFICULT CIRCUMSTANCE.** - Out-of-school
207 youth who are in especially difficult circumstances such as victims of
208 sexual and physical abuse, illegal recruitment, prostitution, trafficking,
209 armed conflict, out-of-school youth in conflict with the law and such other
210 related circumstance which have caused functional incapacity in society,
211 shall be provided with services and interventions as necessary such as:

- 212 a) Temporary and protective custody
- 213 b) Medical and dental services
- 214 c) Psychological evaluation
- 215 d) Counseling
- 216 e) Psychiatric evaluation
- 217 f) Legal services
- 218 g) Productivity capability building
- 219 h) Livelihood assistance
- 220 i) Financial assistance

- 221 j) Life skills and training
222 k) Health education and information

223 **SEC. 22. Inter-Agency Support** – The National Youth
224 Commission, in coordination with the DSWD, DOJ, DOH, DepEd and the
225 Advisory Council created under RA No. 8044, and concerned LGUs shall
226 lead in facilitating, implementing, monitoring and planning programs for
227 the rehabilitation of out-of-school youth.

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

231 CHAPTER IX

232 ADMINISTRATION AND ENFORCEMENT

233 **SEC. 24. Role of Advisory Council** – The Advisory Council created under
234 Republic Act No. 8044 or the “Youth in Nation-Building Act” shall plan,
235 coordinate and monitor yearly work programs in compliance with the
236 objectives of this Act. It shall formulate and implement a National
237 Comprehensive Multi-Stakeholder Plan of Action for Out-of-School Youth.

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

241 The Advisory Council shall cause the prominent display of
242 information materials in government institutions and private
243 establishments aimed in generating public awareness on the rights of out-
244 of-school youth.

245 **SEC. 25. Role of Local Social Welfare and Development Officer** – The
246 Local Social Welfare and Development Officer shall assist the
247 advisory council in the effective implementation of the provisions of this
248 Act and shall perform the following functions:

- 249 a) Draw up a list of available and required services which can be
250 provided for out-of-school youth;
- 251 b) Maintain and regularly update on an annual basis the list of
252 out-of-school youth and to issue nationally uniform individual
253 identification cards free of charge, which shall be valid
254 anywhere in the country;

- 255 c) Serve as a focal person in the dissemination of general
256 information and feedback in regard to the needs of the out-of-
257 school youth;
- 258 d) Report to the Mayor, any individual, establishment, business
259 entity, institution, or agency found violating any provision of
260 this Act;
- 261 e) Coordinate with the Advisory Council to ensure compliance
262 with the provisions of this act;
- 263 f) Monitor the compliance of the government institutions as well
264 as private establishments to prominently display information
265 materials such as posters, banners and pamphlets that will
266 generate public awareness on the rights and welfare of out-of-
267 school youth.

268 **SEC. 26. Role of Non-Government Organization** – Non-government
269 organizations or private volunteer organizations dedicated to the
270 promotion, enhancement, and support of the welfare of out-of-school
271 youth are hereby encourage to become partners of government in the
272 implementation of programs and projects for the out-of-school youth.

273 CHAPTER X

274 ADMINISTRATION AND ENFORCEMENT

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

- 277 a) For the first violation, imprisonment of not less than six (6)
278 months but not more than two (2) years and fine of not less
279 than Fifty thousand pesos (P50,000.00) but not more than
280 One hundred thousand pesos (P100,000.00);
- 281 b) For any subsequent violation, imprisonment of not less than
282 two (2) years but not more than six (6) years and a fine not
283 less than one hundred thousand pesos (P100,000.00) but not
284 more than two hundred thousand pesos (P200,000.00)
- 285 c) For any person who avails of any of the benefits and privileges
286 granted under this Act but who is not qualified to avail of the
287 same, imprisonment of not less than six (6) months and a fine
288 of not less than Fifty Thousand pesos (50,000.00) but not
289 more than One hundred Thousand pesos (100,000.00);

290 d) If the offender is a corporation, organization or any similar
291 entity, the officials thereof directly involved in the violation or
292 abuse shall be held liable.

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

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

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

305 **SEC. 29. Implementing Rules and Regulations.** – The Advisory Council
306 created under Republic Act No 8044 shall promulgate, not later than thirty
307 (30) days upon the effectivity of this Act, the necessary rules and
308 regulations for the effective implementation of this Act: *Provided*, That the
309 failure to promulgate the rules and regulations shall not prevent the
310 implementation of this Act upon its effectivity.

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

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

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

319 *Approved,*