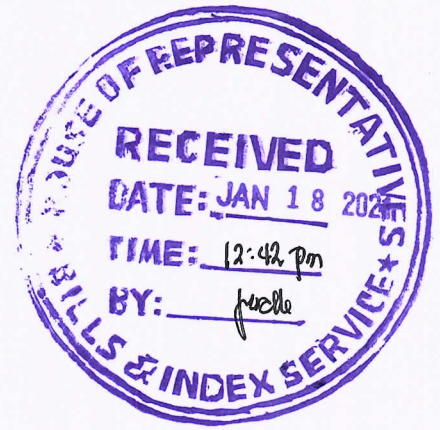


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8387



Introduced by: Hon. KRISTINE ALEXIE B. TUTOR

EXPLANATORY NOTE

According to the 2017 Annual Poverty Indicators Survey (APIS) of the Philippine Statistics Authority (PSA), nine percent (9%) of the estimated 39.2 million Filipinos aged 6 to 24 years old, or around 3.6 million young Filipinos are out-of-school youths (OSYs). Majority of them, around 83% belong to the 16 to 24 year old age bracket. Among the factors cited by the survey among OSYs for not attending formal education, among other, are: marriage or family matters; lack of personal interest; high cost of education; accessibility of school.

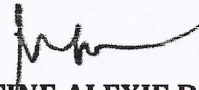
Recently, the President enacted Republic Act No. 11510 or the "Alternative Learning System Act" which institutionalizes the Alternative Learning System (ALS) as a parallel learning system to provide viable alternative to the existing formal education instruction for out-of-school youth. While RA 11510 provides alternative learning venues for OSYs thereby increasing accessibility to quality basic education, OSYs need further support from the government in order to improve their well-being and encourage them to become actors in national development.

This proposed measure seeks to strengthen the State's mandate of instituting policies and programs for the development of OSYs in the country and to encourage OSYs to seek and avail of the multitude of opportunities that will be presented to them. This includes, but is not limited to, the provision of educational, employment and entrepreneurial assistance through the Department of Education (DepEd), the Technical Education and

Skills Development Authority (TESDA), the various local government units (LCDs), and the Department of Labor and Employment (DOLE) in addition to health and social protection services.

Likewise, this measure will institute interventions for the benefit of OSYs who are in especially difficult circumstances such as those who are victims of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, OSYs in conflict with the law, and other related circumstances which have caused their functional incapacity in the society. All of these reforms are aimed at encouraging our OSYs to realize their value in society and exercise self-improvement mechanisms. As our country moves towards progress, let us develop the full potential of our young Filipino OSYs and make them our partners in nation-building.

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



HON. KRISTINE ALEXIE B. TUTOR

Representatives, 3rd District, Bohol

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
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HOUSE BILL NO. 8387

Introduced by: Hon. KRISTINE ALEXIE B. TUTOR

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 1
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 Policies.*** –The State values the dignity of every human person, guarantees full respect for their human right, and recognizes the right of out-of-school youth to social protection and development. Towards this end, the State shall promulgate measures to achieve the following objectives:

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

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

(c) Provide an Alternative Learning System and a program for technical/vocational education for the out-of-school youth;

(d) 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) Recognize the important role of the private sector in the improvement of the welfare of out-of-school youth and to actively seek their partnership.

CHAPTER II DEFINITION OF TERMS

SEC. 3. **Definitions.** – 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 members of the population aged 15 to 30 years old who are currently out of school, not gainfully employed, and have not finished college or a post-secondary course;
- (c) *Social Protection* 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 and protecting the livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare and social safety nets;
- (d) *Substantive Equality* refers to the full and equal enjoyment of rights and freedoms contemplated under this Act and encompasses *de jure* and *de facto* equality and equality in outcomes;
- (e) *Technical/Vocational Education* refers to the education or training process involving, in addition to general education, the study of technologies and related sciences and the acquisition of practical skills relating to occupations in various sectors of economic and social life. The term is comprised of formal (organized programs as part of the school system), and non-formal (organized classes outside the school system) approaches; and

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

CHAPTER III DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH

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

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

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

CHAPTER IV RIGHTS AND EMPOWERMENT

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

1 **SEC. 7. *Protection from Violence.*** – The State shall ensure that all out-of-school
2 youth shall be protected from all forms of violence, particularly cases of physical abuse,
3 sexual exploitation, and human trafficking. Agencies of government shall give priority to
4 the defense and protection of out-of-school youth and help them to attain justice and
5 healing.

6
7 **SEC. 8. *Equal Treatment Before the Law.*** – The State shall take steps to review and,
8 when necessary, amend, or repeal existing laws that are discriminatory to out-of-school
9 youth.

10
11 **SEC. 9. *Representation of Out-of-School Youth Issues and Concerns in Media and***
12 ***Film.*** – The State shall formulate policies and programs for the advancement of out-of-
13 school youth, in collaboration with government and non-government media-related
14 organizations.

15
16 For this purpose, the State shall ensure allocation of space, airtime, and resources,
17 strengthen programming, production, and image-making that appropriately present the
18 out-of-school youth's needs, issues and concerns in all forms of media, communication,
19 information dissemination, and advertising.

20
21 **SEC. 10. *Recognition and Preservation of Cultural Identity and Integrity.*** – The
22 State shall recognize and respect the rights of Moro and indigenous peoples who are out-
23 of-school youth to practice, promote, protect, and preserve their own culture, traditions,
24 and institutions and to consider these rights in the formulation and implementation of
25 national policies and programs.

26
27 To this end, the State shall adopt measures in consultation with the sectors
28 concerned to protect their rights, their indigenous knowledge systems and practices,
29 traditional livelihood, and other manifestations of their culture and way of life: *Provided,*
30 That these cultural systems and practices are not discriminatory to the out-of-school
31 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 local government units (LGUs) and non-government organizations (NGOs), shall institute a program that will ensure access to formal and non-formal education;

(b) Health – The Department of Health (DOH), in coordination with LGUs and NGOs shall institute a national health program and provide an integral health service for out-of-school youth in accordance with the provisions under Republic Act No. 11223 or the Universal Health Care Act;

(c) Social Services – The Department of Social Welfare and Development (DSWD), in cooperation with LGUs and 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 improvements of self; and

(2) After Care Services for out-of-school youth who are discharged from the homes or institutions of the DSWD and other private institutions duly accredited by DSWD, especially those who have problems of reintegration with family and community;

(d) Employment – The Department of Labor and Employment (DOLE), in coordination with other government agencies such as, but not limited to, the Department of Trade and Industry (DTI) and TESDA, shall assess, design, and implement training

1 programs that will provide skills and welfare or livelihood support for out-of-school
2 youth.

3
4 **CHAPTER VI**
5 **EDUCATION**
6

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

11
12 **SEC. 13. *Education Cost and Support.*** – The technical/vocational education shall
13 be offered by the State free of charge to the out-of-school youth. The State shall likewise
14 provide materials, instruments, and tools that the out-of-school youth may need while
15 enrolled in a technical/vocational course, as well as sufficient allowance to cover
16 transportation and other related costs for the duration of the training.

17
18 **SEC. 14. *Skills Development Coordinators at the LGUs.*** – The LGUs, through the
19 Community Training and Employment Coordinators (CTECs) or duly designated LGU
20 personnel, shall have the responsibility of monitoring the progress and development of
21 the OSYs in the chosen technical/vocational course by requiring the technical vocational
22 institutions (TVIs) to submit, among others, regular enrollment and completion reports
23 of the programs being implemented.

24
25 **SEC. 15. *Promotion to Formal Tertiary Education.*** – The local Social Welfare and
26 Development Officer may recommend an out-of-school youth to be a recipient of a
27 scholarship program from the CHED under either Republic Act 10931 or the Universal
28 Access to Quality Tertiary Education or Republic Act No. 10687 or the Unified Student
29 Financial System for Tertiary Education Act (UniFAST).

30
31 **SEC. 16. *Entrepreneurial Education.*** – The DTI, in coordination with TESDA and
32 other relevant government agencies, shall conduct a training program to provide the out-
33 of-school youth with the knowledge, skills and motivation to encourage entrepreneurial
34 success. The program shall include small business management education and new

1 approaches on how to promote innovation or introduce new products or services to the
2 markets.

3
4 SEC. 17. **Alternative Learning System.** – The Alternative Learning Mode of
5 Education shall be made available to out-of-school youth in the barangays.

6
7 For out-of-school youth who are in the custody of a home or an institution managed
8 by the DSWD, the latter shall coordinate with the DepEd for the provision of Alternative
9 Learning System within its premises.

10
11 **CHAPTER VII**
12 **EMPLOYMENT AND ENTREPRENEURIAL FACILITATION**
13

14 SEC. 18. **Employment.** – An out-of-school youth who has the capacity and desire to
15 work shall be provided employment opportunities. The State shall also make use of the
16 existing privileges under Republic Act No. 9547 as amended by Republic Act No. 10917
17 or the Special Program for Employment of Students (SPES) to enable them to be
18 productive members of the society.

19
20 SEC. 19. **Entrepreneurial Facilitation.** – The State shall establish a community-
21 based method of addressing the needs and barriers facing out-of-school youth
22 entrepreneurs. The objective is to encourage and develop a diverse and robust local
23 entrepreneurial economy that will lead to more opportunities for the enterprising out-
24 of-school youth.

25
26 SEC. 20. **Right to Decent Work.** – The State shall progressively grant and ensure
27 decent work standards of out-of-school youth who have graduated in TVET courses,
28 which shall include, but not be limited, to the following minimum guarantees:

- 29
30 (a) Local job generation and employment, as well as other economic opportunities for
31 TVET graduates, providing strict regulations against their forced and involuntary
32 displacement;
33

(b) Promotion and protection of the rights and welfare of migrant TVET graduates regardless of their work status, and protection against discrimination in wages, conditions or work, and employment opportunities in host countries; and

(c) Opportunities for work shall be productive and fairly remunerative as family living wage, security of tenure in the workplace, and better prospects for personal development and social integration.

SEC. 21. *Social Protection.* –

(a) The State shall endeavor that out-of-school youth workers and TVET graduates acquire a mandatory life, accident, and health insurance coverage to be provided by their employer.

(b) The State shall institute policies and programs that seek to reduce poverty as well as vulnerability to risks of out-of-school youth by protecting against hazards of sudden loss of income, and improving his/her capacity to manage risks.

**CHAPTER VIII
ESPECIALLY DIFFICULT CIRCUMSTANCE**

SEC. 22. *Especially Difficult Circumstance.* – Out-of-school youth who are in especially difficult circumstances such as victims of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, out-of-school youth in conflict with the law, and such other related circumstances which have caused their functional incapacity, in the society, shall be provided with services and interventions as necessary, such as, but not limited to, the following:

(a) Temporary protective custody;

(b) Medical and dental services;

(c) Psychological evaluation;

(d) Counseling;

(e) Psychiatric evaluation;

- 1 (f) Legal services;
2
3 (g) Productivity skill capability building;
4
5 (h) Livelihood assistance;
6
7 (i) Financial assistance;
8
9 (j) Life skills training; and
10
11 (k) Health education and information.
12

13 SEC. 23. ***Inter-agency Support.*** – The DSWD, Department of Justice, DOH and
14 DepEd, in coordination with the appropriate LGU, shall lead in facilitating, implementing,
15 monitoring and planning programs for the rehabilitation of the out-of-school youth.
16

17 SEC. 24. ***Duty of the LGU.*** – It is the duty of the LGU where the out-of-school youth
18 resides to deliver the services and interventions necessary under their respective
19 jurisdictions.
20

21 CHAPTER IX 22 ADMINISTRATION AND ENFORCEMENT 23

24 SEC. 25. ***Advisory Council.*** – The Advisory Council created under Republic Act No.
25 8044 or the Youth in Nation Building Act shall plan, coordinate and monitor yearly work
26 programs in pursuance of the objectives of this Act. It shall also create and implement a
27 National Comprehensive Multi-Stakeholder Plan of Action for Out-of-School Youth.
28

29 The Advisory Council shall also coordinate with, and ensure that the relevant
30 agencies of the Government have appropriate programs for the out-of-school youth in
31 accordance with the objectives of this Act.
32

33 SEC. 26. ***Local Social Welfare and Development Officer.*** – The local Social Welfare
34 and Development Officer shall assist in the effective implementation of the provisions of
35 this Act and shall have the following functions:
36

- 37 (a) To draw up a list of available and required services which can be provided for out-
38 of-school youth;

- 1
- 2 (b) To maintain and regularly update on an annual basis the list of out-of-school youth
- 3 and to issue nationally uniform individual identification cards free of charge, which
- 4 shall be valid anywhere in the country;
- 5
- 6 (c) To serve as a general information and liaison center to serve the needs of the out-
- 7 of-school youth;
- 8
- 9 (d) To coordinate with the Advisory Council to ensure compliance with the provisions
- 10 of this Act;
- 11
- 12 (e) To report to the mayor, any individual, establishment, business entity, institution,
- 13 or agency found in violation of any provision of this Act; and
- 14
- 15 (f) To require government institutions as well as private establishments to
- 16 prominently display notices that will generate public awareness on the right and
- 17 welfare of out-of-school youth.
- 18

19 SEC. 27. ***Role of Non-Government Organizations.*** – Non-government

20 organizations or private volunteer organizations dedicated to the promotion,

21 enhancement, and support of the welfare of out-of-school youth are hereby encouraged

22 to become partners of government in the implementation of programs and projects for

23 the out-of-school youth.

24

25 **CHAPTER X**

26 **FINAL PROVISIONS**

27

28

29 SEC. 28. ***Implementing Rules and Regulations.*** – Within ninety (90) days from the

30 effectivity of this Act, the Advisory Council, DSWD, DOJ, DOLE, DTI, CHED, DepEd and

31 TESDA shall promulgate the implementing rules and regulations as may be necessary to

32 ensure the efficient and effective implementation of this Act, in consultation with other

33 stakeholders including NGOs or peoples organizations for the out-of-school youth duly

34 accredited by the DSWD.

1
2 SEC. 29. ***Appropriations.*** – The necessary appropriations for the initial
3 implementation of this Act shall be appropriated from any available funds from the
4 National Treasury. Thereafter, any such sums as may be needed for the continued
5 implementation of this Act shall be included in the annual General Appropriations Act of
6 the respective agencies.

7
8 SEC. 30. ***Separability Clause.*** – Should any part of this Act be declared
9 unconstitutional, the rest of the provisions of this Act not affected shall continue to be in
10 effect and subsisting.

11
12 SEC. 31. ***Repealing Clause.*** – The provisions of other laws, decrees, executive
13 orders, rules and regulations inconsistent with this Act are hereby repealed, amended or
14 modified accordingly.

15
16 SEC. 32. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
17 in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,