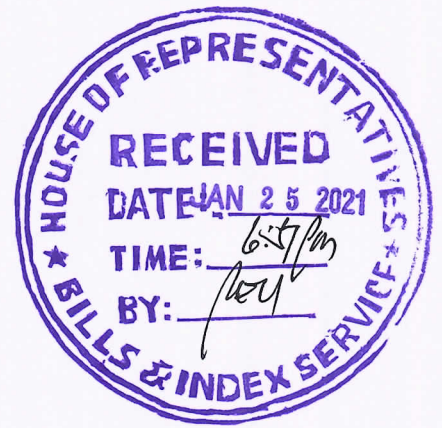


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8502



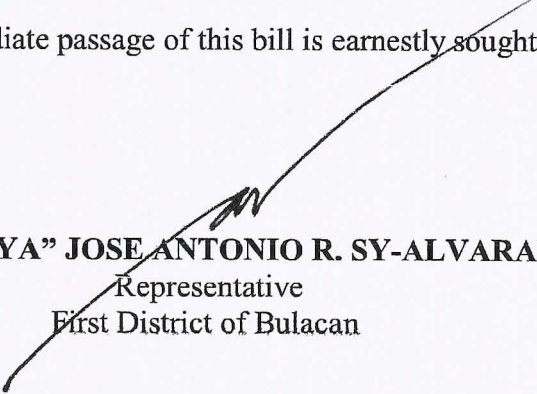
Introduced by: **CONG. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

EXPLANATORY NOTE

Section 13, Article II of the 1987 Constitution affirms the State's recognition of this vital role of the youth in nation-building and declares that it shall promote and protect their physical, moral, intellectual, and social well-being, and shall inculcate in the youth, patriotism and nationalism and encourage their involvement in public and civic affairs.

This bill seeks to provide or a Magna Carta of Out-of-School Youth that shall protect, uphold, and expound their human rights as recognized by the State. This measure shall mandate an affirmative action program by the government to improve the welfare and quality of life of the out-of-school youth, in the spirit of social justice and equity.

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


CONG. "KUYA" JOSE ANTONIO R. SY-ALVARADO
Representative
First District of Bulacan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
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HOUSE BILL NO. 8502

Introduced by: **CONG. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

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

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

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

SECTION 2. *Declaration of Policy.* – 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 his 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

SECTION 3. *Definition.* – 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 knowledges 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 learning 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 the 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 RELATEF TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH

SECTION 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 of out-of-school youth in all spheres of growth and development.

SECTION 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, define specific duties of stage agencies and entities concerned.

CHAPTER IV

RIGHTS AND EMPOWERMENT

SECTION 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.

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

SECTION 8. *Equal Treatment before the Law.* – the State shall take steps to review and when necessary, amend, or repeal existing laws that are discriminatory to out-of-school youth.

SECTION 9. *Representation of Out-of-School Youth issues and Concerns in Media and Film.* – The State 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 space, airtime, and resources, strengthen programming, production, and image-making that appropriately present the out-of-school youth's needs, issues and concerns in all forms of media, communication, information dissemination, and advertising.

SECTION 10. *Recognition and Preservation of Cultural Identity and Integrity.*

- The State shall recognize and respect the rights of Moro and indigenous people who are 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.

To the end, the State shall adopt measures in consultation with the sectors concerned to protect their rights, their indigenous knowledge systems and practices, traditional livelihood, and other manifestations of their culture and way of life; *Provided*, that these cultural systems and practices are not discriminatory to the out-of-school youth.

**CHAPTER V
GOVERNMENT ASSISTANCE AND SUPPORT**

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

CHAPTER VI EDUCATION

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

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

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

SECTION 15. *Promotion to Formal Tertiary Education.*- The Local Social Welfare and Development Officer may recommend an out-of-school youth to be a recipient of a scholarship of a scholarship program from the CHED under either Republic Act 10687 or the Unified Student Financial System for Tertiary Education Act (UniFAST)

SECTION 16. *Entrepreneurial Education.* – 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, skill and motivation to encourage entrepreneurial success. The program shall include small business management education and new approaches on how to promote innovation or introduce new products or services to the market.

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

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

CHAPTER VII EMPLOYMENT AND ENTREPRENEURIAL FACILITATION

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

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

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

- (a) Local job generation and employment, as well as other economic opportunities for TVET graduates, providing strict regulations against their forces and involuntary displacement;
- (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.

SECTION 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**

SECTION 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;
- (f) Legal services;
- (g) Productivity skill capability building;
- (h) Livelihood assistance;
- (i) Financial assistance
- (j) Life skills training; and
- (k) Health education and information.

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

SECTION 24. *Duty of the LGU.*- it is the duty of the LGU where the out-of-school youth resides to deliver the services and interventions necessary under their respective jurisdictions.

CHAPTER IX ADMINISTRATION AND ENFORCEMENT

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

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

SECTION 26. *Local Social Welfare and Development Officer.* – The Local Social Welfare and Development Officer shall assist in the effective implementation of the provisions of this Act and shall have the following functions:

- (a) To draw up a list of available and required services which can be provided for out-of-school youth;
- (b) To maintain and regularly update on an annual basis the list of out-of-school youth and to issue nationally uniform individual identification cards free of charge, which shall be valid anywhere in the country.
- (c) To serve as a general information and liaison center to serve the needs of the out-of-school youth.
- (d) To coordinate with the Advisory Council to ensure compliance with provisions of this Act;
- (e) To report to the mayor, any individual, establishment, business entity, institution, or agency found in violation of any provision of this Act; and
- (f) To require the government institutions as well as private establishments to prominently display notices that will generate public awareness on the right and welfare of out-of-school youth.

SECTION 27. *Role of Non-Government Organizations.* – Non-government organizations or private volunteer organizations dedicated to the promotion, enhancement, and support of the welfare of out-of-school youth are hereby encourage to become partners of government in the implementation of programs and projects for the out-of-school youth.

CHAPTER X FINAL PROVISIONS

SECTION 28. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Advisory Council, DSWD, DOJ, DOLE, CHED, DepEd and TESDA shall promulgate the implementing rules and regulations as may be necessary to ensure the efficient and effective implementation of this Act, in consultation with other stakeholders including NGOs or peoples organizations for the out-of-school youth duly accredited by the DSWD.

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

SECTION 30. *Separability Clause.* – If, for any reason or reasons, any part or provision of this Act shall be declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 31. *Repealing Clause.* – All provisions of existing laws, orders, rules and regulations or parts thereof which are in conflict or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 32. *Effectivity* – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette and two (2) major newspapers of general circulation.

Approved,

