

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

NINETEENTH CONGRESS
First Regular Session

House Bill No. **6788**



Introduced by: **REPRESENTATIVE EDWIN L. OLIVAREZ**

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

EXPLANATORY NOTE

Based on the statistical data provided for by the Department of Education (DepEd), as of September 21, 2021, around 26.3 million students have enrolled for school year 2021-2022 in both public¹ and private schools. There is a 100.3% increase from the 26.3 million enrollment for 2020. However, the dangers brought upon the COVID-19 pandemic up to this day impact the number of out-of-school youth in the country. The continued increase of the number of out-of-school youth is alarming and should not be taken lightly as this will create a problematic impact in their future, their families and the country as well.

It is imperative for the State to create measures that would help the out-of-school youth in the country maximize their potentials and encourage them to take part in programs that will help secure their future. As such, this Bill is being passed to be able to create solutions to the upward trend of the number of out-of-school youth in the country and provide opportunities that would be beneficial for their well-being.

This Bill seeks to provide a magna carta of the out-of-school youth in the Philippines which shall provide measures that will protect their rights, provide equal opportunities, and create programs that will maximize their potential. In coordination with a number of government agencies, this Bill will become an effective tool in encouraging and assuring that the out-of-school youth of the country will become productive members of the society.

In view of the foregoing the passage of this Bill is earnestly sought.


EDWIN OLIVAREZ

¹ <https://www.rappler.com/nation/depd-report-student-enrollment-school-year-2021-2022>

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*Be it enacted in the Senate and the House of Representatives of the Republic
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. – It is hereby the declared policy of the State to give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity and reduce social and economic inequalities. Towards this end, the State shall adopt measures that will ensure that rights of the out-of-school youth are recognized and give support to the enhancement of their well-beings.

SECTION 3. – Definition of Terms. –

- a. **“Out-of-School Youth”** shall refer to Filipinos aged fifteen (15) years old to thirty (30) years old who are not enrolled in any educational institution, not gainfully employed, and have not been able to finish tertiary level education or any post-secondary course;
- b. **“Technical and Vocational Education”** shall refer to education, training and skills development relating to a wide range of occupational fields, production, services and livelihoods;
- c. **“Local Social Welfare and Development Officer”** shall refer to the officer designated as such under the Office on Social Welfare and Development Offices.

SECTION 4. The State as the Primary Duty-Bearer – The State, through agencies aimed at serving the youth, shall be guided the progressive developments in the human rights of out-of-school youth set forth by applicable international law. As such, the State shall create measures that

will serve the best interest of out-of-school youth. It shall institute programs that will carry out the following objectives of this Act:

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

SECTION 5. *Duties of the State Agencies and Instrumentalities.* –

The duties of the State as stated in the preceding section 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 or state agencies and entities concerned.

SECTION 6. *Human Rights of Out-of-School Youth.* – All rights enshrined in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines shall be enjoyed by out-of-school youth without any form of discrimination.

SECTION 7. *Protection from Violence.* – The State, through its appropriate agencies, shall ensure the protection of all out-of-school youth from any kind of violence which shall include but shall not be limited to physical abuse, sexual exploitation, and human trafficking.

SECTION 8. *Equal Treatment Before the Law.* – The State shall take steps to ensure equal treatment of all out-of-school youth. It shall review existing laws that are discriminatory to out-of-school youth and, when necessary, amend or repeal the same.

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, strengthening 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 prioritize the promotion, preservation and protection of the culture and traditions of Moro and indigenous peoples who are out-of-school youth. The State shall adopt measures in consultation with the concerned sectors to protect their rights, their indigenous knowledge systems and practices, traditional livelihood and other manifestations of their culture and way of life.

SECTION 11. *Government Assistance.* – The State, through its agencies and instrumentalities, shall provide the following to the out-of-school youth:

- a. Education – The Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), and Commission on Higher Education (CHED), in consultation with appropriate organizations, shall institute programs that will provide access to education for out-of-school youth, whether formal or non-formal;
- b. Health – The Department of Health (DOH), in coordination with the appropriate agencies, shall institute a national health program and provide integral health service for out-of-school youth;
- c. Social Services – The Department of Social Welfare and Development (DSWD), in cooperation relevant stakeholders, shall develop and implement programs on social services for out-of-school youth. Such programs shall be composed of social enhancement services which shall focus on providing opportunities for out-of-school youth to socialize, engage in activities that focus on creative expression and self-improvement, and after-care services for out-of-school youth who have been discharged from the homes or institutions of the DSWD, especially those who have problems of reintegration with the family and the community;
- d. Employment – The Department of Labor and Employment (DOLE), in coordination with other government agencies, shall initiate programs that will provide skills and welfare or livelihood support for out-of-school youth.

SECTION 12. *Mandatory Technical/Vocational Education.* – The State, through TESDA, in accordance with its training regulations, shall provide mandatory technical/vocational education to the out-of-school youth.

The technical/vocational education provided for by the State shall be free of charge. The State shall also provide the necessary materials, instruments and tools in relation to the technical/vocational course that the

out-of-school youth will be enrolled in. Likewise, the allowance necessary to shoulder transportation costs and other essential costs shall be provided for by the State.

SECTION 13. *Skills Development Coordinators at the Local Government Units (LGU).* – The LGUs, through the appropriate department, shall be in charge of monitoring the progress and development of the out-of-school youth in the chosen technical/vocational course. In order to be able to monitor the out-of-school youth, the LGU shall require the respective institutions to submit, among others, regular enrollment and completion of the programs being implemented.

SECTION 14. *Promotion to Formal Tertiary Education.* – The local Social Welfare and Development Officer (SWDO) may recommend an out-of-school youth to be a recipient of a scholarship program from the CHED under the R.A. No. 10391 or the Universal Access to Quality Tertiary Education Act and R.A. No. 10687 or the Unified Student Financial System for Tertiary Education Act , subject to qualifications to be set forth by the appropriate government agency.

SECTION 15. *Entrepreneurial Education.* – The Department of Trade and Industry (DTI), in coordination with TESDA and other relevant government agencies, shall initiate and conduct training programs that shall focus on entrepreneurship such as, but not limited to, small business management education in order to hone the entrepreneurial knowledge and skills of the out-of-school youth.

SECTION 16. *Alternative Learning System.* – The alternative learning mode of education shall also be made available to the out-of-school youth including those who are in the custody of an institution under the DSWD. The DSWD shall coordinate with the DepEd for the provision and accessibility of the Alternative Learning System (ALS) within its premises.

SECTION 17. *Employment.* – The State shall encourage the out-of-school youth to become productive members of the society. As such, the out-of-school youth who are capacitated and those who desire to work shall be provided with employment opportunities.

SECTION 18. *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 out-of-school youth.

SECTION 19. *Decent Work Conditions for Out-of-School Youth.* –

The State shall ensure that the out-of-school youth who have completed their technical/vocational education are provided for with decent work conditions. These shall include but shall not be limited to the following guarantees:

- a. Local job generation and employment, as well as other economic opportunities and ensuring that the rights against their forced and involuntary displacement are enforced;
- b. Promotion and protection of the rights and welfare of migrant technical/vocational education graduates regardless of their work status, as well as the enforcement of their rights against discrimination in wages, conditions of work, and employment opportunities in host countries;
- c. Productive and commensurate remuneration in work opportunities, security of tenure in the workplace and better prospects for personal development and social integration.

SECTION 20. *Insurance Coverage.* – The State shall create measures to provide out-of-school youth workers to be covered by a mandatory life, accident, and health insurance to be provided by their respective employers.

SECTION 21. *Out-of-School Youth victims of abuse and other difficult circumstances.* – Out-of-school youth who are victims of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, out-of-school youth in conflict with the law, and other analogous circumstances shall be provided services 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 capacity building;
- h. Livelihood assistance;

- i. Financial assistance;
- j. Life skills training; and
- k. Health education and information.

The DSWD, Department of Justice (DOJ), DOH and DepEd), in coordination with the appropriate LGU, shall lead in the facilitating, implementing, monitoring and planning of the programs set forth in this Section for the rehabilitation of the out-of-school youth.

SECTION 22. *Advisory Council.* – The Advisory Council created under R.A. No. 8044 or the Youth in Nation Building Act shall plan, coordinate, and monitor yearly work programs pursuant the provisions of this Act. Furthermore, the Advisory Council shall coordinate with the relevant government agencies to ensure that the programs as mentioned in this Act are initiated.

SECTION 23. *Local Social Welfare and Development Officer.* – The Local Social Welfare and Development of each LGU shall be responsible in the effecting implementation of the provisions of this Act and shall have the following functions:

- a. Create a list of available and required services which can be provided for out-of-school youth;
- b. Maintain and regularly update the list of out-of-school youth;
- c. Issue individual identification cards free of charge and which shall be uniform nationwide that shall be granted validity to be used anywhere in the country;
- d. Serve as a general information center to serve the needs of the out-of-school youth;
- e. Coordinate with the Advisory Council to ensure compliance with the provisions of this Act;
- f. Report to the Chief Executive of the city or municipality any individual, establishment, business entity, institution or agency in violation of any of the provisions set forth in this Act;
- g. Ensure that government institutions and private establishments to prominently display notices that will generate public awareness on rights of out-of-school youth.

SECTION 24. *Penalties.* - Any person who violates any provision of this Act shall, upon conviction, suffer the following penalties:

- a. For the first violation, imprisonment of not less than six (6) months but not more than two (2) years and a fine of not less than FIFTY THOUSAND PESOS (Php50,000.00) but not more than ONE HUNDRED THOUSAND PESOS (P100,000.00);
- b. For any subsequent violation, imprisonment of not less than two (2) years but not more than six (6) years and a fine of not less than ONE HUNDRED THOUSAND PESOS (Php100,000.00) but not more than TWO HUNDRED THOUSAND PESOS (Php200,000.00); and
- c. Any person who, not being qualified under this Act or with deceit and fraudulent machination, shall avail of any of the benefits and privileges granted under this Act shall suffer the penalty of imprisonment for not less than six (6) months but not more than two (2) years and a fine of not less than FIFTY THOUSAND PESOS (Php50,000.00) but not more than ONE HUNDRED THOUSAND PESOS (P100,000.00).

If the offender is a corporation, organization or any similar entity, the officials thereof directly involved in the commission of the act in violation of any of the provisions of this Act shall be held liable.

If the offender is an alien or a foreigner, he shall be deported immediately upon service of sentence without further proceedings. Upon filing of the appropriate complaint or information, the proper authorities, in coordination with the concerned LGU, shall cause the cancellation or revocation of the business permit, permit to operate, franchise, and other similar privileges granted to any business, entity or person that fails to abide by or violates the provisions of this Act.

SECTION 25. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, the Advisory Council and the DSWD, in consultation with relevant stakeholders shall promulgate the implementing rules and regulations as may be necessary to ensure the efficient and effective implementation of this Act,

SECTION 26. *Appropriations.* - The amount necessary for the initial implementation of the provisions of this Act shall be appropriated from any available funds from the National Treasury. Thereafter, any sums as may be needed for the continued implementation of this Act shall be included in the annual General Appropriations Act (GAA) of the respective agencies

SECTION 27. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 28. *Repealing Clause.* – All acts, executive orders, memorandum circulars/guidelines and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation

APPROVED.