

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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 8428



**Introduced by REPRESENTATIVES LORDAN G. SUAN, CHRISTIAN S. UNABIA, and
BAMBI B. EMANO**

EXPLANATORY NOTE

The state recognizes the vital role of the youth in nation-building. Yet, when the youth are out-of-school and lacking in necessary skills to get employed, such opportunity to become nation builders is lost, and so is the bright future we aspire for as a nation.

The Philippine Statistics Authority (PSA) in its 2016 Annual Poverty Indicator Survey (APIS) pegged the number of out-of-school children and youth (OSCY) at around 3.8 million. This means that one in every ten children and youth is out of school. The most common reasons for opting out of school were marriage or family matters, the high cost of education or financial concerns and lack of personal interest. More than half of the OSCY came from families who belong to the bottom 30% of the population in terms of per capita income. This problem was exacerbated when the COVID-19 pandemic devastated the country. When restrictions had eased out and schools opened, many children and youth failed to enroll.

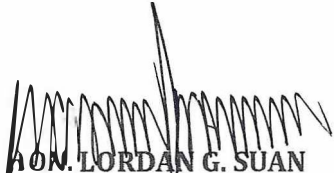
Being out of school poses a lot of problems and issues. It exposes one to discrimination, exploitation and a lifetime of poverty and deprivation. It also leads to other problems like juvenile delinquency, increased government expenditure on social services, early marriage and unemployment.

This bill seeks to address the problem of out-of-school youth by recognizing their inherent right to be allowed to become productive members of society and to live a life of dignity and respect. As a state policy of promoting and protecting the physical, moral, spiritual, intellectual and social well-being of the youth, this bill lay down the duties of all state agencies and instrumentalities to promote the rights of the out-of-school youth and to protect them from exploitation, violence, trafficking, and discrimination. At the same time, this bill outlines specific interventions and government assistance in the areas of education, health, social services and employment.

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


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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:

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.

CHAPTER II
DEFINITION OF TERMS

SEC 3. *Definition of Terms.* – 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 a member of the population aged 15 to 30 years old who is currently out of school, not gainfully employed, and has 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 livelihood and employment opportunities, protecting against financial hazards such as the sudden loss of income, and improving people's capacity to manage risks. 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*, *de facto* equality and equality in outcomes;

e) *Technical/Vocational Education* refers to the aspects of educational 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. State as the Primary Duty-Bearer. - The State, through the National Youth Commission (NYC) and concerned youth serving agencies, shall be guided by progressive developments in the human rights of out-of-school youth under international law, and shall 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 and 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 the 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 of government including government-owned and-controlled corporations, subject to the Constitution and pertinent laws, policies, or administrative guidelines that define of state agencies and entities concerned.

CHAPTER IV

RIGHTS AND EMPOWERMENT

SEC. 6. Human Rights of Out-of-School Youth. – An out-of-school youth shall enjoy, without discrimination, all rights provided for in the Constitution and those rights recognized under international instruments 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 the 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 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:

- a) *Education* – The Department of Education (DepEd), TESDA and the Commission on Higher Education (CHED), in consultation with the 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 Service* - 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 the 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 of the DSWD, and other private institutions duly accredited by the DSWD, especially those who have problems of reintegration with family and the community.
- d) *Employment* – The Department of Labor and Employment (DOLE), in coordination with other government agencies such as the Department of Trade and Industry (DTI), TESDA shall assess, design, and implement training programs that will provide skills and welfare or livelihood support for out-of-school youth.

**CHAPTER VI
MANDATORY TECHNICAL AND VOCATIONAL EDUCATION**

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

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

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 endeavors. 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 and Development Officer may recommend an out-of-school youth to be a 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 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 abuse, illegal recruitment, prostitution, trafficking, armed conflict, out-of-school youth in conflict with the law, and such other related circumstances which have caused functional incapacity in society, shall be provided with services and interventions as necessary such as:

- a) Temporary and protective custody
- b) Medical and dental services
- c) Psychological evaluation
- d) Counseling
- e) Psychiatric evaluation
- f) Legal services
- g) Productivity capability building
- h) Livelihood assistance
- i) Financial assistance
- j) Life skills training
- k) Health education and information

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

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

CHAPTER IX ADMINISTRATION AND ENFORCEMENT

SEC. 24. *Role of 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 compliance with the objectives of this Act. It shall formulate 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.

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

SEC. 25. *Role of Local Social Welfare and Development Officer* – The Local Social Welfare and Development Officer shall assist the Advisory Council in the effective implementation of the provisions of this Act and shall perform the following functions:

- a) Draw up a list of available and required services which can be provided for out-of-school youth;
- b) 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) Serve as a focal person on the dissemination of general information and feedback in regard to the needs of the out-of-school youth;
- d) Report to the Mayor, any individual, establishment, business entity, institution, or agency found violating any provision of this Act;
- e) Coordinate with the Advisory Council to ensure compliance with the provisions of this Act; and
- f) Monitor the compliance of government institutions as well as private establishments to prominently display information materials such as posters, banners and pamphlets that will generate public awareness on the rights and welfare of out-of-

school youth.

SEC. 26. *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 fine of not less than Fifty Thousand pesos (P50,000.00) 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 (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00);
- c) For any person who avails of any of the benefits and privileges granted under this Act but who is not qualified to avail of the same, imprisonment of not less than six (6) months and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00);
- d) If the offender is a corporation, organization or any similar entity, the officials thereof directly involved in the violation or abuse shall be held liable.

If the offender is an alien or a foreigner, the person 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.

SEC. 27. *Appropriations.* – The amount necessary for the effective implementation of this Act shall be included in the budget of the concerned government agencies in the annual General Appropriations Act;

SEC. 28. *Implementing Rules and Regulations.* – The Advisory Council created under Republic Act No. 8044 shall promulgate, not later than thirty (30) days upon the effectivity of this Act, the necessary rules and regulations for the effective implementation of this Act: *Provided*, That the failure to promulgate the rules and regulations shall not prevent the implementation of this Act upon its effectivity.

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

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

SEC. 31. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,