

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. **4364**



Introduced by **Representative RAYMOND ADRIAN SALCEDA**

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

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Constitution declares that “the State values the dignity of every human person and guarantees full respect for human rights.” Article XIV further mandates the State to “protect and promote the right of all citizens to quality education at all levels, and take appropriate steps to make such education accessible to all.”

Despite these constitutional guarantees, millions of Filipino youth remain outside the formal school system. According to government data, out-of-school youth (OSY) are among the most vulnerable sectors in society—often facing poverty, unemployment, early marriage and pregnancy, conflict with the law, and exposure to abuse, trafficking, and exploitation. Their marginalization deprives the nation of a vital force for economic growth, civic participation, and nation-building.

This bill seeks to establish a Magna Carta of the Out-of-School Youth to comprehensively address the rights, needs, and development of OSYs. It provides a framework for recognizing OSYs as rights-holders entitled to protection, empowerment, and access to education, decent work, social services, and opportunities for productive engagement in society.

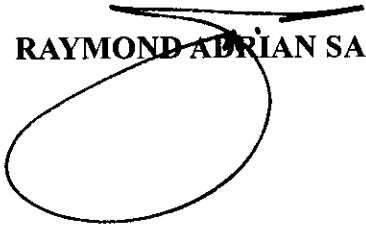
The measure sets out the following:

1. Recognition of Rights and Substantive Equality – OSYs are guaranteed human rights without discrimination and with due regard for their cultural identity, protection from violence, and equal treatment before the law.
2. Access to Education and Skills Development – OSYs are given opportunities to enroll in the Alternative Learning System (ALS), technical-vocational education and training (TVET), tertiary scholarships, and entrepreneurial education programs.

3. Government Assistance and Social Protection – National agencies are mandated to provide OSYs with education, health, social services, and employment programs, while ensuring access to insurance and other safety nets.
4. Special Protection for OSYs in Difficult Circumstances – Targeted services are provided to OSYs with disabilities, victims of abuse, trafficking, armed conflict, and other vulnerable situations.
5. Institutional Mechanisms and Enforcement – The National Youth Commission (NYC), local social welfare officers, LGUs, Sangguniang Kabataan, and other stakeholders are tasked with implementing this Act through coordinated programs, databases, and monitoring.
6. Partnerships with Private Sector and Civil Society – NGOs and private volunteer groups are encouraged to partner with government in delivering programs and services for OSYs.

By enacting this Magna Carta, the State affirms that out-of-school youth are not a lost generation but a sector deserving of recognition, investment, and empowerment. They are potential leaders, workers, entrepreneurs, and change agents whose development will redound to the benefit of families, communities, and the nation.

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


RAYMOND ADRIAN SALCEDA

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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.”

SEC. 2. *Declaration of Policy.* Article II, Section 11 of the Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights. Pursuant to this, the State recognizes the rights of out-of-school youth (OSY) to social protection and to develop their full potential as partners in nation-building.

SEC. 3. *Objectives.* The objectives of this Act are to:

- (a) Recognize, protect, and promote the rights of OSYs;
- (b) Empower and encourage OSYs to contribute to nation-building;
- (c) Give full support to the improvement of the total well-being of OSYs by providing learning and employment opportunities as well as the needed social services and interventions; and
- (d) Recognize the important role of the private sector in improving the welfare of OSYs and to actively seek their partnership.

SEC. 4. *Definition of Terms.* For purposes of this Act:

- (a) Alternative Learning System (ALS) refers to a parallel learning system in the Philippines that provides a practical option to formal instruction and equivalent pathways to basic education. It includes both non-formal and informal sources of knowledge and skills;

(b) Local Social Welfare and Development Officer (LSWDO) refers to the officer designated as such under the Social Welfare and Development Offices in the local government unit (LGU);

(c) Out-of-school youth refers to a member of the population aged fifteen (15) to thirty (30) years old who is currently out of school, not gainfully employed, and has not finished secondary or college education;

(d) Social protection refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of OSYs by promoting livelihood and employment opportunities. Its components include labor market interventions, social insurance, social welfare, and social safety nets;

(e) Substantive equality refers to the fundamental aspect of human rights law concerned with equitable outcomes and equal opportunities for disadvantaged and marginalized groups in society, including protection against discrimination, marginalization, unequal distribution of opportunities, and limited access to goods and services;

(f) Technical-Vocational Education and Training (TVET) refers to education or training designed at post-secondary and lower tertiary levels, officially recognized as non-degree programs that prepare technicians and middle-level workers by providing education, scientific and technological studies, and job skills training; and

(g) TVET graduate refers to a student or trainee who has completed the requirements for a Technical Education and Skills Development Authority (TESDA)-registered TVET course or program.

SEC. 5. *State as the Primary Duty-Bearer.* The State, through the National Youth Commission (NYC), the Commission on Human Rights, and other concerned youth-serving agencies, shall be guided by developments on the human rights of OSYs under international law and shall formulate policies, laws, and regulatory measures to fulfill these duties. It shall institute programs to carry out the objectives of this Act, promote protection of OSYs from discrimination, and advance substantive equality in all aspects of growth and development.

SEC. 6. *Duties of State Agencies and Instrumentalities.* The duties of the State as provided under Section 5 shall extend to all state agencies, offices, and instrumentalities at all levels of government, including government-owned and controlled corporations.

SEC. 7. *Human Rights of Out-of-School Youth.* An OSY shall enjoy, without discrimination, all rights provided for in the Constitution and those recognized under international instruments duly ratified by the Philippines.

SEC. 8. *Protection from Violence.* The State shall ensure that all OSYs are protected from all forms of violence, physical abuse, sexual exploitation, and human trafficking. The Department of Justice (DOJ), the Department of Social Welfare and Development (DSWD), and other concerned agencies shall give priority to the defense and protection of OSYs and help them attain justice and social equality.

SEC. 9. *Equal Treatment Before the Law.* The NYC and other youth-serving agencies shall review and, when necessary, propose amendments to or repeal of laws that are discriminatory to OSYs.

SEC. 10. *Representation in Media and Other Platforms.* The NYC and other concerned agencies shall formulate policies and programs for the advancement of OSYs in collaboration with media-related organizations. The State shall ensure allocation of resources for the production, dissemination, and airing of information materials on the rights and services available to OSYs.

SEC. 11. *Recognition of Cultural Identity.* The rights of Moro and indigenous OSYs to practice, promote, protect, and preserve their own culture, traditions, and institutions shall be upheld. The National Commission on Muslim Filipinos and the National Commission on Indigenous Peoples shall, in consultation with the sectors concerned, protect these rights and recommend legislation.

SEC. 12. *Right to Decent Work.* The Department of Labor and Employment (DOLE), in coordination with TESDA, shall ensure decent work standards for OSYs who have graduated from TVET courses, including local job generation, protection of migrant TVET graduates, and opportunities for productive and remunerative work with security of tenure.

SEC. 13. *Government Assistance.* The national government, through its agencies, shall provide the following:

(a) Education – The DepEd, TESDA, and the Commission on Higher Education (CHED) shall institute a program to ensure OSYs have access to formal, informal, and non-formal learning opportunities;

(b) Health – The Department of Health (DOH), in coordination with LGUs and NGOs, shall institute a national health program and provide integrated health services for OSYs, including sexual and reproductive health education;

(c) Social Services – The DSWD shall develop and implement social services programs, including enhancement services, after-care services, and social case management, with a comprehensive list and profile of all OSYs; and

(d) Employment – The DOLE, in coordination with the Department of Trade and Industry (DTI) and TESDA, shall design and implement training programs to provide jobs, entrepreneurial skills, and livelihood opportunities for OSYs.

SEC. 14. *Social Protection.* The National Anti-Poverty Commission and concerned agencies shall institute policies and programs to reduce poverty and vulnerability for OSYs, including mandatory insurance coverage by employers.

SEC. 15. *Technical-Vocational Education.* The State shall provide technical or vocational education to OSYs through TESDA, which shall assign advisers to monitor progress and development.

SEC. 16. *Alternative Learning System.* An ALS shall be made available to OSYs. For those under DSWD-managed institutions, the DSWD shall coordinate with the DepEd for the provision of an ALS within its premises.

SEC. 17. *Promotion to Formal Tertiary Education.* The LSWDO may recommend an OSY for scholarship under the Universal Access to Quality Tertiary Education Act or the Unified Student Financial Assistance System for Tertiary Education (UniFAST) Act. Scholarship recipients shall render at least two (2) years of government service upon completion.

SEC. 18. *Entrepreneurial Education.* The DTI, in coordination with TESDA, shall conduct training programs to provide OSYs with knowledge, skills, and motivation to engage in entrepreneurship. Public and private higher education institutions shall set a minimum number of admissions for returning OSYs, as well as scholarship grants and other support.

SEC. 19. *Education Cost and Support.* The DepEd, CHED, and TESDA shall provide education services to OSYs free of charge and supply the materials, instruments, and tools needed to complete such programs.

SEC. 20. *Especially Difficult Circumstances.* OSYs in difficult circumstances such as those with disabilities, victims of abuse, trafficking, armed conflict, or those in conflict with the law, shall be provided with services including protective custody, medical care, mental health services, psychological and psychiatric evaluation, counseling, legal services, capability building, livelihood and financial assistance, life skills training, and health education.

SEC. 21. *Role of the Advisory Council.* The Advisory Council shall implement this Act, including: formulating a National Comprehensive Multi-Stakeholder Plan of Action; coordinating and monitoring work programs for OSYs; raising national awareness of OSY issues; reviewing discriminatory policies and recommending measures; and furnishing the NYC with a yearly national situationer on OSYs.

SEC. 22. *Roles of Concerned Agencies.*

(a) The NYC shall establish and maintain an updated database of OSYs, assess needs, capacitate the SK and LYDCs, and coordinate with agencies and NGOs for programs;

(b) The DepEd, CHED, and TESDA shall identify learning opportunities, provide materials and tools, and monitor OSY progress;

(c) The LSWDO shall conduct social case management, maintain OSY lists, issue identification cards, and enforce implementation at the local level;

(d) The SK and LYDC shall initiate programs for OSYs, assist in mapping, conduct activities aligned with barangay youth plans, and submit reports to the NYC;

(e) LGUs shall create databases, mobilize SKs and LYDCs, provide programs for OSYs, and monitor progress; and

(f) The DA, through the Philippine Council for Agriculture and Fisheries, shall ensure OSY representation in agriculture and fishery councils.

SEC. 23. *Role of Non-Government Organizations.* NGOs and private volunteer organizations are encouraged to become government partners in implementing OSY programs and projects.

SEC. 24. *Punishable Acts and Penalties.* The following acts shall be punishable: discrimination against OSYs in employment and services; non-compliance with mandatory insurance coverage; and fraudulent availment of OSY benefits. Penalties shall range from imprisonment of six (6) months to six (6) years and fines of not less than Fifty Thousand Pesos (P50,000.00) to not more than Two Hundred Thousand Pesos (P200,000.00), depending on the violation. If the offender is a corporation, responsible officials shall be liable. If the offender is an alien, deportation shall follow service of sentence.

SEC. 25. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the concerned agencies. Thereafter, such amount shall be included in the annual General Appropriations Act. LGUs may likewise set aside funds for implementation.

SEC. 26. *Implementing Rules and Regulations.* The NYC, Advisory Council members, TESDA, and CHED shall promulgate the necessary rules and regulations within thirty (30) days from the effectivity of this Act.

SEC. 27. *Separability Clause.* If any provision of this Act is held invalid or unconstitutional, the remaining provisions not affected shall remain in full force and effect.

SEC. 28. *Repealing Clause.* All laws, decrees, rules, and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 29. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,