

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5328



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

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

EXPLANATORY NOTE

Article II, Section 13 provides that "[t]he State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

This fundamental state policy echoes our national hero, Dr. Jose Rizal, when he underscored the importance of our youth when he said, "ang kabataan ang pag-asa ng bayan."

While early formation and intervention are the ideal approaches in molding young minds, the fact remains that the efforts of the society—the government and the parents—are still insufficient because there are still youngsters who are out-of-school; and as such, their knowledge, skills and potentials are not being maximized for their benefit and for the benefit of the country.

Based on the 2020 Census of Population and Housing by the Philippine Statistics Authority (PSA), of the 42.8 million household aged five to 24 years old, around 10.7 million or 25 percent are out-of-school children and youth (OSCY).¹

Accordingly, the most common reasons among OSCYs for not attending school were marriage or family matters (37.0%), lack of personal interest (24.7%), and high cost of education or financial concern (17.9%).

In this light, this bill provides for the "Magna Carta of the Out-of-School Youth", which will serve as an instrument in protecting the rights of the out-of-school youth, protect them from discrimination and violence, ensure their

¹ <https://www.philstar.com/headlines/2024/05/15/2355189/nearly-11-million-children-youth-not-school-psa>

representation in various platforms, and preserve their cultural identity and integrity.

The bill outlines the role of concerned government agencies in providing assistance and support to the out-of-school youth in the aspect of education, health and social services.

More importantly, it mandates an affirmative action program by the government to ensure the welfare of out-of-school youth and enhance their quality of life.

In view of the foregoing, approval of this measure is earnestly requested.

A handwritten signature in black ink, appearing to read 'Keith Tan' with a stylized flourish at the end.

Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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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.* – 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 the aforementioned mandate, the State recognizes the rights of the out-of-school youth (OSY) to social protection and to the development of their full potential as partners in nation-building.

SEC. 3. *Objectives.* – The objectives of this Act are as follows:

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

CHAPTER II
DEFINITION OF TERMS

SEC. 4. *Definition of Terms.* – As used in this Act:

(a) *Alternative Learning System (ALS)* refers to a parallel learning system in the Philippines that provides a practical option to the existing formal instruction and equivalent pathways to basic education. It includes both the 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 15 to 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 all OSY by promoting livelihood and employment opportunities, including its major components such as labor market interventions, social insurance, social welfare, and social safety nets;

(e) *Substantive equality* refers to the fundamental aspect of human rights law that is concerned with equitable outcomes and equal opportunities for the 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 the education or training process designed at post-secondary and lower tertiary levels, officially recognized as non-degree programs aimed at preparing technicians, paraprofessionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies, and related job skills training; and

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

CHAPTER III

DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH (OSY)

SEC. 5. *State as the Primary Duty-Bearer.* – The State shall, through the National Youth Commission (NYC), Commission on Human Rights, and other concerned youth-serving agencies, be guided by progressive developments on the aspect of human rights of the OSY under international law and shall endeavor to formulate 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 the OSYs against discrimination of any kind by private corporations, entities, individuals, and from any institution, public or private; and
- (b) The promotion of substantive equality on the rights of the OSY in all aspects of growth and development.

SEC. 6. *Duties of the State Agencies and Instrumentalities.* – The duties of the State as stated in Section 5 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, and administrative guidelines that define specific duties of concerned state agencies and entities.

CHAPTER IV

RIGHTS AND EMPOWERMENT

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

SEC. 8. *Protection from Violence.* – The State shall ensure that all OSYs shall be protected from all forms of violence, physical abuse, sexual exploitation, and human trafficking as provided for under existing laws. The Department of Justice, Department of Social Welfare and Development (DSWD), and other concerned agencies shall give priority to the defense and protection of the OSYs and help them in attaining justice and social equality.

SEC. 9. *Equal Treatment Before the Law.* – The NYC and other youth-serving agencies shall take active steps to review and, when necessary, submit proposals to amend or repeal existing laws that are discriminatory to the OSYs, and submit legislative proposals, as far as practicable, at the start of every Congress.

SEC. 10. *Representation of Out-of-School Youth Issues and Concerns in Media, Film, and Other Platforms.* – The NYC and other concerned agencies shall formulate policies and programs for the advancement of the OSYs in collaboration with government and non-government organization (NGO) media-related organizations.

For this purpose, the State shall ensure the allocation of resources for the production, publication, dissemination, and airing of all forms of information materials on the rights of the OSYs and the various services and benefits provided to them under this Act.

SEC. 11. *Recognition and Preservation of Cultural Identity and Integrity.* – The rights of Moro and indigenous OSYs 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, protect their rights, indigenous knowledge system and practices, traditional livelihood, and other cultural manifestations, recommend legislation and other appropriate measures to promote and to respect them: Provided, That these cultural systems and practices do not discriminate against other OSYs who do not belong to the Muslim or Indigenous Peoples.

SEC. 12. *Right to Decent Work.* – The Department of Labor and Employment (DOLE) shall, in coordination with TESDA, ensure decent work standards for OSYs 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;
- (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; 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.

CHAPTER V GOVERNMENT ASSISTANCE AND SUPPORT

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

(a) Education - The Department of Education (DepEd), TESDA, and the Commission on Higher Education (CHED) shall, in consultation with NGOs, institute a program that will ensure access of the OSYs to formal, informal, and non-formal learning opportunities;

(b) Health - The Department of Health (DOH) shall, in coordination with LGUs and NGOs, institute a national health program and provide an integrated health service for OSYs: Provided, That the DOH shall provide the OSYs and their families with sexual and reproductive health education and information, as well as family counseling to curb the number of dropout cases due to early marriage and pregnancy, marital conflict, and other family problems;

(c) Social Services - The DSWD shall, in cooperation with the LGUs, NGOs, and other relevant stakeholders, develop and implement programs on social services for the OSYs, the components of which are:

(1) Social Enhancement Services that provide the OSYs with opportunities for socializing, organizing creative expression, and self-improvement;

(2) After Care Services that provide support for the OSYs 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; and

(3) Social Case Management that includes a comprehensive, updated list and detailed profile of all known OSYs in the respective localities for the purpose of providing age-appropriate social service interventions.

(d) Employment - The DOLE shall, in coordination with other government agencies such as the Department of Trade and Industry (DTI) and TESDA, assess, design, and implement training programs that will provide jobs, entrepreneurial skills and facilitation, agricultural training, and livelihood opportunities for the OSYs.

SEC. 14. Social Protection. – The National Anti-Poverty Commission and concerned agencies shall institute for the OSYs policies and programs that seek to reduce poverty and vulnerability to risks by mandating their employers to provide mandatory life, accident, and health insurance coverage.

CHAPTER VI EDUCATION

SEC. 15. *Technical Vocational Education.* – It shall be the duty of the State to provide technical or vocational education to the OSYs. The course shall be provided and managed by TESDA subject to its rules and regulations: Provided, That an officer of the TESDA shall be assigned as a TESDA adviser who shall monitor the progress and development of the OSYs in the chosen technical vocational course.

SEC. 16. *Alternative Learning System.* – An ALS of education shall be made available to OSYs.

For OSYs who are under the care and custody of a home or an institution managed or accredited by the DSWD, the latter 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 to be a recipient of a scholarship grant from the CHED under either Republic Act No. 10931, otherwise known as the “Universal Access to Quality Tertiary Education Act” or Republic Act No. 10687, otherwise known as the “Unified Student Financial Assistance System for Tertiary Education (UniFAST) Act.”

An OSY who is a recipient of any CHED scholarship grant shall execute a scholarship bond, subject to the condition of rendering at least two (2) years of service to the government upon completion thereof.

SEC. 18. *Entrepreneurial Education.* – The DTI shall, in coordination with TESDA and other relevant government agencies, conduct training programs to provide the OSYs with the knowledge, skills, and motivation to engage in entrepreneurial endeavors in a variety of settings. These programs shall include small business management, new approaches to innovation, developing creativity or the introduction of new products or services to the markets and providing aid to nascent entrepreneurial undertaking to grow and sustain the business of the OSYs.

Both public and private higher education institutions shall set a minimum number of admissions of returning OSYs, scholarship grants, and other financial support to OSYs.

SEC. 19. *Education Cost and Support.* – The DepEd, CHED, and TESDA shall provide formal, non-formal, informal, technical and vocational education services to the OSYs free of charge. It shall likewise provide materials, instruments, and tools needed to carry out and complete said programs.

CHAPTER VII ESPECIALLY DIFFICULT CIRCUMSTANCES

SEC. 20. *Especially Difficult Circumstances.* – OSYs who are in especially difficult circumstances such as those with disabilities, victims of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, OSYs in conflict with the law, and other difficult circumstances such as pandemic and other public health emergencies, 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, dental, and physical therapy services;
- (c) Mental health care;
- (d) Psychological evaluation;
- (e) Counseling;
- (f) Psychiatric evaluation;
- (g) Legal services;
- (h) Productivity capability building;
- (i) Livelihood assistance;
- (j) Financial assistance;
- (k) Life skills training; and
- (l) Health education and information.

CHAPTER VIII ADMINISTRATION AND ENFORCEMENT

SEC. 21. *Role of the Advisory Council.* – The Advisory Council created under Section 14 of Republic Act No. 8044, otherwise known as the “Youth in Nation-Building Act” shall, in addition to its respective mandates, implement the provisions of this Act which shall include the following duties and functions:

- (a) Formulate a National Comprehensive Multi-Stakeholder Plan of Action for the OSYs which shall include back-to-school transitional support, career

pathing, counseling, mental and reproductive health education and services, skills training and livelihood assistance;

(b) Coordinate, monitor, and ensure that the relevant agencies of the government have appropriate yearly work programs for the OSYs in accordance with the objectives of this Act;

(c) Cause the dissemination of information and engender national public awareness of the plight of the OSYs in the country through social media, government media and broadcasting facilities, and other modern channels of communication;

(d) Review and ascertain existing policies that are discriminatory to the OSYs as a subsector and recommend to Congress remedial legislative measures and interventions to eradicate all forms of discrimination to the OSYs; and

(e) Furnish the NYC on a yearly basis a national situationer on OSYs, including the available programs, services, and interventions available for them.

SEC. 22. Roles and Responsibilities of Concerned Agencies. – The following agencies shall perform the following duties and responsibilities:

(a) The NYC shall:

(1) Establish and maintain an updated database of OSYs at the national and local levels;

(2) Assess the needs of the OSYs and recommend to concerned agencies the necessary interventions to address them;

(3) Capacitate the *Sangguniang Kabataan (SK)*, Task Force on Youth Development, and Local Youth Development Council (LYDC) to implement the provisions of this Act at the local level; and

(4) Coordinate with concerned government agencies, private or NGOs, the necessary programs and projects designed to promote the general welfare, development, and empowerment of the OSYs as part of the multi-stakeholder plan of action for the OSYs.

(b) The DepEd, CHED, and TESDA shall:

(1) Identify learning opportunities and establish programs for the OSYs such as returning to formal schooling, enrolling in the ALS,

pursuing TVET for those who are not fully equipped to return to in-school education;

(2) Provide materials, instruments, and tools needed by the OSYs;
and

(3) Monitor the progress of the OSYs.

(c) The LSWDO shall:

(1) Conduct social case management and profiling of the OSYs in every city and municipality for the provision of age-appropriate social service interventions;

(2) Draw up a list of available and necessary services which can be provided for the OSYs;

(3) Institutionalize the implementation of LGU-based psycho-social services for OSYs such as the Unlad Kabataan and Pag-asa Youth Association programs;

(4) Maintain and regularly update on an annual basis the list of OSYs and submit the list to the Office of the Secretary of the DSWD, the NYC, and the Philippine Statistics Authority;

(5) Issue nationally uniform individual identification cards free of charge, which shall be valid anywhere in the country;

(6) Serve as a focal person on the dissemination of general information and feedback in regard to the needs of the OSYs;

(7) Report to the Mayor, any individual, establishment, business entity, institution, or agency found violating any provision of this Act;

(8) Monitor, supervise, and enforce the implementation of information dissemination through social media, government media, and broadcasting facilities of the plight of the country's OSYs; and

(9) Coordinate with the Advisory Council to ensure compliance with the provisions of this Act.

(d) The SK and LYDC shall:

(1) Initiate and implement, in coordination with concerned government agencies, private or NGOs, programs and projects

designed to promote the general welfare, development, and empowerment of the OSYs;

(2) Promulgate resolutions, in consultation with the Katipunan ng Kabataan, necessary to carry out the objectives for the OSYs in the barangay;

(3) Assist in the mapping out of the OSYs in every barangay;

(4) Conduct programs and activities for the OSYs which are in line with the Comprehensive Barangay Youth Development Plan and the applicable provisions of this Act;

(5) Partner with other youth-serving agencies and organizations in planning and executing projects and programs of specific advocacies for the OSYs such as health and anti-drug abuse, including reproductive health, disaster risk reduction and resiliency, employment and livelihood, gender sensitivity, and sports development; and

(6) The Panlalawigang Pederasyon ng mga SK shall submit an annual situationer report on the OSYs of their respective provinces to the NYC.

(e) The LGUs shall:

(1) Ensure the database creation and mapping out of OSYs at the municipal, city, and barangay levels;

(2) Mobilize the SK and the LYDCs to assist in the delivery of the necessary services and interventions for the OSYs under their respective jurisdictions;

(3) Provide programs for the OSYs, including back-to-school transition, enrolment in the ALS or TVET, provision of counseling, and mental and reproductive health services in the barangay, municipal, and city levels; and

(4) Set targets on the number of OSYs to be back in school, enrolled in ALS or TVET, and availed of the social protection programs:

Provided, That the LGUs shall, through the Community Training and Employment Coordinators or duly designated LGU personnel, monitor the progress and development of the OSYs in the chosen technical vocational course by requiring the technical vocational institutions to submit, among

others, regular enrollment and completion reports of the programs being implemented.

(f) The Department of Agriculture (DA) through the Philippine Council for Agriculture and Fisheries shall, in coordination with LGUs and DA, ensure the inclusion of the OSYs through their organizations to be represented in the agriculture and fishery councils from the national down to the regional and local levels to ensure full engagement of OSYs in agricultural development.

SEC. 23. *Role of Non-Government Organizations.* – NGOs or private volunteer organizations dedicated to promoting, enhancing, and supporting the welfare of OSYs are hereby encouraged to become government partners in implementing programs and projects for the OSYs.

CHAPTER IX FINAL PROVISIONS

SEC. 24. *Punishable Acts and Penalties.* – The following acts shall be deemed violations of this Act with the following corresponding penalties: (1) Discrimination against OSYs by private corporations, entities, and individuals; (2) Discrimination in wages, condition of work, and employment opportunities; and (3) Non-compliance with the mandatory coverage by employers of health, accident, and life insurance.

(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 (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 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); and

(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 shall, in coordination with the concerned LGU, 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. 25. Appropriations. – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the departments and agencies concerned. Thereafter, such amount shall be included in the annual General Appropriations Act.

The LGU concerned may set aside funds from any local revenue an amount deemed appropriate for the implementation of this Act.

SEC. 26. Implementing Rules and Regulations. – The NYC, the members of the Advisory Council created under Republic Act No. 8044, TESDA, and CHED shall, not later than thirty (30) days upon the effectivity of this Act, promulgate the necessary rules and regulations for the effective implementation of this Act: *Provided*, That failure to promulgate the rules and regulations shall not prevent the implementation of this Act upon its effectivity.

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

SEC. 28. Repealing Clause. – All laws, executive orders, issuances, decrees, rules, and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed 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,