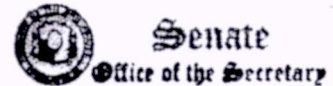


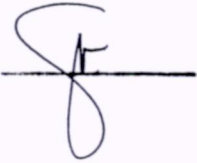
EIGHTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]



'19 AUG 19 P 1:37

SENATE

RECEIVED BY:



S. No. 920

Introduced by SEN. SHERWIN T. GATCHALIAN

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

EXPLANATORY NOTE

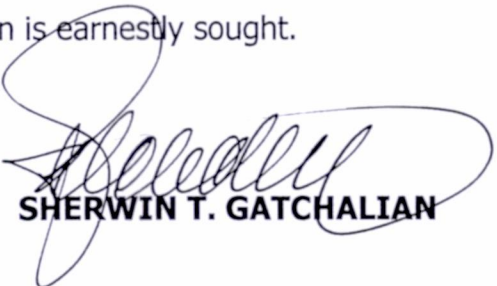
The youth are the foundation of our country's future. The hope of every State is the education of its youth. It is therefore unfortunate that many of our children are denied the opportunity to pursue a quality education, if not, have an education at all.

According to a study conducted by the Philippine Statistics Authority last 2010, there are 6.24 million out-of-school youth that year, mainly due to a lack of personal interest to go to school, followed by the high cost of education and the desire to work. Another study conducted by the World Bank entitled "Out-of-School Children and Youth in the Philippines: Issues and Opportunities" showed that it is estimated that there are currently between 8 and 10 million out-of-school youth in the Philippines, and that their number has trebled in the last decade. And that the largest number of out-of-school youth is concentrated in the National Capital Region. However, the highest rates of increase of out-of-school youth populations and the

highest drop-out rates, particularly in elementary school, have been in the provinces of Mindanao and ARMM. This only shows that the problem of out-of-school youth is not limited to the National Capital Region but is now spreading across the other regions in the country.

The problem of out-of-school youth is an undeniable reality that currently confronts our State. Hence it is the duty of Congress to pass laws that will curb the number of out-of-school youth and protect their rights as provided for by the Constitution. To this end, this measure seeks to provide for a Magna Carta of the Out-of-School Youth that will expound their rights. More importantly, this Act shall mandate an affirmative action program by the government to ensure the welfare of out-of-school youth and enhance their quality of life.

In the interest of justice and social equity and for the future of this country, support for the passage and approval of this legislation is earnestly sought.



SHERWIN T. GATCHALIAN

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

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

CHAPTER I
GENERAL PROVISIONS

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

3 SEC. 2. **Declaration of Policies.** – It is hereby declared that the State
4 values the dignity of every human person and guarantees full respect for human
5 rights. The State therefore recognizes the right of out-of-school youth to social
6 protection and development. Towards this end, the State shall promulgate measures
7 to achieve the following objectives:

- 1 a) Inspire and encourage the out-of-school youth to contribute to nation
2 building;
- 3 b) Recognize the rights of out-of-school youth in the society;
- 4 c) Provide an Alternative Learning System and a program for
5 technical/vocational education for the out-of-school youth;
- 6 d) Give full support to the improvement of the total well-being of the out-
7 of-school youth by providing educational development and employment
8 opportunities; and
- 9 e) Recognize the important role of the private sector in the improvement
10 of the welfare of out-of-school youth and to actively seek their partnership.

11

12 **CHAPTER II**
13 **DEFINITION OF TERMS**

14

15 SEC 3. **Definitions.** – As used in this Act:

- 16 a) *Alternative Learning System* refers to a parallel learning system in the
17 Philippines that provides a practical option to the existing formal instruction. It
18 includes both the non-formal and informal sources of knowledge and skills;
- 19 b) *Out-of-School Youth* refers to family members 6 to 17 years old who
20 are not attending formal school and family members 18 to 24 years old who
21 are currently out of school, not gainfully employed, and have not finished
22 college or a post-secondary course;
- 23 c) *Social Protection* refers to policies and programs that seek to reduce
24 poverty and vulnerability to risks and enhance the social status and rights of
25 all out-of-school youth by promoting and protecting livelihood and
26 employment, protecting against hazards and sudden loss of income, and

1 improving people's capacity to manage risk. Its components are labor market
2 programs, social insurance, social welfare, and social safety nets;

3 d) *Substantive Equality* refers to the full and equal enjoyment of rights
4 and freedoms contemplated under this Act and encompasses *de jure* and *de*
5 *facto* equality and also equality in outcomes;

6 e) *Technical/Vocational Education* refers to training for a specific
7 occupation in agriculture, trade, or industry through a combination of
8 theoretical teaching and practical experience provided by many high schools in
9 their commercial and technical divisions, and by special institutions of
10 collegiate standing; and

11 f) *TESDA Graduate* refers to out-of-school youth who completed a
12 technical/vocational course with the Technical Education and Skills
13 Development Authority (TESDA).

14 **CHAPTER III**

15 **DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL-YOUTH**

16 **SEC. 4. *The State as the Primary Duty-Bearer.*** – The State, as the
17 primary duty-bearer, shall:

18 a) Refrain from discriminating against out-of-school youth and violating
19 their rights;

20 b) Protect the out-of-school youth against discrimination and from
21 violation of their rights by private corporations, entities, and individuals; and

22 c) Promote and fulfill the rights of out-of-school youth in all spheres,
23 including their rights to substantive equality and non-discrimination.

24 The State shall fulfill these duties through law, policy, regulatory instruments,
25 administrative guidelines, and other appropriate measures, including temporary
26 special measures.
27
28

1 programs for the advancement of out-of-school youth, in collaboration with
2 government and nongovernment media-related organizations.

3 For this purpose, the State shall ensure allocation of space, airtime, and
4 resources, strengthen programming, production, and image-making that
5 appropriately present out-of-school youth's needs, issues, and concerns in all forms
6 of media, communication, information dissemination, and advertising.

7 SEC. 10. **Recognition and Preservation of Cultural Identity and**
8 **Integrity.** – The State shall recognize and respect the rights of Moro and
9 indigenous out-of-school youth to practice, promote, protect, and preserve their own
10 culture, traditions, and institutions and to consider these rights in the formulation
11 and implementation of national policies and programs.

12 To this end, the State shall adopt measures in consultation with the sectors
13 concerned to protect their rights, their indigenous knowledge systems and practices,
14 traditional livelihood, and other manifestations of their cultures and ways of life:
15 *Provided,* That these cultural systems and practices are not discriminatory to the
16 out-of-school youth.

18 CHAPTER V

19 GOVERNMENT ASSISTANCE AND SUPPORT

20
21 SEC. 11. **Government Assistance.** – The National Government, through its
22 agencies and instrumentalities shall provide the following:

23 a) Education – The Department of Education (DepEd), TESDA and the
24 Commission on Higher Education (CHED), in consultation with non-
25 government organizations (NGOs) shall institute a program that will ensure
26 access to formal and non-formal education;

27 b) Health – The Department of Health (DOH), in coordination with local
28 government units (LGUs), and NGOs shall institute a national health program
29 and shall provide an integral health service for out-of-school youth;

1 c) Social Services – The Department of Social Welfare and Development
2 (DSWD), in cooperation with the Out-of-School Youth and Welfare Council
3 created under Section 28 of this Act, LGUs, and NGOs shall develop and
4 implement programs on social services for out-of-school youth, the
5 components of which are:

6 1) *Social Enhancement Services* which provide the out-of-school
7 youth with opportunities for socializing, organizing creative expression, and
8 improvement of self;

9 2) *After Care Services* for out-of-school youth who are discharged
10 from the homes or institutions of the DSWD, especially those who have
11 problems of reintegration with family and community.

12 d) Employment – The Department of Labor and Employment (DOLE), in
13 coordination with other government agencies such as, but not limited to, the
14 Technology and Livelihood Resource Center (TLRC) and the Department of
15 Trade and Industry (DTI), shall assess, design, and implement training
16 programs that will provide skills and welfare or livelihood support for out-of-
17 school youth.

18
19 **CHAPTER VI**
20 **EDUCATION**

21
22 SEC. 12. ***Mandatory Technical/Vocational Education.*** – It shall be the
23 duty of the State to provide mandatory technical/vocational education to out-of-
24 school youth. The course shall be regulated by TESDA and shall be for a period of at
25 least six (6) months.

26 SEC. 13. ***Education Cost and Support.*** – The technical/vocational
27 education shall be offered by the State free of charge to the out-of-school youth.
28 The State shall likewise provide materials, instruments, and tools that the out-of-
29 school youth may need while enrolled in a technical/vocational course.

1 SEC. 14. **TESDA Adviser.** – An officer of the TESDA shall be assigned as a
2 TESDA Adviser who will monitor the progress and development of the out-of-school
3 youth in the chosen technical/vocational course.

4 SEC. 15. **Promotion to Formal Tertiary Education.** – The TESDA adviser,
5 subject to review by the Out-of-School Youth Welfare Council as provided for in
6 Section 26 of this Act, may recommend an out-of-school youth to be a recipient of a
7 scholarship grant from the CHED. Without prejudice to Republic Act No. 10687 or
8 the Unified Student Financial System for Tertiary Education Act (UniFAST), the
9 scholarship grant shall include tuition fee, boarding allowance, and a monthly
10 stipend.

11 SEC. 16. **Scholarship Bond.** – The out-of-school youth who avails of the
12 scholarship from the government shall execute a scholarship bond. The scholarship
13 bond shall provide that upon successfully completing tertiary education, the out-of-
14 school youth shall render service to the government for at least two (2) years.

15
16 SEC. 17. **Entrepreneurial Education.** – The TESDA shall conduct a training
17 program to provide the out-of-school youth with the knowledge, skills and
18 motivation to encourage entrepreneurial success. The program shall include small
19 business management education and new approaches on how to promote innovation
20 or introduce new products or services to the markets.

21 SEC. 18. **Alternative Learning System.** – The Alternative Learning Mode of
22 Education shall be made available to out-of-school youth in the barangays.

23 For out-of-school youth who are in the custody of a home or an institution
24 managed by the DSWD, the latter shall conduct the Alternative Learning System
25 under its premises.

1 **CHAPTER VII**

2 **EMPLOYMENT AND ENTREPRENEURIAL FACILITATION**

3
4 SEC. 19. **Employment.** – Out-of-school youth who have the capacity and
5 desire to work shall be provided employment opportunities to enable them to be
6 productive members of the society.

7 SEC. 20. **Entrepreneurial Facilitation.** – The State shall establish a
8 community-based method of addressing the needs and barriers facing out-of-school
9 youth entrepreneurs. The objective of entrepreneurial facilitation is to encourage
10 and retain a diverse and robust local entrepreneurial economy that leads to more
11 opportunities for the out-of-school youth.

12 SEC. 21. **Right to Decent Work.** – The State shall progressively realize and
13 ensure decent work standards for TESDA graduates, which involve the creation of
14 jobs of acceptable quality in conditions of freedom, equity, security, and human
15 dignity.

16 The State shall further ensure:

17 a) Decent work involves opportunities for work that are productive and
18 fairly remunerative as family living wage, security in the workplace, and social
19 protection for families, better prospects for personal development and social
20 integration, freedom for people to express their concerns, organize, and
21 participate in the decisions that affect their lives, and equality of opportunity
22 and treatment for all women and men; and

23 b) That the State shall exert all efforts to address the causes of out-
24 migration, in recognition of the temporary nature of overseas work, by
25 developing local employment and other economic opportunities for TESDA
26 graduates and by introducing measures to curb violence and forced and
27 involuntary displacement of local employees. The State shall ensure the
28 protection and promotion of the rights and welfare of migrant TESDA
29 graduates regardless of their work status, and protect them against

1 discrimination in wages, conditions of work, and employment opportunities in
2 host countries.

3 SEC. 22. ***Social Protection.*** –

4 a) The State shall ensure that out-of-school youth workers and TESDA
5 graduates shall have a mandatory life, accident, and health insurance
6 coverage to be provided for by their employer.

7 b) The State shall institute policies and programs that seek to reduce the
8 poverty and vulnerability to risks and enhance the social status and rights of
9 out-of-school youth by promoting and protecting livelihood and employment,
10 protecting against hazards and sudden loss of income, and improving people's
11 capacity to manage risks.

12 c) The State shall establish a health insurance program for the out-of-
13 school youth.

14
15 **CHAPTER VIII**
16 **ESPECIALLY DIFFICULT CIRCUMSTANCE**

17 SEC. 23. ***Especially Difficult Circumstance.*** – Out-of-school youth who are
18 in especially difficult circumstances such as victims and survivors of sexual and
19 physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, out-of-
20 school youth in detention, victims and survivors of rape and incest, and such other
21 related circumstances which have incapacitated them functionally, shall be provided
22 with services and interventions as necessary such as but not limited to the following:

23 a) Temporary and protective custody;

24 b) Medical and dental services;

25 c) Psychological evaluation;

26 d) Counseling;

27 e) Psychiatric evaluation;

- 1 f) Legal services;
- 2 g) Productivity skill capability building;
- 3 h) Livelihood assistance; and
- 4 i) Financial assistance.

5 SEC. 24. **Inter-agency Support.** – The Out-of-School Youth Welfare Council
6 (OSYWC) shall ensure that the out-of-school youth in especially difficult
7 circumstances will be provided for with the aforementioned interventions and
8 services when necessary. The DSWD, DOJ, and DOH in coordination with the
9 appropriate LGU shall lead the rehabilitation of the out-of-school youth.

10 SEC. 25. **Duty of the LGU.** – It is the duty of the LGU where the out-of-
11 school youth resides to deliver the necessary services and interventions under their
12 respective jurisdictions.

13
14 **CHAPTER IX**
15 **ADMINISTRATION AND ENFORCEMENT**
16

17 SEC. 26. **Out-of-School Youth Welfare Council; Board of Directors.** –
18 There is hereby established an inter-agency council known as the Out-of-School
19 Youth Welfare Council (OSYWC). Its administration shall be vested exclusively in its
20 Board of Directors which shall be composed of the following:

- 21 a) DSWD Secretary or a duly authorized representative, as Chairperson;
- 22 b) DepEd Secretary or a duly authorized representative, as Vice-
23 Chairperson;
- 24 c) DOH Secretary or a duly authorized representative, as member;
- 25 d) DOLE Secretary or a duly authorized representative, as member;
- 26 e) TESDA Director General or a duly authorized representative, as
27 member;

1 f) National Youth Commission (NYC) Chairperson or a duly authorized
2 representative, as member;

3 g) Two (2) representatives from the private sector, as members; and

4 h) One (1) representative from an NGO known for its work and advocacy
5 in promoting the rights and welfare of out-of-school youth, as member.

6 The members of the Board from the private sector and from a recognized
7 NGO shall be appointed by the President for a term of three (3) years and are
8 eligible for reappointment to another term.

9 The DSWD shall establish the necessary secretariat for the Council.

10 SEC. 27. **Powers and Responsibilities.** – The OSYWC shall exercise the
11 following powers and functions:

12 a) To plan, implement, and monitor yearly work programs in pursuance to
13 the objectives of this Act;

14 b) To provide funds and supervision for provincial and municipal offices for
15 the implementation of this Act.

16 c) To assist the out-of-school youth in filing complaints or charges against
17 any person, establishment, institution, or agency refusing to comply with the
18 rights under this Act before the Department of Justice (DOJ) or the
19 appropriate courts.

20 SEC. 28. **Responsibility of Local Governments.** – It shall be the
21 responsibility of the local chief executive of the cities or municipalities to ensure the
22 effective implementation of the provisions of this Act.

23 SEC. 29. **Out-of-School Youth Office (OSYO).** - There may be established
24 in cities and municipalities, if they deem it necessary, an Out-of-School Youth Office
25 (OSYO) to be headed by a person known to be an advocate in promoting the rights
26 and welfare of out-of-school youth, to be appointed by the municipal or city mayor.
27 The term of office of the head of the OSYO shall be coterminous with the appointing

1 authority unless sooner removed for causes mentioned in the civil service rules and
2 regulations.

3 The head of the OSYO shall be entitled to receive an honorarium of an
4 amount at least equivalent to Salary Grade 10 to be approved and appropriated for
5 in an ordinance by the LGU concerned.

6 The head of the OSYO shall be assisted by the City Social Welfare and
7 Development Officer, in coordination with the Social Welfare and Development
8 Office.

9 The Office of the Mayor shall exercise supervision over the OSYO relative to
10 their plans, activities and programs for the out-of-school youth. The OSYO shall work
11 together and establish linkages with accredited NGOs and the barangays in their
12 respective areas.

13 The OSYO shall have the following functions:

14 a) To draw up a list of available and required services which can be
15 provided for out-of-school youth;

16 b) To maintain and regularly update on an annual basis the list of out-of-
17 school youth and to issue nationally uniform individual identification cards,
18 free of charge, which shall be valid anywhere in the country;

19 c) To serve as a general information and liaison center to serve the needs
20 of the out-of-school youth;

21 d) To coordinate with the OSYWC and monitor compliance of the
22 provisions of this Act;

23 e) To report to the mayor, any individual, establishments, business entity,
24 institutions, or agency found violating any provision of this Act; and

25 f) To require all establishments covered by this Act to prominently display
26 posters, stickers, and other notices that will generate public awareness on the

1 right and welfare of out-of-school youth and to ensure that the provisions of
2 this Act are implemented to its fullest.

3 SEC 30. ***Role of Non-Government Organizations.*** – Non-government
4 organizations or private volunteer organizations dedicated to the promotion,
5 enhancement, and support of the welfare of out-of-school youth are hereby
6 encouraged to become partners of government in the implementation of programs
7 and projects for the out-of-school youth.

8
9 **CHAPTER X**
10 **FINAL PROVISIONS**
11

12 SEC 31. ***Penalties.*** – Any person who violates any provision of this Act shall,
13 upon conviction, suffer the following penalties:

14 a) For the first violation, imprisonment of not less than six (6) months but
15 not more than two (2) years and fine of not less than Fifty Thousand pesos
16 (P50,000.00) but nor more than One Hundred Thousand Pesos (P100,000.00);

17 b) For any subsequent violation, imprisonment of not less than two (2)
18 years but not more than six (6) years and a fine of not less than One Hundred
19 Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand
20 Pesos (P200,000.00); and

21 c) Any person who avails of any of the benefits and privileges granted
22 under this Act who is not qualified to avail the same, imprisonment of not less
23 than six (6) months and fine of not less than Fifty Thousand Pesos
24 (P50,000.00) but not more than One Hundred Thousand Pesos (P100,000.00).

25 If the offender is a corporation, organization or any similar entity, the officials
26 thereof directly involved in the violation or abuse shall be liable therefor.

27 If the offender is an alien or foreigner, he shall be deported immediately upon
28 service of sentence without further proceedings.

1 Upon filing of the appropriate complaint or information, the proper
2 authorities, in coordination with the concerned LGU, shall cause the cancellation or
3 revocation of the business permit, permit to operate, franchise, and other similar
4 privileges granted to any business entity or person that fails to abide by or violates
5 the provisions of this Act.

6 SEC. 32. **Implementing Rules and Regulations.** – Within ninety (90) days
7 from the effectivity of this Act, the Board of Directors of the OSYW Council shall
8 promulgate the implementing rules and regulations as may be necessary to ensure
9 the efficient and effective implementation of this Act, in consultation with other
10 stakeholders including NGOs or peoples organizations for the out-of-school youth
11 duly accredited by the DSWD.

12 SEC. 33. **Appropriations.** - The necessary appropriations for the initial
13 operation and maintenance of the OSYWC shall be appropriated from any available
14 funds from the National Treasury. Thereafter, any such sums as may be needed for
15 the continued implementation of this Act shall be included in the annual General
16 Appropriations Act of the respective agencies.

17 SEC. 34. **Separability Clause.** – Should any part of this Act be declared
18 unconstitutional, the rest of the provisions of this Act not affected shall continue to
19 be in effect and subsisting.

20 SEC. 35. **Repealing Clause.** – The provisions of other laws, decrees,
21 executive orders, rules and regulations inconsistent with this Act are hereby
22 repealed, amended, or modified accordingly.

23 SEC. 36. **Effectivity.** – This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in at least two (2) national newspapers of
25 general circulation.

Approved,