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BY REPRESENTATIVES GATCHALIAN, YAP (V.), ESTRELLA, BERNOS, DIMAPORO (M.K.), TEVES, SIAO, ELAGO, VELASCO, ORTEGA (P.), SAMBAR, GARCES, ZAMORA (M.C.), AGGABAO, TEJADA, SANDOVAL, SY-ALVARADO, AMANTE, DUAVIT, NUÑEZ-MALANYAON, COJUANGCO, LOBREGAT, CALIXTO-RUBIANO, MANALO, AMATONG, UY (J.), GO (M.), KHO, TAN (A.), AQUINO-MAGSAYSAY, UYBARRETA, JAVIER, VILLANUEVA, PINEDA, TAMBUNTING, BELARO, CASTRO (F.H.), ROA-PUNO, HOFER, ORTEGA (V.N.), PALMA, NOEL, SALO, GONZALES (A.P.), PIMENTEL, SAVELLANO, GARIN (R.), GARCIA (J.E.), FORTUN, BRAVO (A.), BERTIZ, CAMPOS, SALON, GULLAS, VIOLAGO, ZUBIRI, ALEJANO, GONZALES (A.D.), CHIPECO, BORDADO, MANGAOANG, CARI, TREÑAS, FERNANDO, TUPAS, BATAOIL, CUARESMA, ROMUALDO, SILVERIO, DALIPE, CALDERON, MARCOLETA AND VERGARA, PER COMMITTEE REPORT NO. 1260

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

*Be it enacted by the House of Representatives and Senate 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 the*
2 *Out-of-School-Youth.*"

3 **SEC.2. Declaration of Policy.** - The State values the dignity of every
4 human person and guarantees full respect for human rights. Pursuant thereto, the State

1 recognizes the right of out-of-school youth to social protection and to develop their full
2 potential as partners in nation-building. Towards this end, the State shall promulgate
3 measures to achieve the following objectives:

- 4 a) To inspire and encourage the out- of- school youth to contribute to nation building;
 - 5 b) To recognize the rights of out- of- school youth in society;
 - 6 c) To provide an alternative learning system and a program for technical or vocational
7 education for the out- of- school youth;
 - 8 d) To give full support to the improvement of the total well- being of the out- of- school
9 youth by providing educational development and employment opportunities; and
 - 10 e) To recognize the important role of the private sector in improving the welfare of
11 out- of- school youth and to actively seek their partnership.
- 12

CHAPTER II DEFINITION OF TERMS

13 **SEC 3. Definition of Terms.** – As used in this Act:

- 14 a) *Alternative Learning System* refers to a parallel learning system in the
15 Philippines that provides a practical option to the existing formal instruction. It
16 includes both the non-formal and informal sources of knowledge and skills;
- 17
18 b) *Out-of-school youth* refers to a member of the population aged 15 to 30 years
19 old who is currently out of school, not gainfully employed, and has not finished
20 college or a post-secondary course;
- 21
22 c) *Social Protection* refers to policies and programs that seek to reduce poverty
23 and vulnerability to risks and enhance the social status and rights of all out-
24 of- school- youth by promoting livelihood and employment opportunities,
25 protecting against financial hazards such as the sudden loss of income, and
26 improving people's capacity to manage risks. Its components are labor market
27 programs, social insurance, social welfare, and social safety nets;
- 28
29 d) *Substantive Equality* refers to the full and equal enjoyment of rights and
30 freedoms contemplated under this Act and encompasses *de jure*, *de facto*
31 equality and equality in outcomes;
- 32
33 e) *Technical/Vocational Education* refers to the aspects of educational process
34 involving, in addition to general education, the study of technologies and
35 related sciences and the acquisition of practical skills relating to occupations
36 in various sectors of economic and social life. The term is comprised of
37 formal (organized programs as part of the school system), and non-formal
38 (organized classes outside the school system) approaches; and

- 1 f) *TESDA graduate* refers to a student or trainee who has completed the
2 requirements set for a Technical Education and Skills Development
3 Authority (TESDA)-registered Technical Vocational Education and Training
4 (TVET) course/program.
5

6 **CHAPTER III**
7 **DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH**
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9 **SEC. 4. State as the Primary Duty-Bearer.** - The State, through the National
10 Youth Commission (NYC) and concerned youth serving agencies, shall be guided
11 by progressive developments in the human rights of out-of-school youth under
12 international law, and shall endeavor to design policies, laws, and other regulatory
13 measures to fulfill these duties. It shall institute programs that will carry out the
14 objectives of this Act and promote:
15

- 16 a) The protection of the rights of out-of-school youth against
17 discrimination by private corporations, entities, and individuals; and
18
19 b) The substantive equality in the rights of out-of-school youth in all spheres
20 of growth and development.

21 **SEC. 5. Duties of the State Agencies and Instrumentalities.** - The duties of the
22 State as stated in Section 4 of this Act shall extend to all state agencies, offices, and
23 instrumentalities at all levels of government including government-owned and-controlled
24 corporations, subject to the Constitution and pertinent laws, policies, or administrative
25 guidelines that define specific duties of state agencies and entities concerned.

26 **CHAPTER IV**
27 **RIGHTS AND EMPOWERMENT**
28

29 **SEC. 6. Human Rights of Out-of-School Youth.** - An out-of-school youth shall
30 enjoy, without discrimination, all rights provided for in the Constitution and those rights
31 recognized under international instruments duly ratified by the Philippines, in
32 consonance with Philippine law.
33

34 **SEC. 7. Protection from Violence-** The State shall ensure that all out- of- school
35 youths shall be protected from all forms of violence, particularly in cases of physical
36 abuse, sexual exploitation and human trafficking as provided for in existing laws. The
37 Department of Justice, Department of Social Welfare and Services, and other concerned
38 agencies, shall give priority to the defense and protection of out- of- school youths and
39 help in attaining justice and healing.
40

- 1 2) After Care Services, which provide for support services for out- of- school
2 youth who are discharged from the homes or institutions of the DSWD, and
3 other private institutions duly accredited by the DSWD, especially those who
4 have problems of reintegration with family and the community.
- 5 d) Employment – The Department of Labor and Employment (DOLE), in coordination
6 with other government agencies such as the Department of Trade and Industry
7 (DTI), TESDA shall assess, design, and implement training programs that will
8 provide skills and welfare or livelihood support for out- of- school youth.

9
10 **CHAPTER VI**
MANDATORY TECHNICAL AND VOCATIONAL EDUCATION

11 **SEC.12. Mandatory Technical/Vocational Education.-** It shall be the duty of the
12 State to provide technical or vocational education to the out- of- school youth. The
13 course shall be provided and/or managed by TESDA in accordance with its training
14 regulations.
15

16 **SEC.13. Alternative Learning System-** An alternative learning system of education
17 shall be made available to out- of- school youth in the barangays.
18

19 For out-of-school youth who are in the custody of a home or an institution managed
20 by the DSWD, the latter shall coordinate with the DepEd for the provision of an
21 alternative learning system within its premises.
22

23 **SEC. 14. Education Cost and Support-** The TESDA shall provide technical and
24 vocational education services to out-of-school youth free of charge. It shall likewise
25 provide materials, instruments, and tools that the out-of-school youth may need while
26 enrolled in a technical/vocational course, and financial support to cover transportation
27 and other related costs for the duration of the training.

28 **SEC.15. Entrepreneurial Education.** The DTI, in coordination with TESDA and other
29 relevant government agencies, shall conduct a training program to provide the out- of-
30 school youth with the knowledge, skills and motivation to encourage entrepreneurial
31 endeavors. The program shall include small business management, new approaches on
32 innovation or introduction of new products or services to the markets.
33

34 **SEC.16. Promotion to Formal Tertiary Education-** The Local Social Welfare and
35 Development Officer may recommend an out- of- school youth to be a recipient of a
36 scholarship grant from the CHED under either Republic Act 10931 or the Universal
37 Access to Quality Tertiary Education or Republic Act 10687 or the Unified Student
38 Financial Assistance System for Tertiary Education Act (UNIFAST).

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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 circumstance which have caused functional incapacity in society, shall be provided with services and interventions as necessary such as:

- 1 a) Temporary and protective custody
- 2 b) Medical and dental services
- 3 c) Psychological evaluation
- 4 d) Counseling
- 5 e) Psychiatric evaluation
- 6 f) Legal services
- 7 g) Productivity capability building
- 8 h) Livelihood assistance
- 9 i) Financial assistance
- 10 j) Life skills training
- 11 k) Health education and information

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13
14 **SEC. 22. Inter-Agency Support** – The National Youth Commission, in
15 coordination with the DSWD, DOJ, DOH, DepEd and the Advisory Council created
16 under RA No. 8044, and concerned LGUS shall lead in facilitating, implementing,
17 monitoring and planning programs for the rehabilitation of out-of-school youth.

18
19 **SEC.23. Duty of the LGU.-** It is the duty of the LGU where the out- of- school youth
20 resides to deliver the necessary services and interventions under their respective
21 jurisdictions.

22
23 **CHAPTER IX**
24 **ADMINISTRATION AND ENFORCEMENT**
25

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27 **SEC 24. Role of Advisory Council** – The Advisory Council created under
28 Republic Act No 8044 or the “Youth in Nation-Building Act” shall plan, coordinate and
29 monitor yearly work programs in compliance with the objectives of this Act. It shall
30 formulate and implement a National Comprehensive Multi-Stakeholder Plan of Action
31 for Out-of-School Youth.

32
33 The Advisory Council shall also coordinate with and ensure that the relevant
34 agencies of the government have appropriate programs for the out-of-school youth in
35 accordance with the objectives of this Act.

36
37 The Advisory Council shall cause the prominent display of information materials
38 in government institutions and private establishments aimed at generating public
39 awareness on the rights of out-of-school youth.

40
41 **Sec. 25. Role of Local Social Welfare and Development Officer** – The Local
42 Social Welfare and Development Officer shall assist the Advisory Council in the
43 effective implementation of the provisions of this Act and shall perform the following
44 functions:

- 1
2 a) Draw up a list of available and required services which can be provided for out-
3 of-school youth;
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5 b) Maintain and regularly update on an annual basis the list of out-of-school youth
6 and to issue nationally uniform individual identification cards free of charge,
7 which shall be valid anywhere in the country;
8
9 c) Serve as a focal person in the dissemination of general information and feedback
10 in regard to the needs of the out-of-school youth;
11
12 d) Report to the Mayor, any individual, establishment, business entity, institution, or
13 agency found violating any provision of this Act;
14
15 e) Coordinate with the Advisory Council to ensure compliance with the provisions
16 of this Act; and
17
18 f) Monitor the compliance of government institutions as well as private
19 establishments to prominently display information materials such as posters,
20 banners and pamphlets that will generate public awareness on the rights and
21 welfare of out-of-school youth.
22

23 **SEC.26. Role of Non-Government Organization.**- Non-government organizations
24 or private volunteer organizations dedicated to the promotion, enhancement, and
25 support of the welfare of out-of-school youth are hereby encouraged to become
26 partners of government in the implementation of programs and projects for the out- of-
27 school youth.
28

29 **CHAPTER X**
30 **FINAL PROVISIONS**
31

32 **SEC.27. Penalties.**- Any person who violates any provision of this Act shall, upon
33 conviction, suffer the following penalties:

- 34 a) For the first violation, imprisonment of not less than six (6) months but not more
35 than two (2) years and fine of not less than Fifty thousand pesos (P50,000.00) but
36 not more than One hundred thousand pesos(P100,000.00);
37
38 b) For any subsequent violation, imprisonment of not less than two (2) years but not
39 more than six (6) years and a fine of not less than One hundred thousand pesos
40 (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00);
41

1 c) For any person who avails of any of the benefits and privileges granted under this
2 Act but who is not qualified to avail of the same, imprisonment of not less than six
3 (6) months and a fine of not less than Fifty thousand pesos (50,000.00) but not
4 more than One hundred thousand pesos (100,000.00);

5 d) If the offender is a corporation, organization or any similar entity, the officials
6 thereof directly involved in the violation or abuse shall be held liable.

7 If the offender is an alien or a foreigner, the person shall be deported
8 immediately upon service of sentence without further proceedings.

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

14 **SEC. 28.- Appropriations.-** The amount necessary for the effective
15 implementation of this Act shall be included in the budget of the concerned government
16 agencies in the annual General Appropriations Act.

17
18 **SEC. 29. Implementing Rules And Regulations.-** The Advisory Council created
19 under Republic Act No 8044 shall promulgate, not later than thirty (30) days upon the
20 effectivity of this Act, the necessary rules and regulations for the effective implementation
21 of this Act: *Provided*, That the failure to promulgate the rules and regulations shall not
22 prevent the implementation of this Act upon its effectivity.

23
24 **SEC.30. Separability Clause.-** If any provision of this Act, is declared
25 unconstitutional, the remainder of this Act or any provision not affected thereby shall
26 remain in full force and effect.

27 **SEC.31. Repealing Clause .-** All laws, decrees, orders, issuances, rules and
28 regulations or parts thereof inconsistent with the provisions of this Act are hereby
29 repealed, amended or modified accordingly.

30 **SEC.32. Effectivity.-** This Act shall take effect fifteen (15) days after its publication
31 in the Official Gazette or in a newspaper of general circulation.

Approved,