

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

23 APR 11 P1:02

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**SENATE**  
**Senate Bill No. 2059**

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Introduced by: **Senator Raffy T. Tulfo**

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

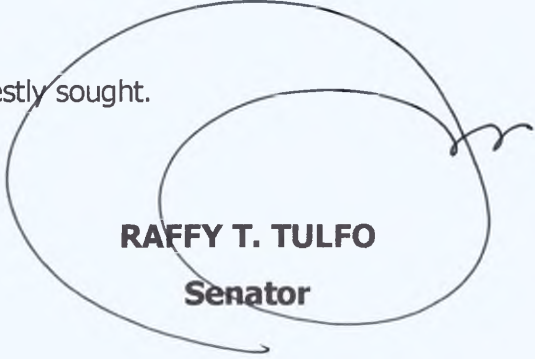
EXPLANATORY NOTE

According to Section 13, Article II of the 1987 Constitution, it is the policy of the State to recognize the vital role of the youth in nation-building . The State shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. However, according to a 2017 report by the Philippine Statistics Authority, nine percent (9%) or more than 3 million of the estimated 39 million Filipinos aged 6 to 24 years old are out-of-school children and youth. Based on the research published by the US Agency for International Development in 2021, out-of-school youth in the Philippines increased from 16.9% in January 2020 to 25.2 % in April 2020.

The proposed measure aims to empower the out-of-school youth through social protection that will enable them to develop themselves to their full potential and motivate them to contribute to nation-building. This bill also seeks to provide the out-of-school

youth an alternative learning system, entrepreneurial education, and free technical or vocational education and employment and economic opportunities.

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



**RAFFY T. TULFO**  
**Senator**

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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**

1  
2  
3  
4 **SECTION 1. *Short Title.*** - This Act shall be known as the "Magna Carta of the Out-of-  
5 School Youth".

6  
7 **SEC. 2. *Declaration of Policy.*** – The State values the dignity of every human person  
8 and guarantees full respect for human rights. Pursuant thereto, the State recognizes the  
9 right of out-of-school youth to social protection and to develop their full potential as  
10 partners in nation-building. Towards this end, the State shall promulgate measures to  
11 achieve the following objectives:  
12

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

11

12 **CHAPTER II**

13 **DEFINITION OF TERMS**

14

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

16

- 17 a) Alternative Learning System refers to a parallel learning system in the Philippines that  
18 provides a practical option to the existing formal instruction. It includes both the non-  
19 formal and informal sources of knowledge and skills.
- 20
- 21 b) Out-of-school Youth refers to a member of the population aged 15 to 30 years old who  
22 is currently out of school, not gainfully employed, and has not finished college or a post-  
23 secondary course.
- 24
- 25 c) Social Protection refers to policies and programs that seek to reduce poverty and  
26 vulnerability to risks and enhance the social status and rights of all out-of-school youth  
27 by promoting livelihood and employment opportunities, protecting against financial  
28 hazards such as the sudden loss of income, and improving people's capacity to manage  
29 risks. Its components are labor market programs, social insurance, social welfare, and  
30 social safety nets.

- 1
- 2 d) Substantive Equality refers to the full and equal enjoyment of rights and freedoms  
3 contemplated under this Act and encompasses de jure and de facto equality in outcomes.  
4
- 5 e) Technical Vocational Education refers to the aspects of educational process  
6 involving, in addition to general education, the study of technologies and related sciences  
7 and the acquisition of practical skills relating to occupations in various sectors of economic  
8 and social life. The term is comprised of formal (organized programs as part of the school  
9 system), and non-formal (organized classes outside the school system) approaches; and  
10
- 11 f) TESDA Graduate refers to a student or trainee who has completed the requirements  
12 set for a Technical Education and Skills Development Authority (TESDA)-registered  
13 Technical Vocational Education and Training (TVET) course/program.  
14

### 15 CHAPTER III

#### 16 DUTIES RELATED TO THE HUMAN RIGHTS OF OUT-OF-SCHOOL YOUTH

17

18 **SEC. 4. *State as the Primary Duty-Bearer.*** – The State, through the National Youth  
19 Commission (NYC) and concerned youth serving agencies, shall be guided by progressive  
20 developments in the human rights of out-of-school youth under international law, and  
21 shall endeavor to design policies, laws, and other regulatory measures to fulfill these  
22 duties. It shall institute programs that will carry out the objectives of this Act and promote  
23 the following:

- 24 a. The protection of the rights of out-of-school youth against discrimination by private  
25 corporations, entities, and individuals; and
- 26 b. The substantive equality in the rights of out-of-school youth in all spheres of  
27 growth  
28 and development.  
29

1 **SEC. 5. *Duties of the State Agencies and Instrumentalities.*** – The duties of the  
2 State as stated in  
3 Section 4 of this Act shall extend to all state agencies, offices, and instrumentalities at all  
4 levels of government including government-owned and-controlled corporations, subject  
5 to the Constitution and pertinent laws, policies, or administrative guidelines that govern  
6 the state agencies and entities concerned.

7  
8 **CHAPTER IV**  
9 **RIGHTS AND EMPOWERMENT**

10  
11 **SEC. 6. *Human Rights of Out-of-School Youth.*** - An out-of-school youth shall enjoy,  
12 without discrimination, all rights provided for in the Constitution and those rights  
13 recognized under international instruments duly ratified by the Philippines, in consonance  
14 with Philippine laws.

15  
16 **SEC. 7. *Protection from Violence.*** - The State shall ensure that all out-of-school  
17 youths shall be protected from all forms of violence, particularly in cases of physical  
18 abuse, sexual exploitation and human trafficking as provided for in existing laws. The  
19 Department of Justice, Department of Social Welfare and Services, and other concerned  
20 agencies, shall give priority to the defense and protection of out-of-school youths and  
21 help in attaining justice and healing.

22  
23 **SEC. 8. *Equal Treatment Before the Law.*** - The NYC and other youth-serving  
24 agencies shall take steps to review and, when necessary, amend or repeal existing laws  
25 that are discriminatory to out-of-school youths.

26  
27 **SEC. 9. *Representation of Out-of-School Youth Issues and Concerns in Media***  
28 ***and Film.*** – The  
29 NYC and other concerned agencies shall formulate policies and programs for the  
30 advancement of out-of-school youth in collaboration with government and non-

1 government media-related organizations. For this purpose, the State shall ensure  
2 allocation of resources for the production, publication and airing of all forms of  
3 information materials on the rights of the out-of-school youth and the various services  
4 and benefits provided to them under this Act.

5

6 **SEC. 10. *Recognition and Preservation of Cultural Identity and Integrity.*** – The  
7 rights of Moro and Indigenous out-of-school youth to practice, promote, protect, and  
8 preserve their own culture, traditions, and institutions and to consider these rights in the  
9 formulation and implementation of national policies and programs shall be upheld. To  
10 this end, the National Commission on Muslim Filipinos and the National Commission on  
11 Indigenous Peoples shall, in consultation with the sectors concerned to protect their  
12 rights, indigenous knowledge system and practices, traditional livelihood, and other  
13 appropriate measures to promote and to respect for their rights, practices and way of  
14 life: Provided. That these cultural systems and practices do not discriminate against other  
15 out-of-school youth.

16

17

## CHAPTER V

18

### GOVERNMENT ASSISTANCE AND SUPPORT

19

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

22

23

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

- 1 b. Health - The Department of Health (DOH), in coordination with local government  
2 units (LGUs) and NGOs, shall institute a national health program and provide an integral  
3 health service for out-of-school youth;
- 4 c. Social Service - The Department of Social Welfare and Development (DSWD), in  
5 cooperation with the LGUs, NGOs and other relevant stakeholders shall develop and  
6 implement programs on social services for out-of-school youth, the components of which  
7 are:
- 8 1. Social Enhancement Services, which provide the out-of-school youth with  
9 opportunities for socializing, organizing creative expression, and improvement  
10 of self; and
  - 11 2. After Care Services, which provide for support services for out-of-school youth  
12 who are discharged from the homes or institutions of the DSWD, and other  
13 private institutions duly accredited by the DSWD, especially those who have  
14 problems of reintegration with family and the community.
- 15 d. Employment - The Department of Labor and Employment (DOLE), in coordination  
16 with other government agencies such as the Department of Trade and Industry  
17 (DTI) and TESDA, shall assess, design, and implement training programs that will  
18 provide skills and welfare or livelihood support for out-of-school youth.  
19

## 20 CHAPTER VI

### 21 MANDATORY TECHNICAL AND VOCATIONAL EDUCATION

22

23 **SEC. 12. *Mandatory Technical/Vocational Education.*** – It shall be the duty of the  
24 State to provide technical or vocational education to the out-of-school youth. The course  
25 shall be provided and/or managed by TESDA in accordance with its training regulations.  
26

27 **SEC. 13. *Alternative Learning System.*** – An alternative learning system of education  
28 shall be made available to out-of-school youth in the barangays.  
29



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

4  
5 **SEC. 14. *Education Cost and Support.*** – The TESDA shall provide technical and  
6 vocational education services to out-of-school youth free of charge. It shall likewise  
7 provide materials, instruments, and tools that the out-of-school youth may need while  
8 enrolled in a technical/vocational course, and financial support to cover transportation  
9 and other related costs for the duration of the training.

10  
11 **SEC. 15. *Entrepreneurial Education.*** – The DTI, in coordination with TESDA and other  
12 relevant government agencies, shall conduct a training program to provide the out-of-  
13 school youth with the knowledge, skills and motivation to encourage entrepreneurial  
14 endeavors. The program shall include small business management, new approaches on  
15 innovation, or introduction of new products or services to the markets.

16  
17 **SEC. 16. *Promotion to Formal Tertiary Education.*** – The Local Social Welfare and  
18 Development Officers may recommend an out-of-school youth to be a recipient of a  
19 scholarship grant from the CHED under either Republic Act No. 10931 or the Universal  
20 Access to Quality tertiary Education or Republic Act No. 10687 or the Unified Student  
21 Financial Assistance System for Tertiary Education Act (UNIFAST).

## 22 23 **CHAPTER VII**

### 24 **EMPLOYMENT AND ENTREPRENEURIAL FACILITATION**

25  
26 **SEC. 17. *Employment.*** - Out-of-school youth who have the capacity and desire to work  
27 shall be provided employment opportunities to enable their transition as productive  
28 members of society.

1 **SEC. 18. *Entrepreneurial Facilitation.*** – The DTI shall establish a community- based  
2 method of addressing the needs and barriers facing out-of-school youth entrepreneurs.  
3 The objective of entrepreneurial facilitation is to encourage and retain a diverse and  
4 robust local entrepreneurial economy that leads to more opportunities for the out-of-  
5 school youth.

6  
7 **SEC. 19. *Right to Decent Work.*** – The DOLE, in coordination with TESDA, shall ensure  
8 decent work standards for out-of-school youth who have graduated from TVET courses,  
9 including the following minimum guarantees:

- 10  
11
- 12 a. Local job generation and employment, economic opportunities and providing strict  
13 regulations against forced and involuntary displacement; and
  - 14 b. Protection of the rights and promotion of the welfare of migrant TVET graduates  
15 regardless of work status, and protection against discrimination in wages conditions of  
16 work, and employment opportunities in host countries.

17  
18 **SEC. 20. *Social Protection.*** – The National Poverty Commission and concerned  
19 agencies shall institute policies and programs that seek to reduce the poverty and  
20 vulnerability to risks of out-of-school youth by protecting them against the financial  
21 hazards of sudden loss of income, and improving capacity to manage risks. Further, the  
22 State shall ensure that out-of-school youth workers and TVET graduates shall be provided  
23 by their employer with a mandatory life, accident and health insurance coverage.

24

## 25 **CHAPTER VIII**

### 26 **ESPECIALLY DIFFICULT CIRCUMSTANCE**

27  
28 **SEC. 21. *Especially Difficult Circumstances.*** – Out-of-school youth who are in  
29 especially difficult circumstances such as victims of sexual and physical abuse, illegal

1 recruitment, prostitution, trafficking, armed conflict, out-of-school youth in conflict with  
2 the law, and such other related circumstances which have caused functional incapacity  
3 in society, shall be provided with services and interventions as necessary such as:

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

15

16 **SEC. 22. *Inter-Agency Support.*** – The NYC, in coordination with the DSWD, DOJ,  
17 DOH, DepEd and the Advisory Council created under R.A. No. 8044, and concerned LGUs  
18 shall lead in facilitating, implementing, monitoring and planning programs for the  
19 rehabilitation of out-of-school youth.

20

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

24

25

## CHAPTER IX

26

### ADMINISTRATION AND ENFORCEMENT

27

28 **SEC. 24. *Role of Advisory Council.*** – The Advisory Council created under Republic Act  
29 No. 8044 or the "Youth in Nation-Building Act" shall plan, coordinate, and monitor yearly

1 work programs in compliance with the objectives of this Act. It shall formulate and  
2 implement a National Comprehensive Multi-Stakeholder Plan of Action for Out-of-school  
3 youth.

4  
5 The Advisory Council shall also coordinate with and ensure that the relevant agencies of  
6 the government have appropriate programs for the Out-of-school youth in accordance  
7 with the objectives of this Act.

8  
9 The Advisory Council shall cause the prominent display of information materials in  
10 government institutions and private establishments aimed at generating public awareness  
11 on the rights of Out-of-school youth.

12  
13 **SEC. 25. Rule of Local Social Welfare and Development Officer.** – The Local Social  
14 Welfare and Development Officer shall assist the Advisory Council in the effective  
15 implementation of the provisions of this Act and shall perform the following functions:

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

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**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.

e) 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.

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

4  
5 **SEC. 28. Implementing Rules and Regulations.** – The Advisory Council created  
6 under Republic Act No. 8044 shall promulgate, not later than thirty (30) days upon the  
7 effectivity of this Act, the necessary rules and regulations for the effective implementation  
8 of this Act: *Provided*, That the failure to promulgate the rules and regulations shall not  
9 prevent the implementation of this Act upon its effectivity.

10  
11 **SEC. 29. Separability Clause.** – If any provisions of this Act, is declared  
12 unconstitutional, the remainder of this Act or any provision not affected thereby shall  
13 remain in full force and effect.

14  
15 **SEC. 30. Repealing Clause.** – All laws, decrees, orders, issuances, rules and regulations  
16 or parts thereof inconsistent with that provisions of this Act are hereby repealed,  
17 amended or modified accordingly;

18  
19 **SEC. 31. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in  
20 the Official Gazette or in a newspaper of general circulation.

Approved,