

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 APR 15 A9:33

SENATE

RECEIVED BY

S. No. 2633

Introduced by Senator Jinggoy Ejercito Estrada

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

EXPLANATORY NOTE

Article II, Section 13 of the Constitution provides, "The 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." Article XIV, Section 2 further provides that, "(5) [The State shall] provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills."

Data from the Philippine Statistics Authority (PSA) show that nearly 20% of 42.18 million Filipino children aged 5 to 24 years were not attending school in 2022. Among the reasons cited were: finished schooling (21.1%), employment (19.7%), lack of personal interest (12.6%), marriage (10.7%), and high cost of education/financial problem (9.9%)¹. Other causes include illness/disability, pregnancy, bullying, family matters, and looking for work.

While available information with respect to basic education show constant increase in the number of enrollees and a decrease in dropout rates from SY 2013-2014 to SY 2022-2023, policies can be further strengthened to ensure universal access to quality education and completion thereof.

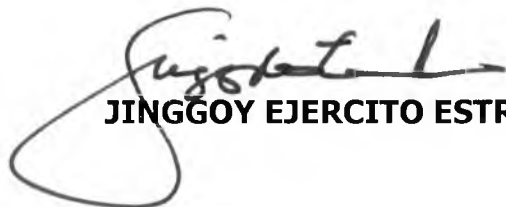
¹ "Four out of Five Children Aged 5 to 24 Years Were Attending School for School Year 2022 to 2023." September 25, 2023. <https://psa.gov.ph/statistics/income-expenditure/apis/node/1684061165>

With respect to higher education, Year One report of the Second Congressional Commission on Education states, "More learners are enrolling in higher education, particularly in public institutions, but a large number of students are dropping out before completing their degrees." In addition, the same report provides, "In 2021, the country had a Gross Enrollment Ratio (GER) in Tertiary Education of 34.89% lagging behind Singapore, (97.10%) Indonesia (41%), Malaysia (40.91%), Thailand (49.67%) and Vietnam (38.87%)."

While there had been laudable pieces of legislation which seek to address the abovementioned concerns, such as Republic Act No. 10931 or "Universal Access to Quality Tertiary Education Act" and Republic Act No. 11510, otherwise known as "Alternative Learning System Act" for out-of-school children in special cases and adults, a number of interventions can still be accorded to the special sector to support and empower them to become productive members of the society and robust partners in nation-building.

A similar version of this bill was already approved by the House of Representatives during the 17th Congress, but got stalled in the Senate.

In view of reducing the vulnerabilities of the out-of-school youth (OSY), protecting the rights of this marginalized sector of society, and providing assistance to OSYs in especially difficult circumstances, the immediate passage of this measure is sought.



JINGGOY EJERCITO ESTRADA

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

CHAPTER I

GENERAL PROVISIONS

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

5 Sec. 2. *Declaration of Policy.* - Article II, Section 11 of the Constitution
6 provides that the State values the dignity of every human person and guarantees full
7 respect for human rights. Pursuant to the aforementioned mandate, the State
8 recognizes the rights of the out-of-school youth (OSY) to social protection and to the
9 development of their full potential as partners in nation-building.

10 Sec. 3. *Objectives.* - The objectives of this Act are as follows:

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

18 Sec. 4. *Definition of Terms.* - As used in this Act:

- 1 a) *Alternative Learning System (ALS)* refers to a parallel learning system in
2 the Philippines that provides a practical option to the existing formal
3 instruction and equivalent pathways to basic education. It includes both
4 the non-formal and informal sources of knowledge and skills;
- 5 b) *Local Social Welfare and Development Officer (LSWDO)* refers to the
6 officer designated as much as under the Social Welfare and Development
7 Offices in the local government unit (LGU);
- 8 c) *Out-of-School Youth (OSY)* refers to a member of the population aged 15
9 to 30 who is currently out of school, not gainfully employed, and has not
10 finished secondary or college education;
- 11 d) *Social protection* refers to policies and programs that seek to reduce
12 poverty and vulnerability to risks and enhance the social status and rights
13 of all OSY by promoting livelihood and employment opportunities,
14 including its major components such as labor market interventions, social
15 insurance, social welfare, and social safety nets;
- 16 e) *Substantive equality* refers to the fundamental aspect of human rights law
17 that is concerned with equitable outcomes and equal opportunities for the
18 disadvantaged and marginalized groups in society, including protection
19 against discrimination, marginalization, unequal distribution of
20 opportunities, and limited access to goods and services;
- 21 f) *Technical-Vocational Education and Training (TVET)* refers to the
22 education or training process designed at post-secondary and lower
23 tertiary levels, officially recognized as non-degree programs aimed at
24 preparing technicians, paraprofessionals, and other categories of middle-
25 level workers by providing them with a broad range of general education,
26 theoretical, scientific and technological studies, and related job skills
27 training; and
- 28 g) *TVET graduate* refers to a student or trainee who has completed the
29 requirements set for a Technical Education and Skills Development
30 Authority (TESDA)-registered TVET course or program.

1 **CHAPTER II**

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

3 *Sec. 5. State as the Primary Duty-Bearer.* – The State shall, through the
4 National Youth Commission (NYC), Commission on Human Rights (CHR), and other
5 concerned youth-serving agencies, be guided by progressive developments on the
6 aspect of human rights of the OSY under international law and shall endeavor to
7 formulate policies, laws, and other regulatory measures to fulfill these duties. It shall
8 institute programs that will carry out the objectives of this Act and promote:

- 9 A) The protection of the rights of the OSY against discrimination of any kind
10 by private corporations, entities, individuals, and from any institution,
11 public or private; and
12 B) The promotion of substantive equality on the rights of the OSY in all
13 aspects of growth and development.

14 *Sec. 6. Duties of the State Agencies and Instrumentalities.* – The duties of the
15 State as stated in Section 5 of this Act shall extend to all state agencies, offices, and
16 instrumentalities at all levels of government, including government-owned and
17 controlled corporations, subject to the Constitution and pertinent laws, policies, and
18 administrative guidelines that define specific duties of concerned state agencies and
19 entities.

20 **CHAPTER III**

21 **RIGHTS AND EMPOWERMENT**

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

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

31 *Sec. 9. Equal Treatment Before the Law.* – The NYC and other youth-serving
32 agencies shall take active steps to review and, when necessary, submit proposals to

1 amend or repeal existing laws that are discriminatory to the OSYs, and submit
2 legislative proposals, as far as practicable, at the start of every Congress.

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

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

12 Sec. 11. *Recognition and Preservation of Cultural Identity and Integrity.* – The
13 rights of Moro and Indigenous OSY to practice, promote, protect, and preserve their
14 own culture, traditions and institutions and to consider these rights in the
15 formulation and implementation of national policies and programs shall be upheld.
16 To this end, the National Commission on Muslim Filipinos and the National
17 Commission on Indigenous Peoples shall, in consultation with the sectors concerned,
18 protect their rights, indigenous knowledge system and practices, traditional
19 livelihood, and other cultural manifestations, recommend legislation and other
20 appropriate measures to promote and respect them: Provided, That these cultural
21 systems and practices do not discriminate against other OSYs who do not belong to
22 the Muslim or Indigenous Peoples.

23 Sec. 12. *Right to Decent Work.* – The Department of Labor and Employment
24 (DOLE) shall, in coordination with TESDA, ensure decent work standards for OSY
25 who have graduated from TVET courses, including the following minimum
26 guarantees:

- 27 a) Local job generation and employment, economic opportunities, and
28 providing strict regulations against forced and involuntary displacement;
29 b) Protection of the rights and promotion of the welfare of migrant TVET
30 graduates regardless of work status and protection against discrimination
31 in wages, conditions of work, and employment opportunities in host
32 countries; and

- 1 c) Opportunities for work shall be productive and fairly remunerative as
2 family living wage, security of tenure in the workplace, and better
3 prospects for personal development and social integration.

4 **CHAPTER IV**

5 **GOVERNMENT ASSISTANCE AND SUPPORT**

6 Sec. 13. *Government Assistance.* – The national government shall, through
7 the agencies and instrumentalities, provide the following:

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

12 b) Health – The Department of Health (DOH) shall, in coordination with LGUs
13 and NGOs, institute a national health program and provide an integrated
14 health service for OSY: Provided, that the DOH shall provide the OSYs and
15 their families with reproductive health education and family counselling to
16 curb the number of dropout cases due to early marriage and pregnancy,
17 marital conflict, and other family problems;

18 c) Social Services – The DSWD shall, in cooperation with the LGUs, NGOs,
19 and other relevant stakeholders, develop and implement programs on
20 social services for the OSY, the components of which are:

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

23 2) After Care Services that provide support for the OSY who are
24 discharged from the homes or institutions of the DSWD, and other
25 private institutions duly accredited by the DSWD, especially those who
26 have problems of reintegration with family and the community; and

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

30 d) Employment – The DOLE shall, in coordination with other government
31 agencies such as the Department of Trade and Industry (DTI) and TESDA,
32 assess, design, and implement training programs that will provide jobs,

1 Building Act” shall, in addition to its respective mandates, implement the provisions
2 of this Act which shall include the following duties and functions:

- 3 a) Formulate a National Comprehensive Multi-Stakeholder Plan of Action for
4 the OSYs which shall include back-to-school transitional support, career
5 pathing, counseling, mental and reproductive health education and
6 services, skills training, and livelihood assistance;
- 7 b) Coordinate, monitor and ensure that the relevant agencies of the
8 government have appropriate yearly work programs for the OSYs in
9 accordance with the objectives of this Act;
- 10 c) Cause the dissemination of information and engender national public
11 awareness of the plight of the OSYs in the country through social media,
12 government media and broadcasting facilities, and other modern channels
13 of communication;
- 14 d) Review and ascertain existing policies that are discriminatory to the OSYs
15 as a subsector and recommend to Congress remedial legislative measures
16 and interventions to eradicate all forms of discrimination to the OSYs; and
- 17 e) Furnish the NYC on a yearly basis a national situationer on OSYs, including
18 the available programs, services, and interventions available for them.

19 *Sec. 22. Role and Responsibilities of Concerned Agencies.* – The following
20 agencies shall perform the following duties and responsibilities:

- 21 a) The NYC shall
 - 22 1) Establish and maintain an updated database of OSYs at the national
23 and local levels;
 - 24 2) Assess the needs of the OSYs and recommend to concerned agencies
25 the necessary interventions to address them;
 - 26 3) Capacitate the *Sangguniang Kabataan (SK)*, Task Force on Youth
27 Development, and Local Youth Development Council (LYDC) to
28 implement the provisions of this Act at the local level; and
 - 29 4) Coordinate with concerned government agencies, private sector, or
30 NGOs, the necessary programs and projects designed to promote the
31 general welfare, development, and empowerment of the OSYs as part
32 of the multi-stakeholder plan of action for the OSYs.

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

- 2 1) Identify learning opportunities and establish programs for the OSYs
3 such as returning to formal schooling, enrolling in the ALS, pursuing
4 TVET for those who are not fully equipped to return to in-school
5 education;
6 2) Provide materials, instruments and tools needed by the OSYs; and
7 3) Monitor the progress of the OSYs.

8 c) The LSWDO shall:

- 9 1) Conduct social case management and profiling of the OSYs in every
10 city and municipality for the provision of age-appropriate social service
11 interventions;
12 2) Draw up a list of available and necessary services which can be
13 provided for the OSYs;
14 3) Institutionalize the implementation of LGU-based psycho-social services
15 for OSYs such as the *Unlad Kabataan* and *Pag-asa Youth Association*
16 programs;
17 4) Maintain and regularly update on an annual basis the list of OSYs and
18 submit the list to the Office of the Secretary of the DSWD, the NYC,
19 and the Philippine Statistics Authority;
20 5) Issue nationally uniform individual identification cards free of charge,
21 which shall be valid anywhere in the country;
22 6) Serve as the focal person on the dissemination of general information
23 and feedback with regard to the needs of the OSYs;
24 7) Report to the Mayor any individual, establishment, business entity,
25 institution, or agency found violating any provision of this Act;
26 8) Monitor, supervise, and enforce the implementation of information
27 dissemination through social media, government media, and
28 broadcasting facilities of the plight of the country's OSY; and
29 9) Coordinate with the Advisory Council to ensure compliance with the
30 provisions of this Act.

31 d) The SK and LYDC shall:

- 1) Initiate and implement, in coordination with concerned government agencies, private sector, 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 OSY 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 resilience, employment and livelihood, gender sensitivity, and sports development; and
 - 6) The *Panlalawigang Pederasyon ng mga SK* shall submit an annual situationer report on the OSY 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, enrollment 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

1 and development of the OSYs in the chosen technical or vocational
2 course by requiring the technical-vocational institutions to submit,
3 among others, regular enrollment and completion reports of the
4 programs being implemented.

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

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

15 **CHAPTER VII**
16 **FINAL PROVISIONS**

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

- 22 a) For the first violation, imprisonment of not less than six (6) months but
23 not more than two (2) years and a fine of not less than Fifty thousand
24 pesos (P50,000.00) but not more than One hundred thousand pesos
25 (P100,000.00);
- 26 b) For any subsequent violation, imprisonment of not less than two (2) years
27 but not more than six (6) years and a fine of not less than One hundred
28 thousand pesos (P100,000.00) but not more than Two hundred thousand
29 pesos (P200,000.00);
- 30 c) For any person who avails of any of the benefits and privileges under this
31 Act but who is not qualified to avail of the same, imprisonment of not less
32 than six (6) months and a fine of not less than Fifty thousand pesos

1 (P50,000.00) but not more than One hundred thousand pesos
2 (P100,000.00); and

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

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

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

13 *Sec. 25. Appropriations.* – The amount necessary for the initial
14 implementation of this Act shall be charged against the current year’s appropriation
15 of the departments and agencies concerned. Thereafter, such amount shall be
16 included in the annual General Appropriations Act.

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

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

25 *Sec. 27. Separability Clause.* – If for any reason, any provision of this Act is
26 declared unconstitutional or invalid, such parts not affected thereby shall remain in
27 full force and effect.

28 *Sec. 28. Repealing Clause.* – All laws, decrees, executive orders, rules and
29 regulations and other issuances or parts thereof which are inconsistent with this Act
30 are hereby repealed, amended or modified accordingly.

1 Sec. 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in any two (2) newspapers of general
3 circulations.

Approved,