

SEVENTEENTH CONGRESS OF THE]

REPUBLIC OF THE PHILIPPINES]

First Regular Session]

SENATE

S.B. No. 1000



Senate
Office of the Secretary

'16 AUG -8 P5:29

RECORDED BY: *[Signature]*

Introduced by SEN. WIN GATCHALIAN

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

EXPLANATORY NOTE

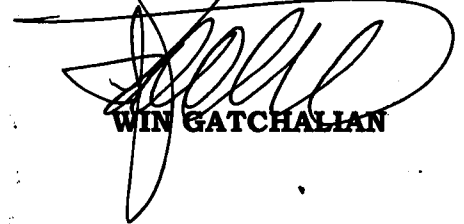
The youth are the foundation of our country's future. The hope of every State is the education of its youth. It is therefore unfortunate that many of our children are denied the opportunity to pursue a quality education, if not, have an education at all.

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.



WIN GATCHALIAN

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AN ACT
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*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 values
4 the dignity of every human person and guarantees full respect for human rights. The
5 State therefore recognizes the right of out-of-school youth to social protection and
6 development. Towards this end, the State shall promulgate measures to achieve the
7 following objectives:

8 a) Inspire and encourage the out-of-school youth to contribute to nation
9 building;

10 b) Recognize the rights of out-of-school youth in the society;

11 c) Provide an Alternative Learning System and a program for
12 technical/vocational education for the out-of-school youth;

1 d) Give full support to the improvement of the total well-being of the out-
2 of-school youth by providing educational development and employment
3 opportunities; and

4 e) Recognize the important role of the private sector in the improvement of
5 the welfare of out-of-school youth and to actively seek their partnership.

6
7 **CHAPTER II**
8 **DEFINITION OF TERMS**

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

10 a) *Alternative Learning System* refers to a parallel learning system in the
11 Philippines that provides a practical option to the existing formal instruction.
12 It includes both the non-formal and informal sources of knowledge and skills;

13 b) *Out-of-School Youth* refers to family members 6 to 17 years old who are
14 not attending formal school and family members 18 to 24 years old who are
15 currently out of school, not gainfully employed, and have not finished college
16 or a post-secondary course;

17 c) *Social Protection* refers to policies and programs that seek to reduce
18 poverty and vulnerability to risks and enhance the social status and rights of
19 all out-of-school youth by promoting and protecting livelihood and
20 employment, protecting against hazards and sudden loss of income, and
21 improving people's capacity to manage risk. Its components are labor market
22 programs, social insurance, social welfare, and social safety nets;

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

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

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

4
5 **CHAPTER III**

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

7
8 **SEC. 4. *The State as the Primary Duty-Bearer.*** – The State, as the primary
9 duty-bearer, shall:

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

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

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

16 The State shall fulfill these duties through law, policy, regulatory instruments,
17 administrative guidelines, and other appropriate measures, including temporary
18 special measures.

19 The State shall keep abreast with and be guided by progressive developments
20 in human rights of out-of-school youth under international law and design of
21 policies, laws, and other measures to promote the objectives of this Act.

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

28 **CHAPTER IV**

29 **RIGHTS AND EMPOWERMENT**

30
31 **SEC. 6. *Human Rights of Out-of-School Youth.*** – All rights in the
32 Constitution and those rights recognized under international instruments duly

1 youth. The course shall be regulated by TESDA and shall be for a period of at least
2 six (6) months.

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

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

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

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

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

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

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

31

32

33

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

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

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

11
12 **CHAPTER VIII**
13 **ESPECIALLY DIFFICULT CIRCUMSTANCE**

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

- 20 a) Temporary and protective custody;
- 21 b) Medical and dental services;
- 22 c) Psychological evaluation;
- 23 d) Counseling;
- 24 e) Psychiatric evaluation;
- 25 f) Legal services;
- 26 g) Productivity skill capability building;
- 27 h) Livelihood assistance; and
- 28 i) Financial assistance.

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

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

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

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

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

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

15 SEC. 29. **Out-of-School Youth Office (OSYO).** - There may be established in
16 cities and municipalities, if they deem it necessary, an Out-of-School Youth Office
17 (OSYO) to be headed by a person known to be an advocate in promoting the rights
18 and welfare of out-of-school youth, to be appointed by the municipal or city mayor.
19 The term of office of the head of the OSYO shall be coterminous with the appointing
20 authority unless sooner removed for causes mentioned in the civil service rules and
21 regulations.

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

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

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

31 The OSYO shall have the following functions:

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

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

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

8 d) To coordinate with the OSYWC and monitor compliance of the
9 provisions of this Act;

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

12 f) To require all establishments covered by this Act to prominently display
13 posters, stickers, and other notices that will generate public awareness on the
14 right and welfare of out-of-school youth and to ensure that the provisions of
15 this Act are implemented to its fullest.

16 **SEC 30. Role of Non-Government Organizations.** – Non-government
17 organizations or private volunteer organizations dedicated to the promotion,
18 enhancement, and support of the welfare of out-of-school youth are hereby
19 encouraged to become partners of government in the implementation of programs
20 and projects for the out-of-school youth.

21
22 **CHAPTER X**
23 **FINAL PROVISIONS**
24

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

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

30 b) For any subsequent violation, imprisonment of not less than two (2)
31 years but not more than six (6) years and a fine of not less than One Hundred

1 Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand
2 Pesos (P200,000.00); and

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

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

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

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

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

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

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

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

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

Approved,