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REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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SENATE
S.B. No. 1090

REC'D

Introduced by SENATOR SONNY ANGARA

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

EXPLANATORY NOTE

The State has invested much of its resources to ensure that quality education can be availed of by the Filipino youth regardless of their geographic location and/or socio-economic class. Laws such as Republic Act No. 6655 or the Free Public Secondary Education Act of 1998 which my father – former Senate President Edgardo Angara – authored, Republic Act No. 10157 or the Kindergarten Education Act, Republic Act No. 10931 or the Universal Access to Quality Tertiary Education, and Republic Act No. 10687 or the Unified Student Financial System for Tertiary Education Act (UniFAST) which this representation helped enact are a few examples of the government's drive of producing highly skilled and productive citizens.

These reforms have been a considerable factor in the drop of recorded out-of-school youth (OSYs) in 2017. In the survey conducted by the Philippine Statistics Authority (PSA), the population of out-of-school children and youth (OSCYs) were reduced to 3.6 million in 2017 from 3.8 million in 2016. However, while we take note of the significant reduction, a more pragmatic approach would be to understand that the still huge number of OSCYs – when empowered – could help promote their communities' growth and development. The survey even reported that of the 3.6 million OSCYs, a big percentage (83.1%) were 16-24 years old or those who already belong in the labor force.

Hence, the proposed measure will strengthen the State's mandate of instituting policies and programs for the development of OSYs in the country and to encourage OSYs to seek and avail of the multitude of opportunities that will be presented to them. This includes, but is not limited to, the provision of educational, employment and entrepreneurial assistance through the Department of Education (DepEd), the Technical Education and Skills Development Authority (TESDA), the various local government units (LGUs), and the Department of Labor and Employment (DOLE) in addition to health and social protection services.

Finally, this measure will institute interventions for the benefit of OSYs who are in especially difficult circumstances such as those who are victims of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, OSYs in conflict with the law, and other related circumstances which have caused their functional incapacity in the society. All of these reforms are aimed at encouraging our OSYs to realize their value in society and exercise self-improvement mechanisms. As our country moves towards the next industrial revolution, it is imperative that we leave no one – especially those with the most potential – behind.

In view of the foregoing reasons, the expeditious approval of this proposed bill is earnestly sought.



SONNY ANGARA

SENATE
S.B. No. 1090

RC
Office of the Secretary


Introduced by SENATOR SONNY ANGARA

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 1
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 Policies.* – The State values the dignity of every human
4 person, guarantees full respect for their human rights, and recognizes the right of out-
5 of-school youth to social protection and development. Towards this end, the State
6 shall promulgate measures to achieve the following objectives:

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

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

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

12 (d) Give full support to the improvement of the total well-being of the out-of-
13 school youth by providing educational development and employment
14 opportunities; and

15 (e) Recognize the important role of the private sector in the improvement of
16 the welfare of out-of-school youth and to actively seek their partnership.
17

1 **CHAPTER II**

2 **DEFINITION OF TERMS**

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

- 4 (a) *Alternative Learning System* refers to a parallel learning system in the
5 Philippines that provides a practical option to the existing formal instruction. It
6 includes both the non-formal and informal sources of knowledge and skills;
- 7 (b) *Out-of-school Youth* refers to members of the population aged 15 to 30 years
8 old who are currently out of school, not gainfully employed, and have not
9 finished college or a post-secondary course;
- 10 (c) *Social Protection* refers to policies and programs that seek to reduce poverty
11 and vulnerability to risks and enhance the social status and rights of all out-of-
12 school youth by promoting and protecting the livelihood and employment,
13 protecting against hazards and sudden loss of income, and improving people’s
14 capacity to manage risk. Its components are labor market programs, social
15 insurance, social welfare and social safety nets;
- 16 (d) *Substantive Equality* refers to the full and equal enjoyment of rights and
17 freedoms contemplated under this Act and encompasses *de jure* and *de facto*
18 equality and equality in outcomes;
- 19 (e) *Technical/Vocational Education* refers to the education of training process
20 involving, in addition to general education, the study of technologies and
21 related sciences and the acquisition of practical skills relating to occupations in
22 various sectors of economic and social life. The term is comprised of formal
23 (organized programs as part of the school system), and non-formal (organized
24 classes outside the school system) approaches; and
- 25 (f) *TESDA Graduate* refers to a student or trainee who has completed the
26 requirements set for a Technical Education and Skills Development Authority
27 (TESDA)-registered Technical Vocational Education and Training (TVET)
28 course/program.

1 **CHAPTER III**

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

3 SEC. 4. *The State as the Primary Duty-Bearer.* – The State, as the primary duty
4 bearer, shall be guided by progressive developments in human rights of out-of-school
5 youth under international law, and endeavor to design policies, laws, and other
6 regulatory measures to fulfill these duties. It shall institute programs that will carry
7 out the objectives of this Act. It shall promote:

- 8 (a) The protection of the rights of out-of-school youth against discrimination by
9 private corporations, entities, and individuals; and
10 (b) The substantive equality in the rights of out-of-school youth in all spheres of
11 growth and development.

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

17 **CHAPTER IV**

18 **RIGHTS AND EMPOWERMENT**

19 SEC. 6. *Human Rights of Out-of-School Youth.* – Out-of-school youth shall
20 enjoy, without discrimination, all rights in the Constitution and those rights recognized
21 under international instruments duly signed and ratified by the Philippines, in
22 consonance with Philippine law.

23 SEC. 7. *Protection from Violence.* – The State shall ensure that all out-of-school
24 youth shall be protected from all forms of violence, particularly cases of physical
25 abuse, sexual exploitation, and human trafficking. Agencies of government shall give
26 priority to the defense and protection of out-of-school youth and help them to attain
27 justice and healing.

28 SEC. 8. *Equal Treatment Before the Law.* – The State shall take steps to review
29 and, when necessary, amend, or repeal existing laws that are discriminatory to out-
30 of-school youth.

31 SEC. 9. *Representation of Out-of-School Youth Issues and Concerns in Media*
32 *and Film.* – The State shall formulate policies and programs for the advancement of

1 out-of-school youth, in collaboration with government and non-government media-
2 related organizations.

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

7 *SEC. 10. Recognition and Preservation of Cultural Identity and Integrity.* – The
8 State shall recognize and respect the rights of Moro and indigenous peoples who are
9 out-of-school youth to practice, promote, protect, and preserve their own culture,
10 traditions, and institutions and to consider these rights in the formulation and
11 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 culture and way of life:
15 *Provided,* That these cultural systems and practices are not discriminatory to the out-
16 of-school youth.

17 **CHAPTER V**

18 **GOVERNMENT ASSISTANCE AND SUPPORT**

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

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

25 (b) Health – The Department of Health (DOH), in coordination with LGUs and NGOs
26 shall institute a national health program and provide an integral health service
27 for out-of-school youth in accordance with the provisions under Republic Act
28 No. 11223 or the Universal Health Care Act;

29 (c) Social Services – The Department of Social Welfare and Development (DSWD),
30 in cooperation with LGUs and NGOs and other relevant stakeholders shall
31 develop and implement programs on social services for out-of-school youth,
32 the components of which are:

1 (1) Social Enhancement Services which provide the out-of-school youth
2 with opportunities for socializing, organizing creative expression, and
3 improvements of self; and

4 (2) After Care Services for out-of-school youth who are discharged from
5 the homes or institutions of the DSWD and other private institutions
6 duly accredited by DSWD, especially those who have problems of
7 reintegration with family and community;

8 (d) Employment – The Department of Labor and Employment (DOLE), in
9 coordination with other government agencies such as, but not limited to, the
10 Department of Trade and Industry (DTI) and TESDA, shall assess, design, and
11 implement training programs that will provide skills and welfare or livelihood
12 support for out-of-school youth.

13 **CHAPTER VI**

14 **EDUCATION**

15 SEC. 12. *Mandatory Technical/Vocational Education.* – It shall be the duty of
16 the State to provide mandatory technical/vocational education to out-of-school youth.
17 The course shall be provided and/or managed by TESDA in accordance with its
18 Training Regulations.

19 SEC. 13. *Education Cost and Support.* – The technical/vocational education
20 shall be offered by the State free of charge to the out-of-school youth. The State shall
21 likewise provide materials, instruments, and tools that the out-of-school youth may
22 need while enrolled in a technical/vocational course, as well as sufficient allowance to
23 cover transportation and other related costs for the duration of the training.

24 SEC. 14. *Skills Development Coordinators at the LGUs.* – The LGUs, through
25 the Community Training and Employment Coordinators (CTECs) or duly designated
26 LGU personnel, shall have the responsibility of monitoring the progress and
27 development of the OSYs in the chosen technical/vocational course by requiring the
28 technical vocational institutions (TVIs) to submit, among others, regular enrollment
29 and completion reports of the programs being implemented.

30 SEC. 15. *Promotion to Formal Tertiary Education.* – The local Social Welfare
31 and Development Officer may recommend an out-of-school youth to be a recipient of
32 a scholarship program from the CHED under either Republic Act No. 10931 or the

1 Universal Access to Quality Tertiary Education or Republic Act No. 10687 or the Unified
2 Student Financial System for Tertiary Education Act (UniFAST).

3 SEC. 16. *Entrepreneurial Education.* – The DTI, in coordination with TESDA and
4 other relevant government agencies, shall conduct a training program to provide the
5 out-of-school youth with the knowledge, skills and motivation to encourage
6 entrepreneurial success. The program shall include small business management
7 education and new approaches on how to promote innovation or introduce new
8 products or services to the markets.

9 SEC. 17. *Alternative Learning System.* – The Alternative Learning Mode of
10 Education shall be made available to out-of-school youth in the barangays.

11 For out-of-school youth who are in the custody of a home or an institution
12 managed by the DSWD, the latter shall coordinate with the DepEd for the provision
13 of Alternative Learning System within its premises.

14 **CHAPTER VII**

15 **EMPLOYMENT AND ENTREPRENEURIAL FACILITATION**

16 SEC. 18. *Employment.* – An out-of-school youth who has the capacity and
17 desire to work shall be provided employment opportunities. The State shall also make
18 use of the existing privileges under Republic Act No. 9547 as amended by Republic
19 Act No. 10917 or the Special Program for Employment of Students (SPES) to enable
20 them to be productive members of the society.

21 SEC. 19. *Entrepreneurial Facilitation.* – The State shall establish a community-
22 based method of addressing the needs and barriers facing out-of-school youth
23 entrepreneurs. The objective is to encourage and develop a diverse and robust local
24 entrepreneurial economy that will lead to more opportunities for the enterprising out-
25 of-school youth.

26 SEC. 20. *Right to Decent Work.* – The State shall progressively grant and ensure
27 decent work standards of out-of-school youth who have graduated in TVET courses,
28 which shall include, but not be limited, to the following minimum guarantees:

- 29 (a) Local job generation and employment, as well as other economic
30 opportunities for TVET graduates, providing strict regulations against their
31 forced and involuntary displacement;

1 (b) Promotion and protection of the rights and welfare of migrant TVET
2 graduates regardless of their work status, and protection against
3 discrimination in wages, conditions or work, and employment opportunities
4 in host countries; and

5 (c) Opportunities for work shall be productive and fairly remunerative as family
6 living wage, security of tenure in the workplace, and better prospects for
7 personal development and social integration.

8 SEC. 21. *Social Protection.* –

9 (a) The State shall endeavor that out-of-school youth workers and TVET
10 graduates acquire a mandatory life, accident, and health insurance
11 coverage to be provided by their employer.

12 (b) The State shall institute policies and programs that seek to reduce poverty
13 as well as vulnerability to risks of out-of-school youth by protecting against
14 hazards of sudden loss of income, and improving his/her capacity to manage
15 risks.

16 **CHAPTER VIII**

17 **ESPECIALLY DIFFICULT CIRCUMSTANCE**

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

24 (a) Temporary protective custody;

25 (b) Medical and dental services;

26 (c) Psychological evaluation;

27 (d) Counseling;

28 (e) Psychiatric evaluation;

29 (f) Legal services;

30 (g) Productivity skill capacity building;

31 (h) Livelihood assistance;

32 (i) Financial assistance;

1 (j) Life skills training; and

2 (k) Health education and information.

3 SEC. 23. *Inter-agency Support.* – The DSWD, Department of Justice (DOJ),
4 DOH and DepEd, in coordination with the appropriate LGU, shall lead in facilitating
5 implementing, monitoring and planning programs for rehabilitation of the out-of-
6 school youth.

7 SEC. 24. *Duty of the LGU.* – It is the duty of the LGU where the out-of-school
8 youth resides to deliver the services and interventions necessary under their respective
9 jurisdictions.

10 11 **CHAPTER IX**

12 **ADMINISTRATION AND ENFORCEMENT**

13 SEC. 25. *Advisory Council.* – The Advisory Council created under Republic Act
14 No. 8044 or the Youth in Nation Building Act shall plan, coordinate and monitor yearly
15 work programs in pursuance of the objectives of this Act. It shall also create and
16 implement a National Comprehensive Multi-Stakeholder Plan of Action for Out-of-
17 School Youth.

18 The Advisory Council shall also coordinate with, and ensure that the relevant
19 agencies of the Government have appropriate programs for the out-of-school youth
20 in accordance with objectives of this Act.

21 SEC. 26. *Local Social Welfare and Development Officer.* – The local Social
22 Welfare and Development Officer shall assist in the effective implementation of the
23 provisions of this Act and shall have the following functions:

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

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

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

31 (d) To coordinate with the Advisory Council to ensure compliance with the
32 provisions of this Act;

1 (e) To report to the mayor, any individual, establishment, business entity,
2 institution, or agency found in violation of any provision of this Act; and

3 (f) To require government institutions as well as private establishments to
4 prominently display notices that will generate public awareness on the right
5 and welfare of out-of-school youth.

6 SEC. 27. *Role of Non-Government Organizations.* – Non-government
7 organizations or private volunteer organization dedicated to the promotion,
8 enhancement, and support of the welfare of out-of-school youth are hereby
9 encouraged to become partners of government in the implementation of programs
10 and projects for the out-of-school youth.

11
12 **CHAPTER X**
13 **FINAL PROVISIONS**

14 SEC. 28. *Implementing Rules and Regulations.* – Within ninety (90) days from
15 the effectivity of this Act, the Advisory Council, DSWD, DOJ, DOLE, DTI, CHED, DepEd
16 and TESDA shall promulgate the implementing rules and regulations as may be
17 necessary to ensure the efficient and effective implementation of this Act, in
18 consultation with other stakeholders including NGOs or peoples organizations for the
19 out-of-school youth duly accredited by the DSWD.

20 SEC. 29. *Appropriations.* – The necessary appropriations for the initial
21 implementation of this Act shall be appropriated from any available funds from the
22 National Treasury. Thereafter, any such sums as may be needed for the continued
23 implementation of this Act shall be included in the annual General Appropriations Act
24 of the respective agencies.

25 SEC. 30. *Separability Clause.* – Should any part of this Act be declared
26 unconstitutional, the rest of the provisions of this Act not affected shall continue to be
27 in effect and subsisting.

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

1 SEC. 32. *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,