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SENATE

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Senate Bill No. 1156

Introduced by Senator Cynthia A. Villar

EXPLANATORY NOTE

The 1987 Philippine Constitution has enshrined the principle of the State recognizing the role of the youth in nation-building and that it shall promote and protect their physical, moral, spiritual, intellectual and social well-being. Further, it shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs.

The care for the total well-being of the youth has been given emphasis by the basic framework of the law and yet the youth seems to be an underestimated sector in our society. There is a need therefore to craft a specific working framework that will be the guiding principles of the youth as they trudge the road to growth and in the realization of our national hero's dream that the youth is the hope of the motherland.

This bill proposes to concretize the ideals of the Constitution by institutionalizing the rights and freedoms and protection of the youth in all aspects of their lives. This puts into reality the tenet of youth empowerment which should have long been extended to this young generation.

In this way, the youth will not lose their way in carrying out their important constitutional role in nation building. The support to our youth must not only be full but also unconditional because in their hands depend the future of the country and our people.

The approval of this bill is therefore recommended.

Cynthia A. Villar
CYNTHIA A. VILLAR

1 "Youth" refers to any individual belonging to the 15-24 age range. Youth may be
2 classified according to the following sub-sectors:

- 3 a) In-School Youth refers to those who are either attending formal or non-formal
4 educational programs.
5 b) Out-of-School Youth refers to those who are neither enrolled in any formal or
6 vocational/technical school.
7 c) Working Youth refers to those who are either employed, whether self-employed
8 or employed by a public or private institution.
9 d) Special Youth are marginalized youth who need special care, attention and
10 protection as those who are incapacitated or disabled physically, mentally or
11 psychologically, or those who are in the midst of armed conflict or victims of
12 oppression and criminality.

13 **ARTICLE II**

14 **Access to Labor and Employment**

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17 **SECTION 5. Youth Protection from Economic Exploitation.** - The State shall
18 recognize the right of the youth to be protected from economic exploitation and from
19 performing any work that is likely to be hazardous or to interfere with the youth's
20 education, or to be harmful to the youth's health or physical, mental, spiritual, moral or
21 social development. It shall take legislative, administrative, social and educational
22 measures to ensure the implementation of this Act.

23
24 **SECTION 6. Equal Opportunity and Treatment.** - The youth shall be free from
25 any form of discrimination, with respect to recruitment and conditions of employment,
26 such that they may enjoy equal opportunities for admission to employment, medical and
27 social assistance, safety as well as other occupationally-related benefits, informed of
28 their rights under existing labor legislation and of means available to them for redress,
29 not subject to any coercive recruitment systems, included bonded labor; and other
30 forms of debt servitude; and equal treatment in labor and employment for the youth,
31 including the protection from sexual harassment.

32
33 **SECTION 7. Prohibition Against Discrimination in Employment.** No qualified
34 youth shall be discriminated against with regard to job applicant procedures, hiring,
35 promotion, or discharge of employees, employee compensation, job training, and other
36 terms, conditions, privileges, benefits, fringe benefits, incentives or allowances as a
37 qualified able bodied person on account of his or her age, handicap, socio-economic
38 status, sexual, religious and political orientation or membership in an organization, club,
39 or grouping.

40 **ARTICLE III**

41 **A. Access to Education**

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43
44 **SECTION 8. Access to Education.** - 1) The State shall ensure that the youth
45 are provided with adequate access to quality education and ample opportunities to
46 develop their skills. It shall take appropriate steps to provide the needs of the special
47 youth with respect to the use of school facilities, class schedules, physical education
48 requirements, and other pertinent consideration.

49 2) The youth shall have the right to relevant and competent instruction vis-a-vis
50 their personal and cultural development and that of the nation.

- 1 a) No youth shall be denied admission to any school on account of his or her
2 handicap, socio-economic status, sexual, political or religious orientation, or
3 membership in any organization, nor shall pregnant students and certified
4 reformed drug abusers be discriminated against.
- 5 b) Youth shall have the right to freely choose their field of study and to continue
6 such up to graduation except in case of academic deficiency or violation of
7 disciplinary regulations which do not infringe upon the exercise of their rights.
- 8 c) School administration shall provide the youth with adequate welfare services and
9 academic facilities which include, but not limited to: free annual general physical
10 check-up to students, adequate laboratory, library, research, recreation and
11 physical education facilities, including the prompt notification of students
12 concerned of letters and other communications it receives in behalf of students.

13
14 **SECTION 9. Scholarship Assistance.** - Qualified and deserving student-youth shall
15 have access to scholarship assistance through grants, student loan programs,
16 subsidies, and other incentives in both public and private schools. The National Youth
17 Commission in coordination with the Department of Education shall venture any
18 undertaking to sort out funds for this purpose.

19
20 **B. Academic Freedom**

21
22 **SECTION 10 . Academic Freedom.** - Pursuant to the principles of this Act, the
23 following rights are hereby granted to the youth, and the exercise of such rights are
24 hereby mandated:

- 25 a) freedom of inquiry within the campus, in curricular activities and in the
26 extracurricular student affairs;
- 27 b) access information on matters of public concerns;
- 28 c) hear any opinion on any subject of public or general concern, whether or not
29 related to any subject they may be currently studying, which they believe worthy
30 of consideration;
- 31 d) invite outside speakers, and the school authorities may not veto their invitation
32 solely on the basis of the credentials of the speaker;
- 33 e) refuse any form of attempt to subject him or her to a process of indoctrination
34 that will impose on him or her ideological homogeneity;
- 35 f) free research in connection with academic work, and the publication, discussion
36 and exchange of his findings and recommendations;
- 37 g) question their curricula and if necessary, subject them to review and revision;
- 38 h) information on matters directly or indirectly affecting their welfare including
39 access to official records and other pertinent documents and papers pertaining to
40 of official acts, transactions or decisions;
- 41 i) adequate welfare services and curricular activities; and
- 42 j) publish regular independent and student-controlled publications and/or print,
43 circulate and/or mount leaflets, newsletter, posters, wall news, petitions and such
44 other materials.

45 **SECTION 11. Conditional Admission.** - No school policy shall oblige, compel,
46 or demand or cause demand or pressure to a youth to sign waiver documents in
47 exchange for admission or enrollment or re-admittance to the school.

48
49 **SECTION 12. Prohibition Against Banning Youth To Assemble.** - No youth
50 shall be banned from taking part on an assembly nor shall they be arrested or detained

1 for doing so. Student-youth shall not be required to ask prior permit for assemblies
2 inside campuses.

3
4 **SECTION 13. Freedom From Unwarranted interference.** - To guarantee the
5 freedom of student-youth from unwarranted interference while exercising their academic
6 freedom granted herein this Act:

- 7 a) Military detachments shall not be installed in campuses.
- 8 b) Military elements and school security forces shall not interfere with student
9 activities inside campuses, in particular student protest actions.
- 10 c) No plainclothes policemen will be allowed entry into campuses, particularly
11 during peaceful mass actions.

12
13 **ARTICLE IV**
14 **Access To Health Care and Services**

15
16 **SECTION 14. Access to Health Care and Services.** - 1) The youth has the right
17 to the highest standard of health and medical care attainable. The State shall place
18 special emphasis on the provision of primary and preventive health care, public health
19 education and the reduction of infant mortality. Toward this end, a comprehensive
20 health consciousness program shall be undertaken to ensure the survival of the youth
21 against dreaded infectious and communicable diseases.

22
23 2) The State shall promote the exchange of appropriate information in the field of
24 preventive health care and of medical, psychological and functional treatment of
25 disabled youth, including dissemination of and access to information concerning
26 methods of rehabilitation, education and vocational services, with the aim of enabling
27 the State to improve their capabilities and skills and to widen their experience in these
28 areas.

29
30 **SECTION 15. Sexual Health Needs.** - The right of the youth in meeting their
31 special sexual health needs shall not be abridged. Free access to sex education, family
32 planning, reproductive health services, and other forms of precautionary measures
33 against unwanted pregnancies and the spread of sexually-transmitted diseases among
34 them shall be promoted. Toward this end, the Commission on Population (POPCOM) in
35 consortium with the Department of Health (DOH) and all line-agencies of government
36 concerned shall provide comprehensive family planning and STD services and
37 educational and recreational activities alongside sexuality education specifically for the
38 youth and as much as it is possible to make these programs highly accessible and
39 acceptable to a broad spectrum of youth.

40
41 **ARTICLE V**
42 **A. Free Expression and Information**

43
44 **SECTION 16. Access to Information.** - The State shall ensure the accessibility
45 to youth of information and material from a diversity of sources, and it shall encourage
46 the mass media to disseminate information which is of social and cultural benefit to the
47 youth, and take steps to protect him or her from harmful materials.

48
49 **SECTION 17. Free and Responsible Expression.** -- a.) The right of the youth to

1 freely and responsibly express their sentiments, views, aspirations and to gather, share,
2 solicit ideas and publish information relevant to their interest and welfare shall not be
3 abridged.

4 b). Arresting or detaining a youth on the sole basis of disseminating or circulating
5 leaflets, petitions, newsletters, posters, wall news and similar materials is prohibited.
6 Banning a youth or youth organization from expressing his or her or its sentiments,
7 stance or views through any medium of communication is likewise prohibited.

8 c). The exercise of such rights may be subjected to certain restrictions, but this shall
9 only be such as are provided by law and are necessary:

- 10 1) for respect of the rights or reputations of others; or
- 11 2) for the protection of national security or public order, or of public health or morals.

12
13 **SECTION 18. Inviolability of Communication and Correspondence.** - a. The
14 privacy of communication and correspondence among youth shall be inviolable. b. No
15 youth shall be subjected to arbitrary interference with his or her privacy, family, home or
16 correspondence, nor to unlawful attacks on his or her honor and reputation. The youth
17 has the right to the protection of the law against such interference or attacks.

18
19 **SECTION 19. Prohibition Against Any Form of Meddling in Student**
20 **Publication.** - Nonmembers of the student publication are prohibited from indulging any
21 form of demand, pressure, force to cause influence and determine the content of the
22 publication. The editor shall take full responsibility for consequences arising from the
23 publication of articles. The role of faculty advisers in high school and college student
24 publications shall be limited only to technical guidance. Toward this end:

- 25 a) No school administration shall serve as a sole authority in selecting the editor. The
26 selection of the editor may be made by competitive examination supervised by a
27 Board of Judges, which shall include students as members.
- 28 b) Editors shall enjoy security of tenure, which shall not be terminated before the lapse
29 of the prescribed term usually for the school year.
- 30 c) Student publication shall have the right of access to institutional records.

31
32 **B. Organization and Free Assembly**

33
34 **SECTION 20. Right to Organize.** a) The State shall recognize the rights of the
35 youth to form and join association and the freedom to peaceably assemble. No
36 restrictions may be placed on the exercise of these rights other than those imposed in
37 conformity with the law and which are necessary in a democratic society in the interests
38 of national security or public safety, public order, the protection of public health or
39 morals of the protection of the rights and freedoms of others.

40
41 b) Subject to existing laws, the youth shall have the right to peaceably assemble and
42 petition the government and/or any private institution for the redress of their grievances.
43 Pursuant thereto, no regulation shall be imposed violating or abridging the youth's right
44 to assembly. The right of the youth to join or not to join any particular organization shall
45 be totally respected and no form of intimidation or harassment shall be tolerated.
46 Toward this end:

- 47 1) Involuntary efforts to make youth sign waiver documents denying membership of
48 and promising not to join a specified organization as pre-requisite for enrollment
49 or job acceptance is hereby prohibited.

1 **D. Freedom of Thought, Conscience and Religion**

2
3 **SECTION 26. Freedom of Thought, Conscience and Religion.** - The State
4 shall respect the right of the youth to freedom of thought, conscience and religion.
5 Freedom to manifest one's religion or beliefs may be subjected only to such limitations
6 as are prescribed by law and are necessary to protect public safety, order, health and
7 morals, or the fundamental rights and freedom of others.
8

9 **ARTICLE .VI**
10 **Political Repression**

11
12 **SECTION 27. Freedom From Violence, Harassment and Discrimination.** – a)
13 The State shall take all appropriate legislative, administrative, social and educational
14 measures to protect the youth from all forms of physical and mental violence, injury or
15 abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual
16 harassment, while in the care of parents, legal guardians or any other persons who has
17 the authority over the youth.
18

19 b) Such protective measures should, as appropriate, include effective procedures for
20 the establishment of social programs to provide necessary support for the youth and for
21 those who have the authority over the youth, as well as for other forms of prevention
22 and for identification, reporting, referral, investigation, treatment and follow-up of
23 instances of youth maltreatment described heretofore, and, as appropriate, for judicial
24 involvement.
25

26 **SECTION 28. Grants and Privileges.** Opposition to institutional policies inimical
27 to youth's interest shall not be a ground for denying or withdrawing grants and privileges
28 due to deserving youth.
29

30 **SECTION 29. Non-Validity of Blacklisting, Expulsion, Suspension and Other**
31 **Disciplinary Sanctions.** The blacklisting, expulsion, suspension, and other such
32 disciplinary sanctions that maybe taken against a youth shall not be valid unless the
33 following rights have been observed and accorded the youth:

- 34 a) presumption of innocence;
- 35 b) remain silent, to the assistance of counsel, and to be informed of these rights;
- 36 c) procedural fairness in disciplinary proceedings;
- 37 d) be punished for act that were not grounds for disciplinary action when they were
38 committed;
- 39 e) written notice of the charges and reasonable time to answer them and prepared
40 for the hearing;
- 41 f) a hearing before suspension or expulsion;
- 42 g) be informed in writing of the nature and cause of the accusation against him or
43 her;
- 44 h) confront witnesses against him or her and to full access the evidence in the case;
- 45 i) defend himself/herself and to be defended by a representative or counsel of
46 his/her choice, adequate time being given him/her for the preparation of his/her
47 defense;
- 48 j) a hearing before an impartial adjudicatory body;
- 49 k) against self-incrimination;
- 50 l) appeal adverse decisions; and

1 m) the decision in any disciplinary proceeding must be rendered on the basis of
2 relevant and substantial evidence presented at the hearing, or at least contained
3 in the record and disclosed to the person affected.
4

5 **SECTION 30. Due Process.** - No youth shall be held liable for any offense
6 without due process. Arbitrary administrative measures and penalties for youth shall not
7 be allowed. Pursuant to the provision of this section, the youth shall be vested the
8 following rights:

- 9 a) to freedom from arbitrary arrest, from arbitrary searches and seizures, and the
10 right to resort to the writ of habeas corpus and to speedy, impartial and public
11 trial
12 b) to reasonable bail, and the right to freedom from double jeopardy, excessive
13 fines and cruel or unusual punishment; and
14 c) to defend himself/herself, to be heard and to present evidence on his/her behalf
15 before an impartial body.
16

17 **SECTION 31, Unreasonable Searches and Seizures.** - Every youth shall be free
18 from any form of unreasonable search and seizure. Except for the following instances
19 no search or seizure of a student shall be deemed valid:

- 20 a) Searches made at the point of ingress and egress by designated authority;
21 b) Searches and seizures of illegal article or articles falling in the plain view of duly
22 designated authority;
23 c) Searches and seizures of articles that are illegal, discovered inadvertently by
24 duly designated authority;
25 d) Searches made when the youth is about to commit, is committing or has just
26 committed a crime or a serious infraction of the law; and
27 e) Searches made with a valid search warrant.
28

29 Articles seized in violation of the herein above provided rights shall not be used
30 as evidenced against the youth in any disciplinary action that may be brought
31 against him/her.
32

33 **SECTION 32. Access to Personal Records and Confidential Treatment.** -

34 Subject to the provision of the following section, every youth shall have access to
35 his/her own personal records, the confidentiality of which institutions concerned shall
36 maintain.
37

38 **SECTION 33. Torture and Deprivation of Liberty.** - No youth shall be
39 subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation
40 of liberty. Both capital punishment and life imprisonment without the possibility of
41 release are prohibited for offenses committed by youths below 18 years.
42

43 **ARTICLE VII**

44 **General Provisions**

45

46 **SECTION 34. Recognition of their Rights.** - The State shall recognize that a
47 mentally or physically disabled youth should enjoy a full and decent life, in conditions
48 which ensure dignity, promote self-reliance, and facilitate the youth's active participation
49 in the community.
50

1 **SECTION 35. Special Care.** The State recognizes the right of the disabled youth
2 to special care and shall encourage and ensure the extension, subject to available
3 resources, to the eligible youth and those responsible for his or her care, of assistance
4 for which application is made and which is appropriate to the youth's condition and to
5 the circumstances of the parents or others caring for the youth.
6

7 **SECTION 36. Special Needs.** - Recognizing the special needs of a disabled
8 youth, assistance extended in accordance with the preceding paragraph shall be
9 provided free of charge, whenever possible, taking into account his or her family's
10 financial resources, and shall be designed to ensure that the disabled youth has
11 effective access to and receives education, training, health care services, rehabilitation
12 services, preparation for employment and recreation opportunities in a manner
13 conducive to the youth's achieving the fullest possible social integration and individual
14 development, including his or her cultural and spiritual development.
15

16 **SECTION 37. Youth in Indigenous Cultural Communities.** – a) The State shall
17 respect and promote the right of the child to participate fully in cultural and artistic life
18 and shall encourage the provision of appropriate and equal opportunities of cultural and
19 artistic, recreational and leisure activity.
20

21 b) Youth in indigenous cultural communities have the right to enjoy their cultural and to
22 practice their own religion and language.
23

24 **SECTION 38. Protection against Drug Abuse.** The State shall take all
25 appropriate measures, including legislative, administrative, social and educational
26 measures, to protect the youth from the illicit use of narcotic drugs and psychotropic
27 substances as defined in the relevant international treaties, and to prevent the use of
28 youth in the illicit production and trafficking of such substances.
29

30 **SECTION 39. Protection Against Sexual Exploitation.** The State shall protect
31 the youth from any form of sexual exploitation and abuse, including prostitution and
32 involvement in pornography or anything prejudicial to any aspects of the youth's
33 welfare.
34

35 **SECTION 40. Armed Conflict.** - The State shall take all feasible measures to
36 ensure that youth have no direct part in hostilities. No youth below 21 shall be recruited
37 into the armed forces. The State shall likewise ensure the protection of youth who are
38 affected by armed conflict. Toward this end, the State has an obligation to ensure that
39 youth victims of armed conflicts, torture, neglect, maltreatment or exploitation receive
40 appropriate treatment for their recovery and social integration.
41

42 **SECTION 41. Administration of Juvenile Justice.** A youth in conflict with the
43 law has the right to treatment which promotes the youth's sense of dignity and worth,
44 takes the youth's age into account and aims at his or her reintegration into society. The
45 youth is entitled to basic guarantees as well as legal or other assistance for his or her
46 defense. Whenever possible, judicial proceedings and institutional placements shall be
47 avoided especially for offenders below 18 years old.
48

49 **SECTION 42. Firearms Ban.** Youth shall not be allowed to carry firearms at all
50 time.

1 **ARTICLE VIII**
2 **Final Provisions**

3
4 **SECTION 43. Rules and Regulations.** Within ninety (90) days from the
5 approval of this Act, the National Youth Commission (NYC) in collaboration with all
6 existing agencies of the national government shall promulgate the necessary rules and
7 regulations to implement the provisions of this Act.

8
9 **SECTION 44. Penal Provision.** Any person who shall willfully interfere with,
10 restrain or coerce any youth in the exercise of his or her rights guaranteed by this Act,
11 or who shall in another manner commit any act to defeat any provision of this Act, shall,
12 upon conviction, be punished by a fine of not less than Ten Thousand Pesos
13 (P10,000.00) nor more than Fifty Thousand Pesos (P50,000.00) or by imprisonment for
14 not less than one year nor more than five years, or both such fine and imprisonment at
15 the discretion of the Court.

16
17 If offender is an institution, or any juridical person, the penalty shall be imposed
18 upon the President, Treasurer, Secretary or any person or officer responsible for the
19 violation. If the offender is an alien, he or she shall, after service of sentence, be
20 deported immediately without further proceeding in the Bureau of Immigration and
21 Deportation (BID). If the offender is a public officer or employee, the Court shall, in
22 addition to the penalties herein above provided, order his dismissal from the
23 government service. In addition to the penalties herein provided, the license to operate
24 of any institution involved may be suspended or cancelled by concerned government
25 agency.

26
27 **SECTION 45. Separability Clause.** If any provision of this Act is declared
28 invalid, the remainder thereof not affected thereby shall continue to be in full force and
29 effect.

30
31 **SECTION 46. Repealing Clause.** All laws, decrees, orders, rules and
32 regulations or other issuances or parts thereof inconsistent with the provisions of
33 this Act are hereby repealed or modified accordingly.

34
35 **SECTION 47. Effectivity Clause.** This Act shall take effect after fifteen (15) days
36 following its publication in the Official Gazette or in two (2) newspapers of general
37 circulation in the Philippines, whichever comes earlier.

38
39
40 Approved,