

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session

HOUSE BILL NO. 478

Introduced by **HON. JOSE ANTONIO R. SY-ALVARADO**

EXPLANATORY NOTE

Last March 18, 2016 the Philippine Statistics Authority released the first semester statistics for 2015 which showed that poverty incidence was at a whopping 26.3 percent. This figure represents the measured poverty incidence or the proportion of people below the poverty line to the total population. The same statistics indicate that a family of 5 needs at least P 6, 365.00 average monthly to meet the basic food only needs and another P 9,140.00 monthly to include non-food needs.

Given the alarming and unchanging number of poor Filipinos, there is a need for the State to ensure that the basic rights of the poor are protected, thus, the filing of this bill. This Representation remains optimistic that with a little more discussion in both Houses, a law which aims to protect the rights of the poor by giving them equal access to basic rights and government services.

Indeed, poverty alleviation is the Government's primordial concern that requires employment opportunities to be created and expanded which aims to provide a decent and productive means to the poor and their basic rights to food, shelter, and education which often takes the backseat and therefore neglected.

It is the fervent hope of this Representation that the Magna Carta for the Poor bill be signed into law at the soonest possible time.

Hence the approval of this measure is earnestly sought after.

JOSE ANTONIO R. SY-ALVARADO



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Introduced by **HON. JOSE ANTONIO R. SY ALVARADO**

AN ACT PROVIDING FOR A MAGNA CARTA OF THE POOR

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

Section 1. Title. This act shall be known as the "Magna Carta of the Poor"

Section 2. Declaration of Policy. – it is the declared policy of the state to uplift the standard of living and quality of life of the poor and provide them with sustained opportunities for growth and development. The alleviation of poverty is likewise a responsibility of government that primarily requires the creation and expansion of employment and livelihood opportunities involving a gradual shift from government subsidy to the eventual empowerment of the poor to meet their minimum basic needs.

In pursuit of this policy, the following guiding principles are hereby adopted;

- (a) Government shall prioritize investments in anti-poverty programs to enable the poor to fully participate in the country's growth and development,
- (b) All government departments, agencies and instrumentalities shall provide full access to government services for the poor at all levels,
- (c) Government shall strengthen interventions to address the genuine concerns of the poor, and shall institutionalize long-term strategies and solutions for the empowerment of the poor;
- (d) Government strategies shall enhance and promote the capabilities and competencies of the basic sectors, the nongovernment organization (NGOs) and people's organization (Pos) as development partners of the government for the effective delivery and implementation of a wide range of anti-poverty programs and basic services; and

Section 3. Definition of Terms. – as used in this Act, the following terms are hereby defined:

- (a) *Basic sectors* shall refer to the disadvantaged sectors of the Philippine society including, farmer-peasants, artisanal fisher folk, workers in the formal sector including migrant workers, workers in the informal sector, indigenous peoples and cultural communities, women, persons with disabilities, senior citizens victims of calamities and disasters, youth and students, children and urban poor.
- (b) by the members who equitably contribute the required shared capital and accept a fair share of the risks and benefits of their undertaking in accordance with the university accepted corporate principles and practices.

- (c) *Hazardous/danger zones* shall refer to areas, which when occupied for residential or business purposes, pose a danger to the life and safety of the occupants or of the general public.
- (d) *Nongovernment organizations (NGOs)* shall refer to duly registered nonstick, nonprofit organizations focused on the upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources, protection of the environment and conservation of natural resources, and other similar activities.
- (e) *Peoples's organizations (Pos)* shall refer to self-help groups belonging to the basic sectors and/or disadvantaged groups composed of members having a common bond of interest, who voluntarily joint together to achieve a lawful common social or economic end.
- (f) *Poor* shall refer to individuals or families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or who cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing or other essential amenities of life. Under this Act, the poor shall be identified by the National Anti-Poverty Commission (NAPC), in coordination with the basic sectors, the local government units (LGUs), the NEDA and other government agencies. As such, the NAPC shall be the sole repository of all consolidated data on the poor.
- (g) *National Poverty Reduction Plans* – refers to aggregation and consolidation of sectoral and local plans through a bottom up approach from the Local Poverty Reduction action plan towards the formulation of the national plan.

SEC. 4. Scope of the Fundamental Rights of the Poor. – the government shall establish a system of progressive realization or implementation to provide the requirements, conditions and opportunities for the full enjoyment of the following rights of the poor which are essential requirements towards poverty alleviation:

- a) The Right to Adequate Food is the right of individuals or families to have physical and economic access to adequate and healthy food, or the means to procure it. The Department of Social welfare and Development agencies concerned shall:
 - 1) Undertake necessary actions to mitigate and alleviate hunger especially in times of calamities/natural and human-induced disasters;
 - 2) Fully implement and maintain supplementary feeding programs in day care centers and schools;
 - 3) Ensure the availability, accessibility and sustainability of food supplies in a quantity and quality sufficient to meet the dietary needs of poor individuals and families; and
 - 4) Proactively engage the poor in activities intended to promote their food self-sufficiency and strengthen their access to resources and means to ensure food security.
- b) The Right to Decent Work is the right to the opportunity to obtain decent and productive employment in conditions of freedom, equity, security and human dignity. The Department of Labor and Employment (DOLE) and other implementing agencies concerned shall:

- (1) Ensure that the poor shall have access to information regarding employment openings in private enterprises and in government programs and projects especially regarding available emergency employment opportunities for families displaced by calamities/natural and human-induced disasters or relocated from hazardous/danger zones;
- (2) Ensure the compliance of private contractors and subcontractors doing national and local government or any local government unit (LGU), to fill in thirty percent (30%) of the skilled labor requirements by qualified workers who come from the poor sector and who are residents of LGUs where these [projects are undertaken: *Provided*, that where the number of available resources is less than the required percentage provided therein, said requirements shall be based on the maximum number of locally available labor resources and shall be certified by the municipal, city, provincial or district engineer as sufficient compliance with the labor requirements under this Act;
- (3) Promote livelihood among the poor. These implementing agencies shall provide technical and administrative support to help the poor establish their livelihood enterprise using loans obtained from them;
- (4) Ensure compliance with core labor standards, address the job and skills mismatch, and enhance human capital through education and training; and
- (5) Provide an environment for more inclusive tripartism to achieve more broad-based representation of interests and make decision-making highly participatory through social dialogue at the firm and industry levels.

(c) The Right to Relevant and Quality Education is right to attain the full development of the human person.

The Department of Education (DepED), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), in coordination with development partners concerned, shall:

- (1) Maintain a system of free public education in the kindergarden, elementary and highly schools levels;
 - (2) Make higher education accessible to all poor individuals and families. They shall expand the programs of providing socialized college education to the poor, including students loans or study-now-pay-later plans, in state/local universities and colleges: *Provided* that the students qualify maintain good academic standing; and
 - (3) Ensure access to quality technical/vocational education and training through scholarships, subsidies and financial assistance to ensure decent and productive employment subject to compliance to qualification requirements and availability of funds.
- (d) The Right to Adequate Housing is the right to have a decent, affordable, safe and culturally appropriate place to live in, with dignity, security of tenure, in peace, with access to basic services, facilities, and livelihood.

The Housing and Urban Development Coordinating Council (HUDCC) and other implementing appropriate shall:

- (1) Prioritize the implementation of the socialized housing program with identified appropriate subsidies;
- (2) Immediately construct and provide housing facilities for families living in identified hazardous/danger zones where the housing needs of the poor are urgent;

- (3) Create an enabling environment that will assist the poor gain access to security to tenure with the least financial burden; and
- (4) Provide a system consisting of simple requirements and procedures, and expeditious processing and approval especially for community-based socialized housing/people's proposals.
- (e) The Right to the Highest Attainable standard of Mental and Physical Health is the right to have equitable access to variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. The Department of Health (DOH) and other implementing agencies concerned shall:
 - (1) Ensure equitable access to a system of good quality health care and protection that is also available, accessible, and acceptable to the poor;
 - (2) Provide for comprehensive, universal, culture-sensitive, and gender-responsible health services and programs which include: (i) maternal and child health and nutrition; (ii) access to ethical, legal, medically safe and effective reproductive health services and supplies; (iii) promotion of breastfeeding; (iv) prevention and management of reproductive tract infections, sexually transmitted diseases, HIV and AIDS; (v) provision of immunization against major infection diseases occurring in the community and (vi) prevention, treatment and control of epidemic and endemic diseases;
 - (3) Reduce the financial burden of health care and protection of the poor through a socialized health insurance program with the end view of totally eliminating out-of-pocket expenses; and
 - (4) Provide health-related and education and information to the community

SEC 5. Non-Diminition of the Rights of the Poor. – all other rights of the poor provided under existing laws shall remain in full force and effect.

Nothing herein shall be construed in a manner that will diminish the enjoyment of such rights by the poor who shall the right to avail of greater rights offered by existing laws, including those granted under this Act.

SEC.6 Social Protection. – The government shall build an effective social protection system to ensure the protection of the poor from any risk or contingency. The system shall social insurance, safety nets, social welfare and labor market interventions which are affordable and accessible. This social protection shall likewise be afforded in during bilateral and multilateral negotiations, including arrangements to be entered in with international financial institutions.

SEC.7. System for Targeting of Beneficiaries. – The NEDA shall design and establish a single system of classification to be used for targeting beneficiaries.

SEC.8. The National Poverty Reduction Plan (NPRP) and Enhanced Coordination and Government Agencies. – All government agencies shall formulate within one hundred (100) days from the issuance of the rules and regulations to implement this Act, a comprehensive and convergent plan to set the thresholds to be achieved by the government for each of the recognized rights of the poor. This plan shall consider all sectoral and local poverty reduction plans of each barangay, municipality/city and province. The National Anti-poverty Commission (NAPC), with the technical assistance of the NEDA, shall be tasked to compile and harmonize these plans. The Department

of Budget and Management (DBM) shall likewise review the NPRP for inclusion in the Budget of implementing agencies.

SEC. 9. Participation of the Basic Sectors and of the Local Government Units (LGUs). – The NAPC shall ensure that the basic sectors and the LGUs are engaged in the formulation and in the implementation of the NPRP. The Department of the Interior and Local Government (DILG) shall monitor the compliance of the LGUs in aligning their respective development, investment, and poverty reduction plans NPRP, and in implementing the same.

SEC. 10. Funding Requirements. – The funding for the poverty alleviation and projects implemented under this Act shall be sourced from the existing appropriations as authorized under the General Appropriations Act of the different departments and agencies implementing these programs including those enumerated below:

- (a) DSWD – Pantawid Pamilyang Pilipino Programs (4Ps) and Sustainable Livelihood Program (SLP);
- (b) DOLE – Special Program for Employment (SPES) and Tulong PanghanapBuhay sa ating Disadvantaged Workers “TUPAD” Project;
- (c) TESDA – Skills training, Private Education Student Financial Assistance (PESFA) and the Training for Work Scholarship Program (TWSP);
- (d) DepED – Alternative Learning System (ALS) and Government Assistance to Students and Teachers in Private Education (GASTPE);
- (e) CHED – Students Financial Assistance Program (STUFAP);
- (f) NHA – Socialized housing program
- (g) DOH – Basic health care services including potable water system;
- (h) PhilHealth – Expanded Primary care Package for the Poor.

Any additional funds to the existing appropriations of the pro-poor programs in the different departments and agencies shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 11. Private Sector Participation. – the private sector is highly encouraged to be an active partner in the financing and implementation of poverty alleviation programs and projects. The government agencies implementing these programs shall be authorized to accredit development partners, who may accept donations, aids or grants, in cash or in kind, from duly accredited sources to meet the demands of and uphold the basic rights of the poor to adequate food, decent work, relevant and quality education, adequate housing, and the highest attainable standard of mental and physical health. Acceptance and use of such donations, aids or grants, shall be transparent and subject to government applicable regulations.

SEC. 12. Tax Exemptions. – Any donation, contribution and grant which may be made to the sponsored program shall be exempt from the donor's tax shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended the implementers of the socialized housing resettlement program shall enjoy the incentives stated in Section of republic Act. No. 7279, otherwise known as the “Urban Development and Housing Act of 1992”.

- SEC. 13. Rational Allocation of Funds.* – DBM shall be principally responsible for the efficient and rational allocation of available funds to be different government and agencies to support the implementation of this Act.
- SEC. 14. Implementation Through a System of Progressive realization.* – Nothing in this City Shall be construed in any manner as requiring the government to undertake the immediate implementation of all poverty alleviation programs. The government shall set programmatic standards to be achieved over time depending upon the availability of necessary resources and in consideration of economic resource constraints.
- SEC. 15. Compliance Report.* – The NAPC shall be tasked to oversee and monitor compliance with this Act. Within six (6) months thereafter, all implementing departments and agencies shall submit a report to the NAPC on their respective compliance with the provisions of this Act which, in turn, shall submit a compliance report to the House Committee on poverty Alleviation and to the Senate Committee on Social Justice, Welfare and Rural Development.
- SEC. 16. Implementing Rules and Regulations.* – Within six (6) months from the effectively of this Act, the NAPC shall, in coordination with the government departments and agencies, with the participation of the LGUs and the basic sectors, promulgate rules and regulations to carry out the provisions of this Act.
- SEC. 17. Separability Clause.* – If for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.
- SEC. 18. Repealing Clause.* – All laws, decrees, executive orders, proclamations and rules and regulations or parts thereof inconsistent herewith are repealed, amended, or modified accordingly.
- SEC. 19. Effectively.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

