

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

H.B. No. 3432

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

**AN ACT
PROVIDING FOR A NATIONAL EMPLOYMENT ASSISTANCE PROGRAM AND
APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

One out of every five Filipinos is considered poor. As reported by the Philippine Statistics Authority, the poverty incidence among Filipino individuals in the first semester of 2018 was estimated at 21 percent¹. Our current population is roughly 110 million, this means that over 20 million Filipinos live in poverty.

Poverty is more than the lack of income and resources to ensure a sustainable livelihood. Its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion as well as the lack of participation in decision-making². High poverty incidence spells a host of other problems, thus, poverty reduction results in solutions for a number of other problems as well.

The reduction of poverty is at the heart of the development agenda both nationally and globally. This is reflected in the Philippine Development Plan, and the worldwide commitment toward the Sustainable Development Goals. On the part of the current administration we have the Ambisyon 2040, which envisions a Philippines in 2040 where no Filipino is poor, no Filipino is ever hungry and Filipino families live in comfortable homes with the desired amenities and secure tenure³; and the Philippine Development Plan 2017-2022 which aims to reduce poverty to 13 to 15 percent by 2022.

In the ADB's report on Poverty in the Philippines, one of the identified main causes of poverty in the country is recurrent shocks and exposure to risks such as economic crisis, conflicts, natural disasters, and "environmental poverty." The subsequent loss of employment is the most common outcome resulting from these causes. In turn the loss of employment and loss of income pushes those already at risk into poverty, and the poor more deeply mired in poverty.

¹ Proportion of Poor Filipinos registered at 21.0 percent in the First Semester of 2018, <https://psa.gov.ph/poverty-press-releases/nid/138411>

² Sustainable Development Goals, www.un.org

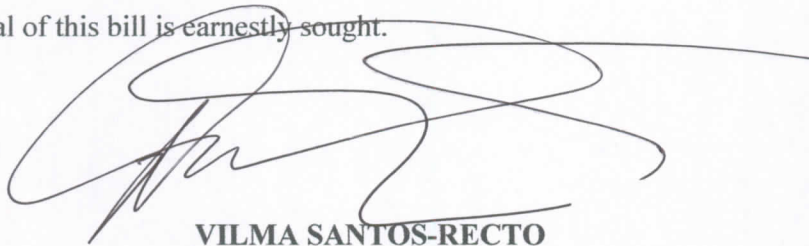
³ Ambisyon Natin 2040. www.neda.gov.ph

The Poverty Assessment⁴ report by the World Bank recommends managing disaster risks and protecting the vulnerable as a policy direction. The government has several programs in line with this. The DOLE has the Adjustment Measures Program (AMP) and the Tulong Panghanapbuhay para sa Ating Disadvantaged/Displaced Workers (TUPAD). These programs provide for the temporary employment of the people in afflicted areas or situations. The most notable ones to date are the AMPs done by the government in response to the K to 12 Integration and the Boracay and Mining closures.

This bill aims to institutionalize these emergency employment programs into the National Employment Assistance Program. With the institutionalization of these programs there would be no need to convene special task forces that would formulate and implement the government's plan of action for similar incidents as the mechanisms and funding for these programs are already in place. Hence government action would be swift and more efficient.

Due to the geographic location of the Philippines, our country has a high risk of experiencing natural disasters. An average of 20 typhoons make landfall in the Philippines every year. At least 60 percent of the country's total land area is exposed to multiple hazards, and 74 percent of the population is vulnerable to their impact⁵. The institutionalization of a national emergency employment program would mitigate the negative impacts of these disastrous events as well as contribute to the poverty reduction efforts of the government.

In light of the foregoing, the approval of this bill is earnestly sought.



VILMA SANTOS-RECTO

⁴ Making growth work for the poor : A Poverty Assessment for the Philippines, <https://www.worldbank.org>

⁵ Global Facility for Disaster Reduction and Recovery, <https://www.gfdr.org/en/philippines>

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “National Employment
2 Assistance Program Act”.

3 Sec. 2. *Declaration of Policy.* – It is a declared policy of the State to promote a just
4 and dynamic social order that will ensure the prosperity and independence of the nation and
5 free the people from poverty through policies that provide adequate social services, promote
6 full employment, a rising standard of living, and an improved quality of life for all. Towards
7 this end, the State shall provide Filipinos with opportunities for just and sufficient means of
8 livelihood. The State shall likewise initiate meaningful employment assistance programs to
9 qualified individuals of poor, disadvantaged or displaced households duly identified by the
10 appropriate national agencies.

11 Sec. 3. *National Employment Assistance Program.* – There is hereby created a
12 National Employment Assistance Program (NEAP), which shall provide temporary
13 employment to qualified individuals who are poor, disadvantaged/displaced or seasonal
14 workers who volunteer to work for a minimum of ten (10) days but not more than (90) days
15 in a calendar year wherein the minimum and maximum period of engagement can cover a
16 single activity or multiple activities spread out over the course of a calendar year: *Provided,*
17 that qualified individuals may include subprofessionals.

1 Qualified individuals are not subject to the terms and conditions of regular
2 employment and as such, shall not be deemed to have an employer-employee relationship
3 with the Department of Labor and Employment (DOLE), or any agency or institution who
4 utilizes their services with respect to the Program.

5 Sec. 4. *Definition of Terms.* – As used in this Act:

6 (a) “*Displaced worker*” refers to a worker in the formal and informal sectors who
7 became unemployed, underemployed, or have lost livelihood as a result of
8 closure of establishment, economic crisis, retrenchment, termination, natural
9 disaster/calamities;

10 (b) “*Poor*” refers to individuals and families whose income fall below the poverty
11 threshold as defined by the government and/or cannot afford in a sustained
12 manner to provide their minimum basic needs of food, health, education,
13 housing and other essential amenities of life, or those who have been
14 identified as poor by the National Household Targeting System for Poverty
15 Reduction (NHTS-PR);

16 (c) “*Qualified individual*” refers to willing and able Filipino citizens who are at
17 least fifteen (15) years of age. *Provided*, That individuals between the ages of
18 fifteen (15) and eighteen (18) may only qualify by first obtaining consent from
19 their parent/s and/or legal guardian, and can only be employed in non-
20 hazardous work environments in accordance with the Labor Code; and

21 (d) “*Seasonal worker*” refers to a worker who performs work or service that is
22 only for a specific period of time or season of the year.

23 Sec. 5. *Qualifications for Availment of Employment Assistance.* – The DOLE
24 shall take the lead in the overall implementation of the NEAP.

25 The DOLE and the Department of Social Welfare and Development (DSWD), in
26 close coordination with other government agencies concerned, as well as the identified
27 communities, may conduct a preliminary joint assessment of all poor,
28 disadvantaged/displaced individuals, including seasonal workers who signify interest in
29 undertaking work in order to determine eligibility and inclusion to the NEAP. The assessment
30 shall also take into consideration the inherent knowledge, skills, capacities, and capabilities
31 of potential qualified participants so as to properly determine the type and nature of projects
32 that are most suited to them and their respective communities.

1 The DOLE shall facilitate basic knowledge and skills orientation and capacity-
2 building trainings and seminars as deemed necessary towards project development for
3 qualified participants. The local government units (LGUs) and program partners concerned
4 may make available for use any tools and equipment necessary for project development to the
5 qualified individuals.

6 **Sec. 6. *Types of Works and Activities under the Program.*** – Employment activities
7 for this purpose shall be designed to mobilize eligible individuals, families and communities
8 to finish a project within a given time period. These projects may include, but are not limited,
9 to the following:

10 (a) Development, rebuilding/rehabilitation of agri-based livelihood assets damaged,
11 destroyed or lost due to natural disasters, such as desilting of irrigation canals,
12 development of paddy dikes, and rehabilitation of water impounding dams;

13 (b) Development or rehabilitation of common service facilities, which are being
14 shared and used by poor families as production or consolidation centers like post-
15 harvest facilities, public markets, display centers, and fish ports;

16 (c) Development or rehabilitation of physical assets to open up access to areas
17 necessary to transport rural products, such as construction of farm-to-market roads
18 and bridges;

19 (d) Protection of natural and productive assets through mitigation and disaster risk
20 reduction measures, such as mangrove planting and rehabilitation, tree planting,
21 seedling preparation, re-forestation and similar activities; and

22 (e) Social community projects, such as repair, maintenance, and/or improvement of
23 common public facilities and infrastructure such as schools and health centers,
24 debris clearing, declogging of canals, debris segregation and materials recovery,
25 stockpiling and clearing.

26 The DOLE shall provide an updated list of projects that may be undertaken as well as
27 the projects not covered under this Act. This list shall be readily made available to
28 potentially qualified individuals who have expressed their desire to participate in the NEAP.

29 **Sec. 7. *Rate of Assistance.*** – Every person qualified under this Program shall be
30 entitled to receive compensation for each day of work at the prevailing minimum wage set by
31 the Regional Tripartite Wages and Productivity Board (RTWPB) concerned. LGUs may also

1 provide for additional allowances to the beneficiaries in order to cover for other expenses
2 such as transportation and food.

3 Sec. 8. *Appropriations.* – The Secretary of Labor and Employment shall include in
4 the DOLE’S programs the implementation of this Act, the initial funding of which shall be
5 charged against the current year’s appropriations of the DOLE. Thereafter, the amount
6 necessary for its continued implementation shall be included in the annual General
7 Appropriations Act.

8 In addition, the DOLE may accept donations, contributions or grants from foreign
9 and local persons, institutions and governments, among others, for the implementation of the
10 NEAP.

11 Sec. 9. *Implementing Rules and Regulations.* – Within ninety (90) days after the
12 approval of this Act, the Secretary of the DOLE and DSWD shall issue the necessary rules
13 and regulations for the effective implementation of this Act.

14 Sec. 10. *Separability Clause.* – Should any provision of this Act be found
15 unconstitutional by a court of law, such provision shall be severed from the remainder of this
16 Act, and such action shall not affect the enforceability of the remaining provisions of this
17 Act.

18 Sec. 11. *Repealing Clause.* – All laws, decrees, letters of instruction, resolutions,
19 orders or parts thereof which are inconsistent with the provisions of this Act are hereby
20 repealed, modified or amended accordingly.

21 Sec. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
22 publication in the Official Gazette or any national newspaper of general circulation.

Approved,