

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 31

HOUSE OF REPRESENTATIVES

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Introduced by: **REP. RAUL V. DEL MAR**

EXPLANATORY NOTE

In essence, social justice in a democracy is caring for the poor, a continuing and sincere concern for the underprivileged, a genuine and serious effort to improve their quality of life. This is what the attached bill, The Magna Carta of the Poor, is all about.

It must be recalled that the Magna Carta was approved by this House and the Senate in the last Congress, but was vetoed by the President on ground of "substantial infirmities". They were largely questions of funding and implementation which are now sought to be clarified or otherwise addressed by this bill, foremost, is emphasizing a system of progressive realization for purposes of implementation as specifically provided in Section 12 hereof which states, "*Sec. 12. Principle Governing Implementation. - Nothing in this Act shall be construed in any manner as requiring the Government to undertake the immediate implementation of all the mandated benefits and programs for the poor. The Government shall implement the provisions of this Act in accordance with a system of progressive realization or program of progressive measures over time, considering the critical poverty alleviation concerns and related priorities that need sustained allocation of resources.*" Moreover, we welcome from the Executive Department such additional amendments that will further provide more effective mechanisms for the alleviation of poverty.

While there may be existing laws touching on the need of the poor, the jobless, the homeless and the landless as part of an overall national strategy to alleviate poverty, this proposed legislation puts in sharp focus by stating in unequivocal terms what is felt to be the basic irreducible rights of the poor as essential requirements towards poverty alleviation, rights without which it is

pointless to talk about poverty reduction. These rights are: the right to employment, the right to free healthcare and medicine – the “minimum standards of decency”

More than a bill of rights of the poor, it declares that Government must now take the side of the poor because the issue of poverty has now become a critical question of survival; that Government intervention, given the present situation, is the only realistic route to take to uplift the poor while long term measures, strategies and solutions for poverty reduction are being put in place, and that government must invest heavily in anti-poverty programs for the economic empowerment of the poor.

The attached bill recognizes that, under the present economic environment, the top priority should be the creation of jobs or creation of employment opportunities. The lack of employment appears to be the core of the problem of poverty. Jobs mean income and income translates into access to food, shelter, land, education and healthcare services. This means income spending which means payment and collection of taxes which in turn means more services to the poor. The government, therefore, must create jobs, must establish employment opportunities for the poor.

Likewise, the government must implement a system of subsidy to help the poor in their food and housing requirements, and a system of free quality education and free health services and medicine. Employment will not come immediately for all the poor and the income may be grossly inadequate for those who may be employed. Hunger and sickness should not incapacitate and disable the poor in the pursuit of their rights.

The value of education – not mere education but free quality education even at the college level is envisioned – in poverty alleviation cannot be denied. Simply put, an educated poor would have better chances of surviving and enduring, even prevailing, in the market of employment and business. As stressed somewhere, those left out of public education programs are likely to be left out of economic opportunities, a misfortune that will surely be inherited by the next generation. The government must treat this concept of free quality education as a national investment, equipping the citizenry with tools for the future, for a better future.

In the end, to make democracy work, the government must firstly work for the poor, the greater majority of the people. We can only have strong democratic institutions when such greater majority of the people are given the opportunities to participate in the benefits, growth and development of a democratic society. Only when the poor are economically empowered will they be able to participate in the democratic process of setting national goals that affect their daily lives.

But to put things in a realistic framework, the proposed legislation is not a demand to put everything in place now, in the first year or first few years or even the

next decade after its passage, knowing that government resources can only do so much for so many programmed priorities in a given period. For purposes of implementation, therefore, a system of progressive realization, which is the settled practice and prerogative of the executive department, is fully recognized. Stated a little differently, the only way to go, the only way to have this proposed legislation implemented, which is now expressly provided in the bill, is through a bundle of progressive measures over time; otherwise it can never be implemented.

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



RAUL V. DEL MAR

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

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Introduced by: **REP. RAUL V. DEL MAR**

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”.

SEC. 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. It shall adopt an area-based, sectoral and focused intervention to poverty alleviation where every poor Filipino family must be empowered to meet their minimum basic needs, through the partnership of the government and the basic sectors. It is likewise vital that the State complies with its international obligations to eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empowerment of women; reduce child mortality; improve maternal health; combat Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS), malaria and other diseases; and ensure environmental sustainability and development of a global partnership for development.

To attain the foregoing policy:

(a) The government shall prioritize investments in anti-poverty programs to enable the poor to fully participate responsibly in the country's growth and development;

(b) All departments, agencies, and instrumentalities of the government shall provide full access of its services to the poor;

(c) The 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; and

(d) Government strategies shall enhance and promote the capabilities and competencies of the basic sectors, the nongovernment organizations (GOs) and people's organizations (PPOs, as development partners of the government for the effective delivery and implementation of a wide range of anti-poverty programs and basic services.

SEC. 3. Definition of Terms. – As used in this Act:

(a) **Basic sectors** refer to the disadvantaged sectors of Philippine society including farmer-peasants, artisanal fisherfolk, workers in the formal sectors including migrant workers, workers in the informal sector, indigenous peoples and cultural communities, women, persons with disability, senior citizens, victims of calamities/natural and human-induced disasters, youths and students, children, the urban poor and members of cooperative;.

(b) **Development partners** refer to NGOs, POs and private corporations which are engaged in programs and activities aimed at alleviating the conditions of the poor;

(c) **Hazardous/danger zones** 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)** refer to duly registered nonstock, nonprofit organizations focusing on the upliftment of the basic 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) **People's organizations (POs)** refer to self-help groups belonging to the basic sectors composed of members having a common bond of interest who voluntarily join together to achieve a lawful common social and economic end;

(f) **Poor** refers to individuals or families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing or other essential amenities of life; and

(g) **National Poverty Reduction Plan** refers to the 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 (DSWD), the Department of Agriculture (DA), and other implementing 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 public work projects, funded by either the national 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 the 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 Quality Education is the 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 kindergarten, elementary and high school 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 student loans or study-now-pay-later plans, in state/local universities and colleges: *Provided*, That the students qualify and maintain good academic standing; and

(3) Ensure access to quality technical/vocational education and training through scholarships, subsidies and financial assistance to ensure access to 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 agencies concerned 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 of 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 a 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 care 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 infectious 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 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 have 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 include social insurance, safety nets, social welfare, and labor

market interventions which are affordable and accessible. The social protection shall likewise be afforded in and during bilateral and multilateral negotiations, including arrangements to be entered into 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 of the government's poverty alleviation programs and projects to ensure that such programs reach the intended beneficiaries.

SEC. 8. *The National Poverty Reduction Plan (NPRP) and Enhanced Coordination and Convergence among 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 with the NPRP, and in implementing the same.

SEC.10. *Funding Requirements.* – The funding for the poverty alleviation programs 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 Program (4Ps) and Sustainable Livelihood Program (SLP);

(b) DOLE – Special Program for Employment of Students (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 – Student Financial Assistance Program, (STUFAP);

(f) NHA – Socialized housing program;

(g) DOH – Basic health care services including potable water system; and

(h) PhilHealth – Expanded Primary Care Package for the Poor.

Allocations for the implementation of these programs and projects shall be given preferential consideration in the funding allocation of the department/agency budget.

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.

The government shall recognize top performing development partners.

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 and 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 implementation of the socialized housing resettlement program shall enjoy the incentives stated in Section 20 of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992."

SEC. 13. *Rational Allocation of Funds.* - The DBM shall be principally responsible for the efficient and rational allocation of available funds to the different government departments and agencies to support the implementation of this Act.

SEC. 14. *Implementation Through a System of Progressive Realization.* - Nothing in this Act 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 from the effectivity of this Act and every 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 effectivity 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, rules and regulations or parts thereof inconsistent herewith are repealed or modified accordingly.

SEC. 19. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,