



HOUSE OF REPRESENTATIVES

5095

House Bill No. _____

Introduced by Representative VICTOR A. YAP

EXPLANATORY NOTE

Being one of the countries in the so-called Circum-Pacific Belt or Pacific Ring of Fire, the Philippines is one of the most disaster-prone nations in the world. The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) estimates that 20 typhoons hit the country every year.¹ This endangers not only the lives of Filipinos but their security of employment as well.

According to the Asian Development Bank (ADB), over 80% of the Philippine economy is prone to natural disasters affecting over 76.6 million Filipinos.² This undeniably can result to economic crisis, loss of employment or livelihood, and poverty in general.

In 2016, the Department of Labor and Employment (DOLE) in partnership with the International Labor Organization (ILO) has initiated the provision of immediate livelihood assistance to workers and families affected by typhoons through emergency employment programs.³ This has helped Filipinos affected by natural calamities to survive in this critical period through wages and employment benefits. However, such programs are limiting to mere mitigation of the effects of current calamities notwithstanding the constant risks to disasters our country is exposed to.

Thus, pursuant to the mandate of the State to afford full protection of labor employment for all amidst their vulnerability to disasters, this proposed legislation aims to institutionalize these emergency employment programs into a National Employment Assistance Program. As such, formulation, establishment and implementation of adequate programs and mechanisms to safeguard the livelihood of affected Filipinos vulnerable to disasters will be put in place.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


VICTOR A. YAP

Representative, 2nd District of Tarlac

¹ Data retrieved from <http://bagong.pagasa.dost.gov.ph/climate/tropical-cyclone-information> on 1 October 2019.

² Data retrieved from <https://www.rappler.com/business/16957-more-than-50-of-the-philippine-economy-prone-to-natural-disasters-adv> on 30 September 2019.

³ Data retrieved from https://www.ilo.org/public/news/press/2016/09/2016092101/WCMS_413047/lang-en/index.htm on 30 September 2019.

HOUSE OF REPRESENTATIVES

House Bill No. 5095

Introduced by Representative Victor A. Yap

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

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

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

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

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

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

1
2 **Sec. 4. *Definition of Terms.*** - As used in this Act:

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

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

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

14 (d) “*Seasonal worker*” refers to a worker who performs work or service that is only for a
15 specific period of time or season of the year.
16

17 **Sec. 5. *Qualifications for Availment of Employment Assistance.*** - The DOLE shall take the
18 lead in the overall implementation of the NEAP.

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

26 The DOLE shall facilitate basic knowledge and skills orientation and capacity-building trainings
27 and seminars as deemed necessary towards project development for qualified participants. The local
28 government units (LGUs) and program partners concerned may make available for use any tools and
29 equipment necessary for project development to the qualified individuals.
30

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

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

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

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

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

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

12 The DOLE shall provide an updated list of projects that may be undertaken as well as the
13 projects not covered under this Act. This list shall be readily made available to potentially qualified
14 individuals who have expressed their desire to participate in the NEAP.
15

16 **Sec. 7. *Rate of Assistance.*** – Every person qualified under this Program shall be entitled to
17 receive compensation for each day of work at the prevailing minimum wage set by the Regional
18 Tripartite Wages and Productivity Board (RTWPD) concerned. LGUs may also provide for
19 additional allowances to the beneficiaries in order to cover for other expenses such as transportation
20 and food.
21

22 **Sec. 8 *Appropriations.*** – The Secretary of Labor and Employment shall include in the DOLE'S
23 programs the implementation of this Act, the initial funding of which shall be charged against the
24 current year's appropriations of the DOLE. Thereafter, the amount necessary for its continued
25 implementation shall be included in the annual General Appropriations Act.

26 In addition, the DOLE may accept donations, contributions or grants from foreign and local
27 persons, institutions and governments, among others, for the implementation of the NEAP.
28

29 **Sec. 9. *Implementing Rules and Regulations.*** – Within ninety (90) days after the approval of
30 this Act, the Secretary of the DOLE and DSWD shall issue the necessary rules and regulations for
31 the effective implementation of this Act.
32

33 **Sec. 10. *Separability Clause.*** – Should any provision of this Act be found unconstitutional by a
34 court of law, such provision shall be severed from the remainder of this Act, and such actions shall
35 not affect the enforceability of the remaining provisions of this Act.
36

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

4
5 Sec. 12. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in
6 the Official Gazette or any national newspaper of general circulation.

7
8 *Approved.*