

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

4656
HOUSE BILL NO. _____



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

In 2007, the Department of Labor and Employment (DOLE) has established the "Adjustment Measures Program (AMP) for the Prevention of Job Losses and Assistance to Displaced Workers". DOLE AMP is a safety net program that provides a package of assistance and other forms of interventions as a means of helping workers and companies in coping with economic and social disruptions. Among the beneficiaries of this program were the displaced personnel of higher education institutions (HEIs) during the transition period of the K to 12 Program. Displaced HEI personnel were provided financial assistance, employment facilitation, and training and livelihood support. More recently, affected workers of the temporary closure of Boracay due to its rehabilitation also benefitted from this program.

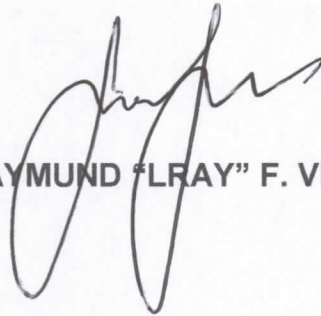
Aside from DOLE AMP, the government is currently implementing the Emergency Employment Program or the Tulong Panghanapbuhay sa Ating Disadvantaged/ Displaced Workers (TUPAD)—a community-based package of assistance that provides emergency employment to displaced workers in the formal and informal sectors who became unemployed, underemployed, or have lost their livelihood as a result of closure of establishment, economic crisis, retrenchment, termination, natural disasters and calamities. TUPAD beneficiaries include farmers and fishermen who have lost their livelihood due to typhoons or dry spells.

This bill aims to institutionalize these notable emergency employment programs into

the National Employment Assistance Program, which shall provide temporary employment for 10 to 90 days to qualified individuals who are poor, disadvantaged, displaced or seasonal workers. Beneficiaries shall be entitled to compensation at the prevailing minimum wage, and may receive additional transportation and food allowances.

With the institutionalization of these programs, the mechanisms would already be in place and funding would be assured. Hence, government assistance to displaced worker would be swift and more efficient.

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

A handwritten signature in black ink, appearing to read 'Lray', with a large, stylized loop at the end.

LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4656

Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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".

SECTION 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 provide 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.

SECTION 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.

SECTION 4. *Definition of Terms.* - As used in this Act:

- a) "*Displaced worker*" refers to a worker in the formal and informal sectors who became unemployed, underemployed, or have lost livelihood as a result of closure of establishment, economic crisis, retrenchment, termination, natural disaster/calamities;
- b) "*Poor*" refers to individuals and families whose income fall below the poverty threshold as defined by the government and/or cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing and other essential amenities of life, or those who have been identified as poor by the National Household Targeting System for Poverty Reduction (NHTS-PR);
- c) "*Qualified individual*" refers to willing and able Filipino citizens who are at least fifteen (15) years of age. Provided, That individuals between the ages of fifteen (15) and eighteen (18) may only qualify by first obtaining consent from their parent/s and/or legal guardian, and can only be employed in non-hazardous work environments in accordance with the Labor Code; and
- d) "*Seasonal worker*" refers to a worker who performs work or service that is only for a specific period of time or season of the year.

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

The DOLE and the Department of Social Welfare and Development (DSWD), in close coordination with other government agencies concerned, as well as the

identified communities, may conduct a preliminary joint assessment of all poor, disadvantaged/displaced individuals, including seasonal workers who signify interest in undertaking work in order to determine eligibility and inclusion to the NEAP. The assessment shall also take into consideration the inherent knowledge, skills, capacities, and capabilities of potential qualified participants so as to properly determine the type and nature of projects that are most suited to them and their respective communities.

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

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

- a) Development, rebuilding/rehabilitation of agri-based livelihood assets damaged, destroyed or lost due to natural disasters, such as desilting of irrigation canals, development of paddy dikes, and rehabilitation of water impounding dams;
- b) Development or rehabilitation of common service facilities, which are being shared and used by poor families as production or consolidation centers like post-harvest facilities, public markets, display centers, and fish ports;
- c) Development or rehabilitation of physical assets to open up access to areas necessary to transport rural products, such as construction of farm-to-market roads and bridges;
- d) Protection of natural and productive assets through mitigation and disaster risk reduction measures, such as mangrove planting and rehabilitation, tree planting, seedling preparation, re-forestation and similar activities; and
- e) Social community projects, such as repair, maintenance, and/or improvement of common public facilities and infrastructure such as schools and health

centers, debris clearing, declogging of canals, debris segregation and materials recovery, stockpiling and clearing.

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

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

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

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

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

SECTION 10. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 11. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 12. *Effectivity Clause.* – This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,