

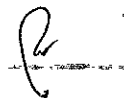
FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

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SEP 13 2014

SENATE  
S.B. No. 2496

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INTRODUCED BY SENATOR PIA S. CAYETANO

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#### EXPLANATORY NOTE

The Philippines has committed to achieve the Millennium Development Goals, an international commitment to eradicate poverty, among others, by 2015. Our Constitution in Art II, Sec. 9 makes it a state policy 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. It also mandates that there shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children.

The Magna Carta of the Poor was filed in the 14<sup>th</sup> Congress by Sen. Antonio "Sonny" F. Trillanes IV. As then Chairperson of the Senate Committee on Social Justice, Welfare and Rural Development, I heard this measure and filed the Committee Report which is similar to this bill.

This is a vital piece of legislation that seeks to uplift the standard of living and quality of life of the Filipino people, especially the poor. This bill enumerates the basic rights of the poor, the enjoyment of which is an essential step towards poverty alleviation. According to the 2006 Official Poverty Statistics report released by the National Statistical Coordination Board (NSCB), there are 4.7 million Filipino families or almost 27.6 million people who are considered poor. Poverty incidence or the proportion of those considered poor to the total number of families is at 26.9 percent. These are the number of Filipinos who cannot afford to provide for their minimum basic needs for food, health, education, housing and other social amenities in a sustained manner. In 2006, as many as 1.9 million families were considered "food-poor," or those whose incomes fell below the minimum requirement for food expenditure set by the government.


Given this situation, long term measures, strategies and solutions for poverty reduction and hopefully, eradication should be put in place.

As such, passage of this bill is earnestly sought.

  
PIA S. CAYETANO  
Senator

10 SEP 13 AM 10:34

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**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:*

1 SECTION 1. *Title.* - This Act shall be known as the "Magna Carta of the Poor".

2  
3 SEC. 2. *Declaration of Policy.*- It is the declared policy of the State to uplift the  
4 standard of living and quality of life of the poor and provide them with sustained  
5 opportunities for growth and development. Every poor Filipino family must be  
6 empowered to meet their minimum basic needs, through the partnership of the  
7 government and the basic sectors. It is likewise vital that the State complies with  
8 its international obligations to eradicate poverty, such as our commitment to  
9 achieve the Millennium Development Goals which include the eradication of  
10 extreme poverty and hunger, achievement of universal primary education,  
11 promotion of gender equality and empowerment of women, reduction of child  
12 mortality, improvement of maternal health, combating HIV/ AIDS, malaria and  
13 other diseases, ensuring environmental sustainability and development of a  
14 global partnership for development.

15  
16 To attain the foregoing policy:

- 17  
18 (a) Government must prioritize investments in anti- poverty programs to  
19 enable the poor to participate responsibly in the country's growth and  
20 development;
- 21 (b) All government departments, agencies and instrumentalities must provide  
22 full access to government services for the poor;
- 23 (c) Government interventions must be strengthened to address the genuine  
24 concerns of the poor, while long- term strategies and solutions for the  
25 empowerment of the poor are being put in place; and

1 (d) The capabilities and competencies of the basic sectors, the non  
2 government organizations (NGOs) and people's organizations (POs), as  
3 partners of the government for the effective delivery and implementation of  
4 a wide range of anti- poverty programs and basic services, shall be  
5 enhanced and promoted.

6  
7 SEC. 3. *Definition of terms.* – As used in this Act, the following terms are hereby  
8 defined:

9  
10 (a) Poor shall refer to individuals or families whose income fall below the  
11 poverty threshold as defined by the National Economic and Development  
12 Authority (NEDA) and/or cannot afford to provide their minimum basic  
13 needs of food, health, education, housing and other essential amenities in  
14 a sustained manner;

15 (b) Basic sectors shall refer to the disadvantaged sectors of Philippine  
16 society, namely: farmer- peasants, artisanal fisherfolks, workers in the  
17 formal and informal sectors, migrant workers, indigenous people and  
18 cultural communities, women, differently- abled persons, senior citizens,  
19 victims of calamities and disasters, youths, students, children and the  
20 urban poor;

21 (c) Hazardous or danger zones shall refer to areas which when occupied for  
22 residential purposes actually pose a danger to the life and safety of the  
23 occupants or of the general community.

24 (d) People's organization (PO) shall refer to any recognized or accredited  
25 self- help association or cooperative of the basic sectors or disadvantaged  
26 groups composed of members having a common bond of interest, who  
27 voluntarily join together to achieve a lawful common social and economic  
28 end.

29  
30 SEC. 4. *Basic Rights of the Poor.* – The poor shall have the following rights, the  
31 enjoyment of which is an essential step towards poverty alleviation: (a) the right  
32 to food; (b) right to employment and livelihood; (c) the right to quality education;  
33 (d) the right to shelter; and (e) the right to basic health services and medicines.

34  
35 The government shall, as a matter of duty and obligation, provide the  
36 requirements, conditions and opportunities for the full enjoyment of these rights  
37 of the poor, and which the poor can demand as a matter of right.

1 4.1. *The Right to Food.*- The Department of Social Welfare and  
2 Development (DSWD) shall expand a program of subsidy to help the poor  
3 meet their minimum food requirements.  
4

5 To help ensure the implementation of the food assistance program, all  
6 food items and food products, including rice, corn, sugar and other prime  
7 commodities, seized and forfeited with finality in favor of the government  
8 for violations of customs laws shall be automatically transferred to and/ or  
9 turned over to the DSWD for proper disposition.  
10

11 The DSWD, in coordination with the Department of Agriculture (DA), shall  
12 develop plans and projects to complement existing food subsidy programs  
13 of the government so that the poor can engage in productive activities.  
14 These shall promote food self- sufficiency among the poor.  
15

16 4.2. *The Right to Employment and Livelihood.*- The Department of Labor  
17 and Employment (DOLE), in coordination with the POs, National Anti-  
18 Poverty Commission (NAPC), Local Government Units (LGUs), and  
19 relevant government agencies and government financial institutions, shall  
20 primarily be responsible for providing facilitation assistance to the poor to  
21 ensure better access to livelihood opportunities and employment openings  
22 in private enterprises and in government programs and projects. The  
23 DOLE and other concerned government agencies are likewise tasked to  
24 address the emergency employment needs of displaced families.  
25

26 In the hiring of workers needed for the implementation of government  
27 infrastructure projects and/or government-funded contracts or  
28 government-assisted undertakings, it shall be mandatory to prioritize  
29 qualified laborers from the poor sector who are residents of the LGUs  
30 where the project is located, as provided in the implementing rules.  
31

32 4.3. *The Right to Quality Education.*- The right of the poor to free public  
33 elementary and secondary education shall not be impaired.  
34

35 The right to education shall include access to quality education at the  
36 college level. Consistent with the government's goal of providing  
37 socialized college education, including the student loans or study-now-  
38 pay-later plans, programs on education shall be expanded in

1 state/local/private universities and colleges, as well as higher education  
2 institutions: *Provided*, That the students qualify and maintain good  
3 academic standing: *Provided further*, That the students enroll in priority  
4 courses, as determined by the Commission on Higher Education (CHED).

5  
6 It shall also include the right to avail of quality technical vocational  
7 education and training through scholarships, subsidies and financial  
8 assistance, to ensure access to decent and productive employment.

9  
10 At least five percent (5%) discount shall be granted by establishments that  
11 sell reference books for college and school supplies to poor but deserving  
12 students, subject to the guidelines to be issued by CHED: *Provided*, That  
13 these establishments may claim the cost as allowable tax deduction from  
14 the gross income in the computation of their income tax in accordance  
15 with the provisions of the National Internal Revenue Code of 1997, as  
16 amended.

17  
18 The Department of Education (DepED), CHED and the Technical  
19 Education and Skills Development Authority (TESDA), in coordination with  
20 government agencies concerned, shall ensure the full enjoyment of the  
21 poor of the right to education.

22  
23 4.4. *The Right to Shelter.* – The right of the poor to decent housing shall  
24 not be abridged. The government shall develop and implement a housing  
25 program for the poor which shall include a well- targeted and responsive  
26 subsidy scheme that will provide decent housing with the least financial  
27 burden.

28  
29 In all cases, the government, in ensuring the exercise and enjoyment of  
30 the right of the poor, shall put in place a system consisting of simple  
31 requirements and procedures, and expeditious processing and approval.

32  
33 The government, through the Housing and Urban Development  
34 Coordinating Council (HUDCC) and the National Housing Authority (NHA),  
35 in coordination with the LGUs, shall prioritize the implementation of the  
36 socialized housing and resettlement for the poor specially those residing in  
37 hazardous or danger zones.

1 The implementers of the socialized housing and resettlement programs  
2 shall enjoy the incentives stated in Section 20 of Republic Act No. 7279,  
3 otherwise known as the "Urban Development and Housing Act of 1992".  
4

5 *4.5. The Right to Basic Health Services and Medicines.*- The LGUs shall  
6 ensure and promote the health of their populace in a rational manner,  
7 including the availability of quality primary healthcare services and access  
8 to secondary and tertiary healthcare services and public healthcare  
9 programs.  
10

11 The Department of Health (DOH) shall provide the highly specialized level  
12 of quality health care in a rational manner as well as technical assistance  
13 to LGUs, POs and other members of civil society in effectively  
14 implementing programs, projects and services that will promote the health  
15 and well- being of every Filipino, especially the poor.  
16

17 The Philippine Health Insurance Corporation (PhilHealth), in coordination  
18 with the DOH, shall ensure that every Filipino, especially the poor, is  
19 covered and entitled to an adequate package of health services. The out-  
20 of-pocket expenses of every Filipino, especially the poor, shall be  
21 substantially reduced, with the end view of totally eliminating such  
22 expenses. The current payment and enrollment mechanisms shall also be  
23 reformed.  
24

25 The DOH, LGUs and Philhealth shall define an expanded primary health  
26 package that every citizen is entitled to and can readily avail of. Clear  
27 responsibilities must be defined and allocated between the three partners,  
28 ensuring also that services provided are consistent with the  
29 epidemiological profile and population needs.  
30

31 *SEC. 4.6 . Other Rights of the Poor.* - All other rights and benefits for the  
32 poor provided under existing laws shall remain in full force and effect.  
33 Nothing herein shall be construed to diminish the enjoyment of such rights  
34 by the poor who shall have the right to avail of the greater rights or  
35 benefits offered by existing laws, including those granted under this Act.  
36

37 *SEC. 5. System for Targeting of Beneficiaries.*- The DSWD, in coordination with  
38 NAPC and other relevant government agencies, LGUs, NGOs and POs, shall

1 come up with a single system of classification to be used for targeting  
2 beneficiaries of the government's anti- poverty programs and projects to ensure  
3 that such programs reach the intended beneficiaries.

4  
5 SEC. 6. *Funding Requirements.* The funding for the pro- poor programs and  
6 projects implemented under this Act shall be taken from the appropriate  
7 programs of the relevant agencies, guided by the Medium Term Expenditure  
8 Framework which they develop and submit to the Department of Budget and  
9 Management (DBM).

10  
11 Deficiencies in the existing appropriations of the pro- poor programs in the  
12 different departments and agencies shall be included in the General  
13 Appropriations Act of the year following the enactment of this Act and thereafter.

14  
15 SEC. 7. *Rational Allocation of Funds.* – The National Economic and  
16 Development Authority (NEDA), in relation with NAPC, shall be principally  
17 responsible for the efficient and rational allocation of available funding  
18 requirements as may be needed by the different government departments and  
19 agencies in implementing the rights of the poor.

20  
21 SEC. 8. *Private Sector Participation.* – The private sector is highly encouraged to  
22 be an active partner for the empowerment of the basic sectors.

23  
24 As such, the DSWD, DOLE, DepEd, DOH, NAPC, DA, CHED, TESDA, HUDCC,  
25 NHA are hereby authorized to solicit donations, aids or grants, in cash or in kind,  
26 from whatever source, and/or enter partnerships with private/public institutions to  
27 meet the demands of the basic rights to food, employment and livelihood, quality  
28 education, shelter, basic health services and medicine, and other rights.

29  
30 SEC. 9. *Tax Exemptions.* – Any donation, contribution or grant which may be  
31 made to the programs and projects entered into pursuant to this law shall be  
32 exempt from the donor's tax and the same shall be considered as allowable  
33 deduction from the gross income in the computation of the income tax of the  
34 donor in accordance with the provisions of the "National Internal Revenue Code  
35 of 1997", as amended.

36  
37 SEC. 10. *Role of the Local Government Unit.* – LGUs shall be responsible for the  
38 formulation and implementation of local anti-poverty programs and projects in

1 their jurisdictions and ensure that these are consistent with, and complementary  
2 to, national programs and projects set forth in the basic rights of the poor as  
3 provided in Section 4 of this Act.

4  
5 SEC. 11. *Joint Congressional Oversight Committee.*- There is hereby created a  
6 joint congressional oversight committee to monitor the implementation of this Act,  
7 including the achievement of the Millennium Development Goals. The committee  
8 shall be composed of five (5) senators and five (5) representatives to be  
9 appointed by the Senate President and the Speaker of the House of  
10 Representatives, respectively. The oversight committee shall be co-chaired by a  
11 senator and a representative designated by the Senate President and the  
12 Speaker of the House of Representatives, respectively.

13  
14 The mandate given to the joint congressional oversight committee under this Act  
15 shall be without prejudice to the performance of the duties and functions by the  
16 respective existing oversight committees of the Senate and the House of  
17 Representatives.

18  
19 SEC. 12. *Implementing Rules.* - The NAPC, in coordination with the government  
20 departments and agencies, shall promulgate rules and regulations to carry out  
21 the provisions of this Act within three (3) months from its effectivity. The rules  
22 shall set priority target areas for the initial implementation of this Act, with the end  
23 in view of ensuring the successful replication of the program nationwide.

24  
25 SEC. 13. *Compliance Report.* - The NAPC, in coordination with all government  
26 departments and agencies concerned, shall within six (6) months, from the  
27 effectivity of this Act and every six (6) months thereafter, submit a report to Joint  
28 Congressional Oversight Committee on the compliance with the provisions of this  
29 Act.

30  
31 SEC. 14. *Separability Clause.* - If any provision of this Act is declared  
32 unconstitutional, the other provisions not affected thereby shall remain in full  
33 force and effect.

34  
35 SEC. 15. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or  
36 parts thereof which are inconsistent with the provisions of this Act are hereby  
37 repealed or modified accordingly.



1 SEC. 16. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
2 publication in two (2) national newspapers of general circulation.

Approved,

3