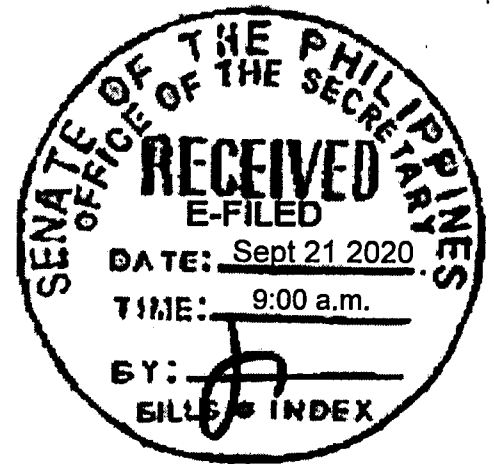


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



SENATE  
S.B. No. 1836

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Introduced by SENATOR IMEE R. MARCOS

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**AN ACT ENHANCING AND INSTITUTIONALIZING THE TULONG  
PANGHANAPBUHAY SA ATING DISADVANTAGED/DISPLACED WORKERS  
(TUPAD) PROGRAM OF THE DEPARTMENT OF LABOR AND EMPLOYMENT,  
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 9 of the 1987 Constitution provides that *"the State shall 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."* Corollarily, the Constitution also mandates under Article XIII, Section 3 that the State *"xxx shall guarantee **the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.**"*

The Department of Labor and Employment (DOLE) is the national agency tasked to formulate policies and implement programs of the national government in promoting gainful employment opportunities and optimizing the development and utilization of the country's manpower resources.

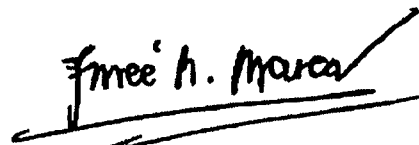
One of DOLE's projects is the *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers* (TUPAD) or Emergency Employment Program, a community-based (municipality/barangay) package of assistance that provides emergency employment for displaced workers, the underemployed and the

unemployed poor for a minimum of ten (10) days but not to exceed thirty (30) days, depending on the nature of work.

Just last 17 April 2020, DOLE Assistant Secretary Dominique Tutay said that close to one hundred eighty thousand (180,000) informal workers benefited from the implementation of the then on-going TUPAD Program. However, while the Department sought to help more displaced workers, they were simply unable to fund the program's expansion or effectively focus their efforts on marginalized sectors.

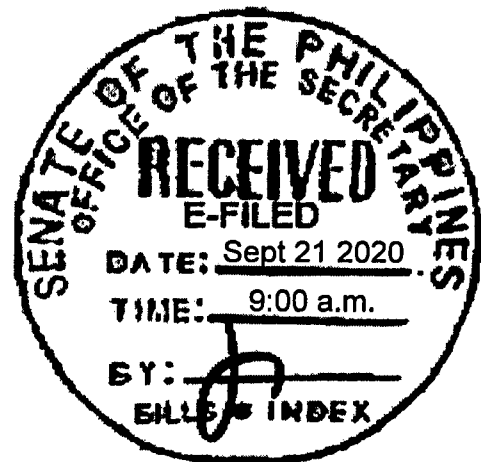
Committed to aggressive job creation in the wake of the pandemic, this bill seeks to institutionalize and enhance DOLE's TUPAD Program, expanding both the coverage of qualified beneficiaries in the informal sector, as well as the projects eligible for financing and support.

In view of the foregoing, the passage of this measure is urgently sought.

A handwritten signature in black ink that reads "Imee R. Marcos". The signature is written in a cursive style and is positioned above a horizontal line.

**IMEE R. MARCOS**

EIGHTEENTH CONGRESS OF THE )  
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SENATE  
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**AN ACT ENHANCING AND INSTITUTIONALIZING THE TULONG  
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APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

*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 “Enhanced TUPAD  
2 Act.”

3           **SEC. 2. *Declaration of Policy.*** – The State shall promote a just and dynamic  
4 social order that shall ensure the prosperity and independence of the nation and free  
5 the people from poverty through policies that provide adequate social services;  
6 promote decent, productive and full employment; a rising standard of living; and an  
7 improved quality of life for all.

8           The State shall ensure wider access to inclusive and gender responsive social  
9 protection policies and programs such as active labor market interventions promoting  
10 and facilitating transitional or temporary employment generation and human resource  
11 development, and social safety net from the effects of disasters, epidemics/outbreaks,  
12 pandemics, public health emergencies, war, armed conflict, crises, economic shocks  
13 or income loss brought by ill-health, disability, work-related injury, unemployment,  
14 work displacements, development policies or policy-related disruptions and other  
15 related contingencies.

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**SEC. 3. Coverage.** – This Act shall cover all displaced, marginalized and/or vulnerable workers affected by disasters, epidemics/outbreaks, pandemics, public health emergencies, war, armed conflict, crises, economic shocks or income loss brought about by ill-health, disability, work-related accidents or injuries, unemployment, work displacements due to business closure, retrenchment, rightsizing, redundancy, technological advances, development policies or policy-related disruptions and other analogous causes.

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

- a) **Accredited Co-Partner** refers to the program partner, which may be a peoples’ or workers’ organization, union, association, federation, cooperative, business association, church-based organization, educational institution, or private foundation, that has been accredited by the Department of Labor and Employment (DOLE) to implement TUPAD programs and projects using government or public funds. Government agencies, local government units (LGUs) including state universities and colleges (SUCs) are deemed accredited co-partners;
- b) **Beneficiary** refers to individuals, who may be working poor, displaced, marginalized and/or vulnerable workers who are qualified to avail of assistance under the Enhanced TUPAD Program;
- c) **Disaster** refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources, as defined in Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010;
- d) **Displaced workers** refer to workers in the formal and informal economy or self-employed, whether overseas or local, who became unemployed, underemployed, or have lost their livelihood due to disasters, epidemics/outbreaks, pandemics, public health emergencies, war, armed conflict, crises, economic shocks, or income loss brought about by ill-health, disability, work-related accidents or injuries, business closure, retrenchment, rightsizing, redundancy, technological advances,

- 1 development policies or policy-related disrupt and other analogous adverse events  
2 as may be determined by the DOLE;
- 3 e) **Enhanced TUPAD Program** refers to the DOLE program which provides for a  
4 safety net wage temporary employment assistance for displaced and/or vulnerable  
5 workers also known as the *Tulong Panghanapbuhay sa Ating*  
6 *Disadvantaged/Displaced Workers Program*, and interchangeably referred to as  
7 Enhanced TUPAD Program;
- 8 f) **Marginalized workers** refer to workers who have not benefitted from education,  
9 health, employment, and other opportunities by reasons of poverty, geographical  
10 inaccessibility, culture, gender, among others, and to workers who are less likely  
11 to have formal work arrangements, and are more likely to lack decent working  
12 conditions, adequate social security, and whose employment is characterized by  
13 inadequate earnings, low productivity, and difficult conditions of work that  
14 undermine their fundamental rights;
- 15 g) **Massive displacement** refers to large-scale displacement of workers in the  
16 formal and informal sectors brought about by disasters, epidemics/outbreaks,  
17 pandemics, public health emergencies, war, armed conflict crises, economic  
18 shocks, development policies or policy-related disruption among others, resulting  
19 in loss of or serious effect on income and livelihoods;
- 20 h) **Micro-insurance** refers to a scheme that provides specific insurance and similar  
21 products and services that meet the needs of the low-income sector for risk  
22 protection and relief against distress, misfortune, and other contingent events;
- 23 i) **Self-employed** refers to persons who operate their own businesses or trades and  
24 do not employ paid workers in the conduct of their economic activities. This  
25 category includes workers who worked purely on commission basis and who may  
26 not have regular working hours.
- 27 j) **Enhanced TUPAD Program** is a safety net wage employment assistance  
28 program for displaced and/or vulnerable workers also known as the *Enhanced*  
29 *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers Program*, and  
30 interchangeably referred to as Enhanced TUPAD Program;

1 k) **Vulnerable workers** refer to workers confronted by *ex-ante* risk that if currently  
2 non-poor, will fall below the poverty line, or if currently poor, will remain mired in  
3 poverty, or exposed to adverse shocks.

4 l) **Working poor** refer to workers in the private sector whose wages are below the  
5 statutory minimum wage and individuals whose income fall below the poverty  
6 threshold as defined by the National Economic and Development Authority and/or  
7 cannot afford in a sustained manner to provide their minimum basic needs of food,  
8 health, education, housing and other essential amenities of live.

9 **SEC. 5. *Temporary Wage Employment Assistance Program for***  
10 ***Displaced and/or Vulnerable Workers or Enhanced TUPAD Program.*** – The  
11 Enhanced TUPAD Program is a social safety net designed to assist displaced/or  
12 vulnerable workers and their families, and get them back on their feet by providing  
13 them temporary wage employment if they fall on hard times due to disasters,  
14 epidemics, war, armed conflict, crises, economic shocks, or income loss brought about  
15 by ill-health, disability, work-related accidents or injuries, unemployment, work  
16 displacements due to business closure, retrenchment, rightsizing, redundancy,  
17 technological advances, development policies or policy-related disruptions and other  
18 analogous causes. For this purpose, the TUPAD Program being implemented by the  
19 DOLE providing emergency employment for displaced or disadvantaged workers is  
20 hereby enhanced and institutionalized.

21 **SEC. 6. *Eligible Projects and Duration of Work.*** – The eligible projects  
22 that may be funded under the Enhanced TUPAD Program shall be social, economic,  
23 and agro-forestry community projects that will help the government in mitigating the  
24 impacts of outbreaks/epidemics, rebuilding the community affected by  
25 disasters/catastrophes, and promoting green works or green jobs and climate resilient  
26 development/disaster risk reduction, including provisioning of assistance to the local  
27 government units in the delivery of essential services.

28 The Department shall set the period of work of approved TUPAD project  
29 depending on the nature and duration of work to be performed, but in no case shall  
30 the project duration be less than ten (10) days, nor to exceed thirty (30) days. Under

1 exceptional circumstances, the Secretary of Labor and Employment may authorize  
2 employment projects with a maximum duration of ninety (90) days.

3 For authorized employment project exceeding thirty (30) to a maximum of  
4 ninety (90) days, this shall be implemented in partnership and/or complementation  
5 with national government agencies and local government agencies implementing  
6 public projects as well as private sector entities willing to engage in public projects.  
7 Said offices/program partners shall provide the required materials, tools, and  
8 equipment including office equipment, as warranted by the nature of work.

9 **SEC. 7. *Qualified Beneficiaries.*** – All displaced, marginalized and/or  
10 vulnerable workers are qualified beneficiaries under this Act. Critically-impacted sector  
11 for any of the causes of displacement pursuant to the pertinent sections under this  
12 Act shall be the priority sectors to be served under the program. Further, it is  
13 encouraged that at least 50% of the beneficiaries of the employment projects under  
14 the Enhanced TUPAD Program shall be women.

15 The Secretary of DOLE shall set standards on the profiling of Enhanced TUPAD  
16 beneficiaries per household, and the number of projects under the Program a qualified  
17 beneficiary may participate in, and such other relevant matters for the effective  
18 implementation of this Act, with a view to helping the most number of beneficiaries.

19 **SEC. 8. *Modes of Implementation of Enhanced TUPAD Program.*** – The  
20 Enhanced TUPAD program shall be implemented directly by the DOLE  
21 Regional/Provincial/Field Offices or through an Accredited Co-Partner (ACPs). Funds  
22 may be downloaded to accredited co-partners provided that they do not have  
23 outstanding unliquidated cash advances/obligation to the Department. Otherwise, the  
24 direct administration mode of implementation of TUPAD Program will be adopted.

25 **SEC. 9. *Payment of Wages of the Beneficiaries.*** – The wages of the  
26 beneficiaries shall not be less than 100% of the "highest" prevailing minimum wage  
27 rate set by the Regional Wages and Productivity Board (RTWPB) in the region where  
28 the project will be implemented.

29 Quick disbursing mechanism of wages such as the use of automated banking  
30 facility, money remittance provider, e-wallet and other contactless payment

1 transactions shall be the primary mode in paying the Enhanced TUPAD workers. Under  
2 exceptional circumstances, such as non-operation of said mechanisms due to  
3 disasters, epidemics/outbreaks, pandemics, public health emergencies, war, armed  
4 conflict and analogous instances, or when the employment project is implemented in  
5 geographically isolated areas, the Secretary of Labor and Employment, may authorize  
6 direct cash pay-out to the beneficiaries.

7 **SEC. 10. *Monitoring, Reporting and Evaluation of the TUPAD Program.***

8 – The Department shall establish a standardized monitoring, reporting and evaluation  
9 system to properly document every approved project under the Program.

10 The databases maintained in the DOLE Regional Offices and the centralized  
11 database management system of the Department which store, retrieve and maintain  
12 data sets necessary in the implementation of Enhanced TUPAD Program shall be  
13 continuously upgraded. Provided that, laws on privacy and confidentiality such as the  
14 Data Privacy Act of 2012 shall be complied with.

15 **SEC. 11. *Implementing Rules and Regulations.*** – Within ninety (90) days  
16 from the effectivity of this Act, DOLE shall, in coordination with relevant government  
17 agencies and stakeholders, issue necessary rules and regulations for the effective  
18 implementation of this Act.

19

20 **SEC. 12. *Separability Clause.*** – Any portion or provision of this Act that is  
21 declared unconstitutional or invalid shall not have the effect of nullifying other portions  
22 or provisions hereof as long as remaining portions can still subsist and be given effect  
23 in their entirety.

24 **SEC. 13. *Repealing Clause.*** – All laws, ordinances, rules, regulations, other  
25 issuances or part thereof, which are inconsistent with Act, are hereby repealed or  
26 modified accordingly. Nothing in this Act shall result in the diminution of the benefits  
27 and/or assistance given to overseas Filipinos and migrant workers as provided in other  
28 laws, ordinance, rules, regulations and issuances.



1        **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
2        publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*