NINETEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES *First Regular Session*

SENATE

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BILLS & INDEX

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S. No. _42

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

AN ACT

PROVIDING FOR A MAGNA CARTA FOR WORKERS, ENTERPRISES AND ORGANIZATIONS IN THE INFORMAL ECONOMY AND PROVIDING MECHANISMS FOR RECOGNITION, INTEGRATION, AND TRANSITION TO THE FORMAL ECONOMY

EXPLANATORY NOTE

The legislation is one significant contribution toward fulfilling the Constitutional mandate of social justice and human rights for the poor. The 2008 Informal Sector Survey (2008 ISS) showed that there were about 10.5 million informal operators who are either self-employed (without any paid employee) or employer in own-family operated farm or business. Contrary to the usual notion, the informal sector is truly productive. They provide array of services to the public and are engaged in legitimate undertakings. According to official estimates, one-third of the country's total gross domestic product (GDP) can be attributed to the informal sector.

Sadly, this contribution of the informal sector to the economy is insufficiently recognized. This is proven by the inadequate legal and social protection accorded to this sector. What is worse is that members of informal sector groups have been a source of not only of local revenues such as market taxes, and some are even vulnerable to "kotong."

During the deliberations of the Bayanihan Act which sought to provide immediate relief and assistance for the distressed sectors of the economy at the height of the novel Coronavirus pandemic, it was learned that there are no clear data as to the true number and accurate description of the composition of this sector. Such

severely affected the government's efforts to reach the most vulnerable segment of the population.

The proposed Magna Carta for Workers in the Informal Sector is consistent with the provisions of the International Covenant on Economic, Social and Cultural Rights, to which the Philippines is a State Party.

This measure provides the rights and benefits of workers, as well as the rights of legitimate organization of workers in the informal economy, establishes labor standards and enforcement of labor laws for workers in the informal economy, and prescribes social protection such as accessibility of safety nets from the Department of Labor and Employment (DOLE), Department of Social Welfare and Development (DSWD), Department of Agriculture (DA) and other agencies, and provision of social insurance programs from SSS, Pag-Ibig and PhilHealth.

A separate chapter ensuring security in the workplace of workers in informal economy or employment is also provided under this bill, to wit:

- a) Workers in the informal economy shall not be evicted from their homes and workplaces without legal ground and provision of livelihood opportunities, adequate water and electricity availability and decent conditions of living;
- b) Before any public market is closed, sold or demolished, all market vendors shall first be relocated by the LGU to a temporary or new public market;
- c) In cases where demolition or eviction is warranted, the person, government agencies or their respective agents who conduct the same shall issue an itemized receipt of all products, goods, and other materials seized or confiscated from vendors. Tricycles, pedicabs, and other modes of transportation shall not be impounded for violations of license, registration, or traffic regulations.
- d) Designated terminals for tricycles, pedicabs, and other similar modes of transportation shall not be arbitrarily relocated without prior notice and consultation with small transport groups.

I am refiling this bill, which is a product of rigorous consultations with informal sector groups and leaders from the five informal sub-sectors in Luzon, Visayas, and

Mindanao in 2008, and which I originally submitted during the Fifteenth Congress in 2010. This version is an output of the Senate Committees on Labor, Employment and Human Resources Development; Social Justice, Welfare and Rural Development; Ways and Means; and Finance during the Seventeenth Congress.

In this light, the immediate passage of this bill is highly recommended.

JINGGOY EJERCITO ESTRADA

NINETEENTH CONGRESS OF THE) REPUBLIC OF THE PHILIPPINES) First Regular Session) SENATE S. No. 42 BILLS & INDEX

Introduced by Senator Jinggoy Ejercito Estrada

AN ACT

PROVIDING FOR A MAGNA CARTA FOR WORKERS, ENTERPRISES AND ORGANIZATIONS IN THE INFORMAL ECONOMY AND PROVIDING MECHANISMS FOR RECOGNITION, INTEGRATION, AND TRANSITION TO THE FORMAL ECONOMY

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

Chapter I 1 **GENERAL PRINCIPLES** 2 Section 1. Short Title. - This Act shall be known as the "Magna Carta for 3 Workers in the Informal Economy." 4 5 Sec. 2. Declaration of Policy. – It is hereby declared the policy of the State to: a) Promote a just and dynamic social order that shall ensure the prosperity 6 and independence of the nation and free the people from poverty through 7 8 policies that provide adequate social services, promote decent, environmentally sound and full employment, a rising standard of living, 9 and an improved quality of life for all; 10 b) Protect, promote and fulfil the rights of every worker, including gender 11 equity, non-discrimination, the right to self-organization, just and humane 12 conditions of work, access to social protection programs and services, 13 access to justice, security of and in the workplaces, and the right to 14 15 represent their organizations in a continuing process of consultation, social 16 dialogue and tripartite bodies; and

c) Establish an integrated and coherent policy, at all levels of government, of formalization of informal economic units and informal economy workers and make them visible in all relevant national and local statistics.

Sec. 3. *Coverage.* – This Act shall apply to all workers and economic units, including enterprises, entrepreneurs and households in the informal economy, in particular:

- a) Those in the informal economy who own and operate economic units,
 including self-employed workers, self-employed own account workers,
 employers, members of cooperatives, and members of other social and
 solidarity economy units;
- b) Home-based workers or contributing family workers, irrespective of
 whether they work in economic units in the formal or informal economy;
- c) Employers holding informal jobs in or for formal enterprises, or for
 economic units in the informal economy, including those in contract
 arrangement and/or in supply chains, or as paid domestic workers
 employed by households;
- d) Workers in unrecognized or unregulated employment relationships;
- e) Agricultural workers or fisherfolk in unrecognized or unregulated agricultural or farming endeavors and fishing activities; and
- 20 f) Non-regular domestic workers.

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21 Sec. 4. *Definition of Terms.* – As used in this Act, the following terms shall 22 mean:

- a) *Informal Economy* refers to all economic activities by workers and
 economic units that are, in law or in practice, not covered or insufficiently
 covered by laws or formal arrangements.
- b) *Economic Units in the Informal Economy* refer to units that are owned
 by individuals working on their own account either alone or with the help
 or contributing family workers; household enterprises engaged in the
 production of goods and services or unincorporated enterprises owned by
 households; cooperatives and other social and solidarity economy units.

c) Informal Economy Workers Organization - refers to a group of informal sector workers that are organized with the primary objective of promoting the rights and welfare of workers in the informal economy.

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- d) Informal Employment refers to an employment arrangement in the formal or informal sectors or in households that exist based mostly on casual employment, kinship or personal and social relations with no formal guarantees on legal protection and benefits economic units that are unregistered, unlicensed and unregulated.
- e) Own-account worker refers to workers who, working on their own 9 10 account or with one or more partners, hold the type of job defined as a self-employed job, and have not engaged on a continuous basis any 12 employees to work for them during the reference period.
- 13 f) Security of and in the Workplace – refers to the right of every worker and informal economic unit to an enabling environment that guarantees and 14 protects the spaces to undertake their work, including the right to be safe 15 16 in one's own work space, free from discrimination, risk, danger, doubt, 17 anxiety, or fear of being removed, evicted or prevented from working.
- g) Social Protection refers to policies and programs that seek to reduce 18 19 poverty and vulnerability to risks and enhance the social status of the 20 marginalized by promoting and protecting livelihood and employment, 21 protecting against hazards and sudden loss of income, and improving 22 people's capacity to manage risk, as well as other interventions that 23 support communities, households, and individuals, both women and men, 24 and realizing their rights as citizens through their full participation in 25 decision-making affecting or which may affect their access to and control 26 over resources necessary to maintain and sustain a decent and secure life.
- 27 h) Social and Solidarity Economic Units - refer to enterprises and 28 organizations including cooperatives as defined under Republic Act No. 29 9520, mutual benefit societies, associations, foundations and social enterprises which produce goods, services and knowledge that meet the 30 needs of the community they serve, through the pursuit of specific social 31 32 and environmental objectives and the fostering of solidarity.

1	Chapter II			
2	RIGHTS AND BENEFITS			
3	Sec. 5. Rights and Benefits of Workers in the Informal Economy Workers in			
4	the informal economy shall be entitled to all the rights accorded to workers by the			
5	Philippine Constitution, the Labor Code of the Philippines, as amended, and relevant			
6	international human rights instruments and international labor standards.			
7	Accordingly, the State shall guarantee all workers in the informal economy the			
8	following:			
9	a) Right to security of and in the workplace;			
10	b) Right to make a living by work freely chosen or accepted and avail of			
11	technical and vocational guidance and training programs;			
12	c) Right to just and favorable conditions of work, including provision for			
13	work-life balance, child care and other facilities;			
14	d) Right to a living wage and equal remuneration for work of equal value			
15	without distinction of any kind, in particular for women who shall be			
16	guaranteed equal wages for work similar or equivalent to those done by			
17	men;			
18	e) Right to equal opportunity for promotion, subject to no other			
19	considerations than seniority and competence;			
20	f) Right to safe and healthy working conditions safeguarding general,			
21	occupational and reproductive health;			
22	g) Right to basic services including affordable medical care, reproductive and			
23	other health services, low-cost housing, water, sanitation, electricity and			
24	transport;			
25	h) Right to rest, leisure and reasonable limitation of working hours and			
26	periodic holidays with pay, as well as remuneration for public holidays			
27	whenever applicable;			
28	i) Right to maternity and paternity benefits, as provided for by law;			
29	j) Right to equal access to education, skills training, and economic resources			
30	to develop self-reliance, especially of children and young persons, without			
3 1	any discrimination;			

- k) Right to self-organization and to collectively negotiate with government and other entities in the promotion of their welfare and advancement of their interests, free from any political interference;
- Right to adequate standard of living for workers and their families, adequate food, clothing, shelter, and the continuous improvement of such standard;
- m) Freedom from any form of discrimination, violence, exploitation including
 sexual exploitation, harassment, abuse and any form of inhumane
 treatment which debases, degrades or demeans the intrinsic worth and
 dignity of the worker as a human being;
- n) Accessible social protection and safety nets, labor market programs, and
 social welfare interventions such as social security, health care and
 insurance;
- 14 o) Equal treatment before the law;
- p) Right to participate in policy and decision-making processes and social
 dialogue, including access to information and resources relevant to the
 promotion and protection of their rights and welfare;
- q) Equal access to justice for redress of grievances, including alternative
 dispute resolution processes; and
- r) Access to public procurement including advice and reserving quota for
 informal economic units.

Sec. 6. *Rights and Benefits of Own-Account Workers.* – Own-account workers as well as informal economic units, being the working poor's primary instruments to address and overcome poverty, shall be accorded preferential rights by the State over the following:

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 a) Infrastructure support such as farm to market roads, common, affordable and secure workplaces and facilities, merchandising centers, farmers' or a "bagsakan" with proper storage facilities, and inventory bulk-buyng centers;

b) Policy support to promote and protect locally-produced products and
 services including enhancement of the local value chain;

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- c) Ease and facilitation of access to markets, including capacity-building to
 access e-marketing facilities;
- d) Access to affordable, appropriate and adequate financial services,
 including, among others, collateral-free and gender-balanced credit at low
 interest;
 - e) Access to appropriate and adequate machinery, equipment, and other
 technologies, with the end in view of increasing productivity and growth;
 - f) Protection from unjust dislocation from places where economic activities
 are conducted observing the policy of "relocation before demolition";
- 10g) Measures against racketeering, extortion, and harassment, by both State11and non-State elements;
- h) Common workplaces, common technology facilities, adequate and
 affordable marketing facilities such as economic freedom parks,
 merchandising centers, and inventory bulk-buying centers;
- i) Freedom from deprivation of property without valid cause and due process
 of law; and
- 17 j) Affordable and customized social security and insurance programs.
- Sec. 7. *Rights of Legitimate Organization of Workers in the Informal Economy or Employment.* – Workers in the informal economy or employment may organize into unions, cooperatives, social and solidarity economic units' organizations and mutual benefit associations. Legitimate organization of workers in the informal economy or employment shall have the right:
- a) To freely function and act as the representatives of their members in
 policy and decision-making processes, collective negotiations, tripartite
 bodies and consultations, multi-sectoral and other similar bodies;
- b) To establish, join or affiliate with national federations or confederations
 and international trade union organizations;
- c) To access information from concerned government institutions and other
 parties that are pertinent to the protection and promotion of the rights
 and welfare of their members;
- d) To own property, real or personal, for the use and benefit of their organizations and members;

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- e) To sue and be sued under their registered name; and
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f) To undertake all other activities, not contrary to law, designed to benefit their organizations and members.

Sec. 8. Assistance to Organizations of Workers in the Informal Economy. – The State shall encourage and support the formation of organizations among marginalized farmers, fisherfolk, women, and workers in the informal economy or employment whether in manufacturing, agriculture, transport, retail, services, and home-based workers.

9 Toward this end, all national government agencies, government financial 10 institutions and local government units' plans, programs and policies shall foster an 11 atmosphere conducive to the exercise of the right to self-organization of the workers 12 in the informal economy and access to purchase inputs at lower cost, obtain fair 13 prices for their produce, avail of credit assistance and skills training, and share from 14 collective gains in the case of the cooperatives.

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Chapter III

SECURITY IN THE WORKPLACE OF WORKERS IN

INFORMAL ECONOMY OR EMPLOYMENT

Sec. 9. *Designation of Workplaces.* – Local Government Units (LGUs), in coordination with their respective organization of workers in the informal economy and their members, affected communities and other relevant groups, shall endeavor to identify, designate and design a system of assignment on the following:

a) Productivity and merchandising centers as viable workplaces for informal
 workers, which may include markets and vacant areas near markets,
 vacant public spaces and other spaces which may be a private property
 that the LGU may acquire, lease or negotiate with legitimate organization
 of workers in the informal economy for lease under a memorandum of
 agreement; and

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b) Routes, terminals and specific lanes for small transport workers.

Sec. 10. *Policy on Eviction and Demolition.* – Workers in the informal economy or employment shall not be evicted from their homes and workplaces without legal ground as provided under Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992," and provision of livelihood

opportunities, adequate water and electricity availability as well as decent conditions
 of living in accordance with law. Logistical viability for the displaced shall be given
 priority in the course of determining the relocation sites or areas.

Sec. 11. *Policy on Confiscation of Materials and Impounding of Vehicles.* – In cases where demolition or eviction is warranted, the person, government agencies or their respective agents who conduct the same shall issue an itemized receipt of all products, goods, and other materials seized or confiscated from vendors and other affected workers in the informal economy or employment.

9 Tricycles, *pedicabs*, and other modes of transportation shall not be 10 impounded for violations of license, registration, or traffic regulations unless the said 11 vehicles were utilized in the conduct of criminal activities. In cases of violation of 12 traffic regulations, a traffic violation ticket shall be issued to the erring driver without 13 impounding his/her vehicle.

Sec. 12. *Policy on Relocation of Vending Sites.* – Before any public market is closed, sold or demolished, all market vendors shall first be relocated by the LGU to a temporary or new public market. Notice of the intention to close, sell or demolish any public market shall be made to all concerned vendors at least sixty (60) days before the actual transfer or relocation to another market site. Within the sixty-day period after issuance of notice, the LGU shall conduct consultations with affected vendors on the selection of the relocation site and implementation of the relocation.

Vendors, ambulant or otherwise, occupying or selling in public places not 21 previously designated as vending site shall be provided with viable temporary sites 22 by the LGU and notice of temporary transfer shall be given to the vendors at least 23 fifteen (15) days before the actual transfer to temporary vending site. The fifteen 24 (15) days notice shall likewise apply to vendors granted with permits but whose 25 workplaces are withdrawn from the list of allowable vending sites. Any change in the 26 list of allowable vending sites shall be done after consultations with affected 27 vendors. 28

In the event that a new public market is constructed in place of an old one, market vendors with stalls displaced from their workplaces shall be given priority in the assignment of stalls in the new market.

Sec. 13. Policy on Relocation of Terminals. - Designated terminals for 1 tricycles, *pedicabs*, and other similar modes of transportation shall not be arbitrarily 2 relocated without prior notice and consultation with small transport groups, 3 legitimate organizations of workers in the informal economy or employment, 4 affected community and other relevant sectors. Relocation of terminals can only be 5 implemented through an Ordinance, the enactment of such shall be subject to the 6 required consultation and notice of intention to relocate terminals to affected small 7 transport groups and community at least sixty (60) days before its issuance. 8

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Chapter IV

SOCIAL PROTECTION FOR THE INFORMAL SECTOR

Sec. 14. *Formalization of the Social Protection Floor.* – The State shall support, sustain, enhance or institutionalize the social protection floor initiative through convergence of the resources of various agencies of the government for continuous social security and health insurance subsidies to vulnerable and other informal workers as well as initiate programs for the unemployed, children and older persons based on applicable and ever improving standards.

Sec. 15. *Social Welfare Efforts.* – The Department of Social Welfare and Development (DSWD) shall consolidate social welfare efforts to address the needs of the workers in the informal economy, including direct assistance, policy development and community engagement for the workers.

Sec. 16. *Role of the Department of Labor and Employment.* – The Department of Labor and Employment (DOLE) shall engage in labor market interventions that shall provide adequate protection for the workers in the informal economy and ensure timely and immediate action for labor concerns as well as security of tenure, job generation and other pertinent concerns.

Sec. 17. *Social Safety Nets.* – Social safety nets provided or implemented by the DOLE, DSWD, Department of Agriculture (DA) and other government agencies shall be made accessible to all workers in the informal economy and to their legitimate organizations.

Sec. 18. *Social Insurance.* – Social insurance programs including Social Security, Pag-IBIG (Home Development Mutual Fund), and PhilHealth shall be fully available to workers of the informal economy, and for this purpose, policies and

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mechanisms for their full utilization and benefit shall be formulated by the SSS,
HDMF, and PhilHealth.

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Chapter V

LABOR STANDARDS AND ENFORCEMENT OF LABOR LAWS FOR WORKERS IN THE INFORMAL ECONOMY

Sec. 19. *Applicability of the Provisions of the Labor Code.* – The provisions of the Labor Code governing the employer-employee relationship particularly on general labor standards and occupational safety and health standards shall apply to all forms of work arrangements in the informal economy.

Sec. 20. *Prohibited Acts Specific to Workers in the Informal Economy.* – The
 following are deemed prohibited:

- 12 1) Non-compliance with minimum labor standards and occupational health 13 and safety standards. – The employment contract shall be in writing 14 specifying the terms and conditions of engagement which must not be 15 lower than the minimum standards provided by law. However, the 16 absence of a written agreement does not mean the absence of an 17 employment relationship.
- 18The contract shall be explained to the worker and attested to by a19representative from the LGU or an elected Barangay official in the city or20municipality where the worker is designated to work.
- 2) Recruitment or Finders' Fees. Regardless of whether the worker was
 sourced either through an employment agency or a third party, workers in
 the informal economy shall neither be charged nor levied a recruitment
 fee or finders' fee by the aforementioned employment agency or third
 party.
- 3) Hazardous Work and Conditions. Workers shall not be engaged to do
 hazardous work, activity or undertaking, or be exposed to hazardous
 working conditions in accordance with law.
- 4) Interference and Coercion. Any person is prohibited from committing
 any of the following acts of interference and coercion:
- a) Preventing any worker from upholding or exercising his/her rights;

- b) Preventing any worker from joining or assisting organization for 1 2 purposes not contrary to law; 3 c) Preventing any worker from carrying out his/her duties or functions in 4 an organization, or to penalize the same for any lawful action 5 performed in that capacity; d) Harassing, threatening, coercing or intimidating any worker that result 6 in preventing him or her from performing his or her duties and 7 8 functions; 9 e) Transferring, penalizing or terminating the services of a worker without valid or legal ground; and 10 11 f) Other acts calculated to diminish the independence and freedom of workers' organization to direct its own affairs. 12 13 5) Non-compliance with Republic Act No. 7610, as amended by Republic Act No. 9231 in the employment of minors. – In cases where minors are 14 contracted or hired to render work or services, the age should be at least 15 fifteen (15) years old and there is parental or legal guardian consent in the 16 17 employment contract. In addition, the employment contract should also be 18 attested to by any representative of the LGU or duly elected barangay official where the work is to be done. The employers of the minors shall 19 also provide them with access to at least elementary or secondary 20 education, either through traditional schooling or alternative learning 21 22 systems. Sec. 21. Visitorial and Enforcement Power of the Secretary of Labor and 23 24 *Employment.* – Employment contracts and/or engagements in the Informal Economy shall be subject to the visitorial and enforcement power of the Secretary of Labor 25 26 and Employment pursuant to Article 128 of the Labor Code of the Philippines.
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Chapter VI

POLICY COORDINATION AND DEVELOPMENT

Sec. 22. Function of National Economic and Development Authority. – The Committee on Social Development of the National Economic and Development Authority (NEDA) shall develop policies and programs that shall institutionalize and strengthen informal economy workers and the informal economy units. Sec. 23. *Informal Economy Initiatives of Local Development Council.* – The Local Development Councils of all provinces, cities and municipalities shall establish a body of coordination, registration and assistance for workers in the informal economy within their respective jurisdictions.

5 The Local Development Councils shall also form a sectoral or functional 6 committee that shall facilitate the registration of informal economy workers.

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Chapter VII

REGISTRATION OF INFORMAL ECONOMY WORKERS

9 Sec. 24. *Registration.* – Pursuant to its functions under the Local Government
 10 Code, the Local Development Council, through its Secretariat or through the creation
 11 of a sectoral or functional committee, shall establish a system of registration of
 12 workers of the informal economy. The system shall be as follows:

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a) Workers. – There shall be a simple and standard system of registration in accordance with the framework and principles of this Act. A one-time registration fee of not more than Fifty Pesos (P50.00) per individual worker shall be paid to the municipality or city where the worker resides.

Any Informal Economy (IE) worker registered in the local government provided for in this Act shall be listed in the centralized database system and shall be issued an identity card and a record book that shall list all services and benefits availed of. Such identification card shall serve as proof of the IE worker's right to avail of development programs: Provided that, the poorest and the most vulnerable workers shall be given priority.

The concerned LGU shall review, revalidate and reassess such database as a tool for local planning and for other purpose every two (2) years. Renewal of eligibility shall be in accordance with the merit and fitness principle, and with the conditions that no child labor shall be used and no activities harmful to the environment shall be implemented.

b) *Informal Economic Unit.* – A comprehensive database of all economic units
 shall be developed and maintained. Such database shall take into account
 the different sub-classifications in terms of asset size, number of workers,
 social insurance provided, statutory benefits and wages, industry,
 geography, premises, sex, ethnicity, vulnerability and roles and functions.

The database shall also indicate informal economic units which may be categorized as livelihood enterprises and entrepreneurial or growth oriented informal businesses.

The database shall also include information on payments collected from IE workers, Workers in the Informal Economy (WIE) organizations and economic units. The Barangay Micro Business Enterprise (BMBE) Registry, in general, shall include these informal economic units, pursuant to the qualification of micro-enterprises under Republic Act No. 8425.

9 The aforesaid comprehensive database shall form part of the bases of
 10 assessment and monitoring of the growth of the informal economy.

All local government units shall formulate a uniform and simple checklist of requirements for registration and establish an IE One-Stop Shop Center which shall handle all transactions and processing of business permit applications within their respective jurisdiction and worker's registration. The Center shall ensure that processing of the business permit of the informal economy units shall be expedited and shall be completed within one day.

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The DOLE shall create a checklist of requirements for registration.

c) Informal Economy Organizations/Associations (IEO/A). – IEO/A shall
 register or accredit with the Department of Labor and Employment
 (DOLE).

Sec. 36. *Annual Dues.* – IE workers and organizations shall pay annual dues to be determined by the Local Government Unit (LGU) concerned, in consultation with their respective Local Development Councils referred herein. In no case shall the annual dues to be paid by the IE workers be more than 30% of the prescribed daily minimum wage as determined by the Regional Tripartite Wages and Productivity Board (RTWPB) in their respective regions or provinces.

These annual dues shall accrue to the respective LGU where they are accredited. The accumulated funds from these dues shall be used for programs to benefit IE workers and organizations/associations, business activities, enterprises and organizations, as recommended by the Local Development Council. Such

programs and disbursement of funds shall be approved by the concerned LGU 1 2 Council in consultation with the local informal economy constituents. Sec. 37. Registration and Non-Registration. - In no case shall registration be 3 construed as a basis for rights and entitlements and rights under this Act, and it 4 shall not be made as a prerequisite to work by any private enterprise or government 5 6 unit. 7 **Chapter VIII** 8 **FINAL PROVISIONS** Sec. 38. Penal Provisions. -9 a) Any person who shall wilfully interfere with, restrain or coerce a worker in 10 the exercise of his or her rights or shall in any manner commit any act in 11 violation of any of the provisions of this Act shall, upon conviction, be 12 punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) 13 or imprisonment of one (1) to six (6) years or both fine and imprisonment 14 15 at the discretion of the Court. b) If the offender is a public official, the Court, in addition to the penalties 16 provided in the preceding paragraph, may impose the additional penalty or 17 disqualification from public office. 18 19 c) Any person who violates Section 11 of this Act (Policy on Confiscation of Materials and Impounding of Vehicles) shall be liable. Nothing herein shall 20 prohibit the aggrieved workers in the informal economy from initiating a 21 22 criminal or civil action against the responsible person or officer. d) Failure to implement Sections 12 (Policy on Relocation of Vending Sites) 23 and 13 (Policy on Relocation of Terminals) shall render the responsible 24 official/s administratively liable pursuant to Republic Act No. 7160 and 25 other applicable laws, without prejudice to any civil or criminal cases that 26 may be filed against such erring official/s. 27 28 e) If a private institution/company is found to have violated any provisions of this Act, its business shall be suspended or revoked at the discretion of the 29 Court. 30 Sec. 39. Implementing Rules and Regulations (IRR). - The DOLE, DILG and 31 NEDA, in coordination with other concerned agencies and stakeholders, shall 32

formulate the implementing rules and regulations within one hundred eighty (180)
 days from the effectivity of this Act.

Sec. 40. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision or part not otherwise affected shall remain valid and subsisting.

Sec. 41. *Repealing Clause.* — Any law, presidential decree or Issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

10 Sec. 42. *Effectivity.* – This Act shall take effect fifteen (15) days after its 11 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,