


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



23 APR 25 P1:50

SENATE
S. No. 2087

RECEIVED BY: 

Introduced by Senator MARK A. VILLAR

AN ACT
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

The Constitution provides that the State shall afford full protection to labor, and promote full employment and equality of employment opportunities for all. Corrolarily, the Philippine Disaster Risk Reduction Act of 2010 states that, it shall be the policy of the State to uphold the people's constitutional rights to life and property, and provide maximum care, assistance and services to individuals and families affected by disaster.

The Department of Labor and Employment's "Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers" (TUPAD) is a community-based package of assistance that provides emergency employment for displaced workers, underemployed, and seasonal workers for a minimum of ten (10) days but not to exceed a maximum of 30 (thirty) days, depending on the nature of the work to be performed. In 2021 alone, 2.8 Million displaced or vulnerable workers benefitted from this program. This figure shows that, undoubtedly, the TUPAD program contributes to the government's agenda of inclusive growth through massive job generation and poverty reduction.

This bill aims to institutionalize the TUPAD program that helps the plight of workers who are in dire need of employment due to unforeseen circumstances through giving a wider prerogative to the DOLE, as the lead agency, in the implementation of this program. Also, this will ensure that the wage and compensation of the beneficiaries shall not be less than 100% of the prevailing sector minimum wage. Finally, those who intend to disrupt the implementation of the program through commissions, job sharing, ghost beneficiaries, and the like, shall be held civilly and/or criminally liable.

Hence, the passage of this bill is earnestly sought.




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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 “TUPAD Act.”
- 2 Sec. 2. *Declaration of Policy.* – The State shall promote a just and dynamic
- 3 social order that will ensure the prosperity and independence of the nation and free
- 4 the people from poverty through policies that provide adequate social services,
- 5 promote full employment, a rising standard of living, and an improved quality of life
- 6 for all.
- 7 The State shall improve the quality of life of all Filipino workers through active
- 8 labor market policies, promotion of employment opportunities and employment
- 9 facilitation, human resource development, and the provision to displaced,
- 10 marginalized, and/or vulnerable workers a transitional or temporary social safety net
- 11 from economic shocks brought about by disasters, public health emergencies, war,
- 12 armed conflict, economic crises, and other related contingencies, and/or
- 13 experiencing loss of livelihood or income due to disability, work-related accidents or
- 14 injuries, unemployment, or work displacements.
- 15 Sec. 3. *Coverage.* - This Act shall cover all displaced, marginalized, and/or
- 16 vulnerable workers affected by disasters, public health emergencies, war, armed

1 conflict, economic crises, and other related contingencies, and/or experiencing loss
2 of livelihood, or income loss due to ill-health, disability, work-related accidents or
3 injuries, unemployment, or work displacements because of authorized causes of
4 termination of employment, technological advances, policy-related disruptions, and
5 other analogous causes.

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

- 7 a) Accredited Co-Partner or ACP - refers to the program partner that has been
8 accredited by the Department of Labor and Employment (DOLE) to
9 implement TUPAD projects using government or public funds. The ACP may
10 be a peoples' or workers' organization, legitimate labor organization,
11 cooperative, business association, church-based organization, educational
12 institution, including Technical Education and Skills Development Authority
13 (TESDA)-accredited technical vocational training institutions and State
14 Universities and Colleges (SUCs), nongovernment organization, private
15 foundation, or a government agency or instrumentality, including National
16 Government Agencies (NGAs), Local Government Units (LGUs) and
17 Government-Owned and Controlled Corporation (GOCCs):
- 18 b) Beneficiary - refers to individuals or group of individuals who are qualified
19 recipients of assistance under the TUPAD Program;
- 20 c) Displaced workers - refer to persons involuntarily terminated due to
21 authorized causes of termination as provided under the Labor Code of the
22 Philippines, technological advances, policy-related disruptions, and other
23 analogous causes. It also refers to Overseas Filipino Workers who have been
24 involuntarily separated from their jobs overseas.
- 25 d) Marginalized workers - refer to workers deprived of education, health,
26 employment, and other opportunities by reasons of poverty, geographical
27 inaccessibility, culture, and gender, among others, and to workers who are
28 less likely to have formal work arrangements, and are more likely to lack
29 decent working conditions, adequate social security, and whose employment
30 is characterized by inadequate earnings, low productivity, and difficult
31 conditions of work that undermine their fundamental rights;

- 1 e) Self-employed - refers to persons who operate their own businesses or
2 trades and do not employ paid workers in the conduct of their economic
3 activities, including workers who work purely on commission basis and who
4 may not have regular working hours;
- 5 f) Sub-professionals - refer to individuals in the private sector involved in
6 structured work in support of office operations or those engaged in arts,
7 crafts, and manual or clerical work;
- 8 g) TUPAD Program - a temporary wage employment assistance program for
9 displaced, marginalized, and/or vulnerable workers, also known as the
10 Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers
11 Program, and herein interchangeably referred to as TUPAD or Program;
- 12 h) Underemployed workers - refer to employed persons who express the desire
13 to have additional hours of work in their present job, or an additional job, or
14 to have a new job with longer working hours;
- 15 i) Vulnerable workers - refer to workers, local and overseas, including
16 minimum wage earners, working poor, and marginalized workers, who are
17 confronted by ex-ante risk that if currently non-poor will fall below the
18 poverty line, or if currently poor, will remain mired in poverty, or exposed to
19 adverse shocks; and
- 20 j) Workers - refer to workers in the formal and informal economy or self-
21 employed, whether overseas or local.

22 *Sec. 5. Lead Agency and Convergence with Related Government Assistance*
23 *Program.* - The DOLE shall be the lead agency in the implementation of the TUPAD
24 Program and shall be responsible in the administration, sourcing, assessment, and
25 approval of all project proposals for funding for the implementation of the TUPAD
26 Program.

27 The DOLE shall integrate and collaborate with other government agencies,
28 LGUs, business and labor groups, and civil society groups in implementing similar or
29 related programs and services for an efficient and effective whole-of-nation
30 approach in the delivery of social safety nets.

31 *Sec. 6. Eligible Projects for TUPAD; Counterpart Funding Requirement.* –
32 Eligible employment projects that may be included under the Program shall include,

1 but not be limited to, social community projects, economic projects, field works such
2 as conduct of survey and profiling in partnership with government offices, agro-
3 forestry community projects that promote green jobs, and provision of assistance to
4 LGUs in the delivery of
5 essential services. The DOLE, in coordination with relevant government agencies,
6 LGUs, ACPs, and other relevant stakeholders, shall formulate and implement projects
7 under the TUPAD Program that complements or utilizes the skill set of all categories
8 of workers classified under the Philippines Standard Occupational Classification.

9 The DOLE shall also set the duration of work for each project under the
10 Program, with due regard to the nature of the work to be performed; Provided, That
11 except as authorized by the Secretary of Labor and Employment in exceptional
12 circumstances, the duration of each project under the TUPAD Program shall not be
13 less than ten (10) days, nor exceed ninety (30) days.

14 Consistent with applicable government auditing rules and regulations, ACPs
15 and LGUs shall provide a counterpart funding of 20% of the total cost of the project.
16 The funding may be in the form of labor, land for the project site, facilities, and
17 equipment, among others, to be used in the project. The LGUs and ACPs may also
18 provide technical assistance, which could be in the form of identification of projects,
19 profiling of beneficiaries, procurement, monitoring, and facilitating access of services
20 from other agencies.

21 *Sec. 7. Qualified Beneficiaries.* -All displaced workers, marginalized, and/or
22 vulnerable workers shall be qualified as beneficiaries under this Act; Provided, That
23 the Secretary of Labor and Employment may, under appropriate circumstances,
24 approve TUPAD projects that will include the underemployed and/or sub-
25 professionals as beneficiaries under this Act.

26 The Secretary of DOLE shall set standards regarding the TUPAD beneficiaries,
27 including the allowable number of beneficiaries per household, the number of
28 projects under the Program a qualified beneficiary may participate in, and such other
29 relevant matters for the effective implementation of this Act, with a view to helping
30 the most number of beneficiaries.

1 Sec. 8. *Modes of Implementation of the TUPAD Program.* - The TUPAD
2 Program shall be implemented by DOLE Regional Offices through any of the
3 following modes:

- 4 a) With an ACP - Under this mode, the ACP shall be the DOLE's partner or
5 conduit in the implementation of the program, provided they are registered
6 with any registering body of the government and accredited by DOLE as an
7 ACP; Provided, That Government agencies, LGUs, TESDA, and SUCs, shall
8 automatically be TUPAD program partners, without need of accreditation; or
9 b) DOLE Direct Administration - Under this mode, the administration and
10 implementation of the TUPAD Program shall be undertaken directly by the
11 DOLE's regional, provincial and/or field offices. In the event of massive
12 displacement of workers resulting in serious disruption of means of livelihood,
13 direct administration of wage employment projects shall be undertaken
14 proactively by DOLE motu proprio, in collaboration with relevant government
15 agencies and/or LGUs.

16 Sec. 9. *Wages and Compensation of Beneficiaries.* - The wages and
17 compensation

18 of the beneficiaries shall not be less than 100% of the highest prevailing minimum
19 wage rate set by the Regional Wages and Productivity Board (RTWPB) in the region
20 where the

21 project will be implemented. The beneficiaries shall be enrolled in a group micro-
22 insurance and shall be provided with the appropriate training, safety tools and
23 proper equipment. The DOLE shall use automated banking facilities, money
24 remittance providers, and electronic/digital wallets as primary mode of wage
25 disbursement for the beneficiaries of this Act. Under exceptional circumstances, such
26 as TUPAD projects in geographically isolated and disadvantaged areas, or non-
27 operation of wage disbursement mechanisms due to public emergencies, including
28 war, armed conflict, epidemics/outbreaks or public health emergencies, the
29 Secretary of Labor and Employment may authorize direct cash pay-out to TUPAD
30 beneficiaries.

31 Sec. 10. *Prohibited Practices.* - The DOLE shall establish mechanisms to
32 ensure compliance with the provisions of this Act. It shall provide a list of prohibited

1 activities, such as, but not limited to, cuts for commission, job sharing, ghost
2 beneficiaries, duplicate beneficiaries, and padding of beneficiaries.

3 Any violation of this provision shall result in the blacklisting of the ACP,
4 including the reimbursement of the amount involved, with legal interest, without
5 prejudice to the filing of criminal and other related cases. If the ACP is an LGU or
6 SUC, the LGU or SUC shall immediately address such deficiency and/or error, without
7 prejudice to applicable rules and regulations of the Commission on Audit (COA), and
8 the filing of civil, criminal or administrative actions against erring officials and
9 government employees. In case of direct administration, the responsible DOLE
10 personnel shall be subjected to administrative
11 investigation, without prejudice to the filing of appropriate civil, criminal or
12 administrative
13 case.

14 *Sec. 11. Authority to Receive and Administer Donations for TUPAD Program. -*

15 The
16 DOLE is hereby authorized under this Act to receive donations from government and
17 non-government organizations and to administer the same strictly and exclusively for
18 the beneficiaries of the TUPAD Program, subject to relevant accounting and auditing
19 rules and regulations.

20 *Sec. 12. Monitoring, Reporting and Evaluation of the TUPAD Program. –* The
21 DOLE shall establish a standardized monitoring, evaluation and reporting system to
22 properly document every approved project under the Program.

23 It shall also submit to Congress, and make available to the public, an annual
24 accomplishment report and utilization of the funds earmarked for the
25 implementation of
26 the Program. The annual report shall include the pertinent details of every project
27 under
28 the Program, the mode of implementation, number of beneficiaries, donations from
29 private and other organizations, expenditures, number of beneficiaries who acquired
30 employment after their participation in the Program, and other pertinent information
31 as may be necessary. An impact evaluation shall be conducted from time to time,
32 but not later than every three (3) years.

1 Sec. 13. *Grievance Mechanisms.* - The DOLE shall establish grievance
2 mechanisms for the filing or reporting of complaints, grievances, or violations
3 provided in this Act and other related laws arising from the implementation of the
4 TUPAD Program. For this purpose, the Department shall ensure that all beneficiaries
5 and stakeholders of the Program have access to these grievance mechanisms.

6 Sec. 14. *Appropriations.* - The funds for the initial implementation of this Act
7 shall be sourced from the current budget of the DOLE for the implementation of the
8 TUPAD Program. Thereafter, the amount necessary for its continued implementation
9 shall be included in the annual General Appropriations Act; Provided, That such
10 appropriation shall take into consideration an administration cost of not more than
11 5%, subject to periodic review and appropriate recommendation for increase,
12 whenever necessary. For this purpose, the DOLE shall issue the appropriate
13 guidelines on the utilization and management of the administration cost.

14 Sec. 15. *Implementing Rules and Regulations.* - Within ninety (90) days from
15 the
16 effectivity of this Act, the DOLE shall, in consultation with TESDA, DPWH, DENR,
17 DILG, Union of Local Authorities of the Philippines, National Anti-Poverty Commission
18 (NAPC), and other relevant government agencies and other stakeholders, issue the
19 necessary rules and regulations for the effective implementation of this Act.

20 Sec. 16. *Separability Clause.* - Any portion or provision of this Act that is
21 declared unconstitutional or invalid shall not have the effect of nullifying other
22 portions or provisions hereof as long as such remaining portions can still subsist and
23 be given effect in their entirety.

24 Sec. 17. *Repealing Clause.* - All laws, ordinances, rules, regulations, other
25 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed
26 or modified accordingly.

27 Sec. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its
28 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,