


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

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SENATE

RECEIVED BY: 

S. No. 2525

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

In 2006, almost 27.6 million people lived below the poverty threshold in the Philippines. This represents 26.9% of Philippine families and 32.9% of the population. Additionally, 44% of the population subsisted on US\$2 or less a day according to international data. The recent increase of food prices is estimated to push another 2.7 million people into poverty¹. Given this situation, long term measures, strategies and solutions for poverty reduction should be put in place.

While there may be existing laws touching on the need of the poor as part of an overall national strategy to alleviate poverty, this proposed legislation states what is felt to be the basic irreducible rights of the poor as essential requirements towards poverty alleviation. These rights are: the right to employment, the right to food, the right to shelter, the right to free quality education and the right to free healthcare and medicine. These are the "minimum standards of decency" which the poor can demand as a matter of right and which the government must do as a matter of obligation.

In view of the foregoing, the immediate passage of this measure is earnestly requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator


¹ Data retrieved from <http://www.USAID.gov.au/country/country.cfm?CountryID=31> on June 16, 2008.

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AN ACT
PROVIDING FOR A MAGNA CARTA FOR THE POOR

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 "*Magna Carta for*
2 *the Poor*".

3
4 **SEC. 2. *Declaration of Policy.*** - It is the declared policy of the State to uplift the
5 standard of living and quality of life of the poor and provide them with sustained
6 opportunities for growth and development. It is likewise the policy that the concept of
7 poverty alleviation is a government responsibility that primarily requires the creation and
8 expansion of employment opportunities geared towards providing decent and productive
9 employment to the poor.

10 To attain the foregoing policy:

11 (1) Government must invest heavily in anti-poverty programs to empower the
12 poor to enable them to participate in the country's growth and development;

13 (2) All government departments, agencies and instrumentalities must provide full
14 access to government services at all levels for the poor; and

1 (3) Government intervention must be done now to address the genuine concerns
2 of the poor while long term strategies and solutions for the economic
3 empowerment of the poor are being put in place.
4

5 **SEC. 3. *Definition of Terms.* –**

6 a. “Poor” shall refer to natural persons whose income or combined household
7 income falls below the poverty threshold as defined by the National Economic
8 Development Authority (NEDA) and who at the same time are not owners of
9 real property;

10 b. “Hazardous or danger zones” - refer to areas which when used for residential
11 purposes pose a danger to the life and safety of the concerned residents or of
12 the general community;

13 c. “Poor Organization” - refers to any recognized or accredited association as the
14 sole representative organization of the poor in the community.
15

16 **SEC. 4. *Basic Rights of the Poor.* -** The poor shall have the following rights the
17 enjoyment of which is an essential requirement towards poverty alleviation: 1) The right
18 to employment; (2) food; (3) free quality education; (4) shelter and (5) to free health
19 services and medicine.

20 The government shall provide the requirements, conditions and opportunities for
21 the full enjoyment of these rights of the poor as a matter of duty and obligation, and
22 which the poor can demand as a matter of right.
23

24 **SEC 5. *The Right to Food and Food Assistance.* -** The Department of Social
25 Welfare and Development (DWSD) shall develop a program of free food to the poor or a

1 system of food assistance/subsidy to help the poor meet their minimum food necessities,
2 The DSWD is hereby authorized to solicit donation, aids or grants, in cash or in kind,
3 from whatever source, to meet the demands of this basic right of the poor. The donors
4 under this provision shall be entitled to full deductibility of the value of the donation for
5 income tax purposes.

6 To help ensure the implementation of the free food for the poor program, all food
7 items and food products, including rice, corn, sugar and other prime commodities, seized
8 and forfeited with finality in favor of government for violation of customs laws shall be
9 automatically transferred to or turned over to the DSWD for its dispositions.

10

11 **SEC. 6. *The Right to Employment.*** - The Department of Labor and Employment
12 (DOLE), in coordination with the labor or employment offices of local government units,
13 shall primarily be responsible for ensuring that the poor shall have preferential access to
14 employment openings in private enterprises and in government programs and projects.
15 For this purpose and to focus on the specific issue of creation of employment for the
16 poor, the DOLE shall establish an Office of Employment Opportunities (OEO) within the
17 department to carry out this responsibility. The budgetary requirements of the OEO shall
18 be included in the annual budget of the DOLE.

19 Government departments and agencies, including government-owned and
20 controlled corporations, are hereby authorized and mandated to earmark funds from their
21 budgetary outlays to finance viable projects for employment purposes. The government
22 shall likewise allocate more funds from official development assistance for projects and
23 activities that will have greater impact on generation of employment for the poor.

24 It shall be mandatory for all government infrastructure projects and/or
25 government-funded contracts or government-assisted undertakings to utilize laborers

1 from poor organizations as may be necessary in areas where the projects or contracts are
2 to be implemented.

3

4 **SEC. 7. *The Right to Free Quality Education.*** - The right of the poor to free
5 elementary and secondary public education shall not be impaired. This right shall include
6 provisions for free school uniform and school transportation.

7 The right to education shall include access to quality education at the college
8 level. In consonance with the government goal of providing free college education to the
9 poor, college or graduate scholarships for the poor, including the study-now-pay-later-
10 plans, shall be expanded in the State universities and colleges and local government
11 educational institutions.

12 It shall also include the right to availment of free vocational and/or technical
13 training and manpower Skills development from appropriated government agencies, for
14 those who fail to qualify for formal or higher education.

15 The Department of Education (DepEd), in coordination with government agencies
16 and government educational institutions concerned, shall ensure the full enjoyment of the
17 poor's right to education.

18

19 **SEC. 8. *The Right to Shelter.*** - The right of the poor to decent housing shall not
20 be abridged. The Government shall develop and implement an appropriate housing
21 scheme that will provide decent housing facilities to the poor with the least financial
22 burden through a system of subsidy or no-down payment acquisition schemes and long
23 term, interest-free loans.

24 In identified hazardous or danger zones or in geographic areas and population
25 groups where housing needs for the poor are urgent and greatest, the Government through

1 the National Housing Authority and the local government unit concerned, shall
2 immediately construct and provide free housing facilities in pre-determined development
3 or resettlement sites.

4 In all cases, the Government, in ensuring the exercise and enjoyment of this right
5 of the poor, shall put in place a system of simple requirement and procedures and
6 expeditious processing and approval.

7

8 **SEC. 9. *The Right to Free Health Services and Medicine.*** -- The Department of
9 Health, through its regional offices of national and provincial or local hospitals, shall
10 develop and implement a system of free delivery of health services and medicine to the
11 poor. The availment of this right of the poor shall be limited to the locality where they
12 permanently reside.

13 Government medical and health insurance program under existing laws shall
14 increase, expand and liberalize their coverage so as to include free basic health services
15 and medicine to the poor.

16

17 **SEC. 10 . *Other Rights of the Poor.*** - All other rights and benefits for the poor
18 provided under existing laws shall remain in full force and effect. Nothing herein shall be
19 construed to diminish the enjoyment of such rights by the poor who shall have the right to
20 avail of the greater rights or benefits offered by existing laws, including those granted
21 under this Act.

22

23 **SEC. 11. *Funding Requirements.*** - To carry out the provisions of this Act, the
24 following amounts are appropriated as follows:

25 (1) The sum of Fifty Million Pesos (P50,000,000.00) as initial operating fund is

1 hereby appropriated out of any available funds in the National Treasury. The amount
2 necessary in subsequent years to help implement this Act shall be included in the annual
3 appropriation of the NEDA;

4 (2) Twenty percent (20%) of the share of the national government in the earnings
5 of the PAGCOR;

6 (3) Twenty percent (20%) of the share of the national government in all lotteries
7 conducted by the Philippine Charity Sweepstakes Office (PCSO);

8 (4) Fifty percent (50%) of the share of the government in the proceeds from sale
9 or disposition of sequestered assets;

10 (5) Fifty percent (50%) of the proceeds from the sale or disposition by public
11 auction of goods or articles forfeited in favor of the government by the Bureau of
12 Customs.

13 The share from the PAGCOR, the PCSO, the sale of sequestered assets and
14 forfeited goods and article, as above-provided, shall be directly remitted to the NEDA on
15 a quarterly basis for its disposition in accordance with this Act.

16

17 **SEC. 12. Rational Allocation Funds.** - The National Economic and Development
18 (NEDA) shall be principally responsible for the efficient and rational allocation of
19 available funding requirements as may be needed by the different government
20 departments and agencies in implementing the rights of the poor.

21

22 **SEC. 13. Implementing Rules.** - The NEDA, in coordination with the
23 government departments and agencies concerned, shall promulgate rules and regulations
24 to carry out the provisions of this Act within three (3) months from its effectivity. The
25 rules shall set priority target areas for the initial implementation of this Act with the end

1 in view of ensuring the successful replication of the program nationwide.

2

3 **SEC. 14. *Compliance Report.*** - The NEDA, in coordination with all government
4 department and agencies concerned, shall within six (6) months, from the effectivity of
5 this Act and every six (6) months thereafter, submit a report to Congress on the
6 compliance with the provisions of this Act.

7

8 **SEC. 15. *Separability Clause.*** - If any provision of this Act is declared
9 unconstitutional, the other provisions not affected thereby shall remain in full force and
10 effect.

11

12 **SEC. 16. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or
13 parts thereof which are inconsistent with the provisions of this Act are hereby repealed or
14 modified accordingly.

15

16 **SEC. 17. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
17 publication in two (2) national newspapers of general circulation.

Approved,