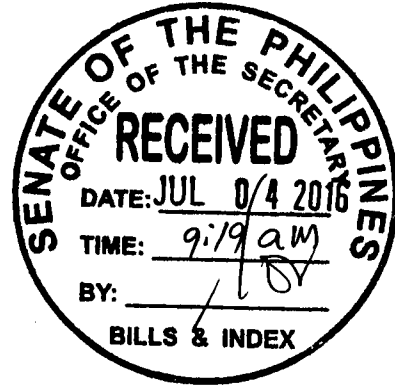


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 288



Introduced by Senator Antonio "Sonny" F. Trillanes IV

**AN ACT
PROVIDING FOR A MAGNA CARTA FOR THE POOR**

EXPLANATORY NOTE

In 2012, 27.9% of Filipinos were living below the poverty threshold. This translates to 4.21 million Filipino families or 23.75% of the population. Additionally, 44% of the population subsisted on US\$2 or less a day according to international data. In the recent NSCB report, it shows that families must earn P5,458.00 a month to put food on the table every day. Given this situation, long term measures, strategies and solutions for poverty reduction should be put in place.

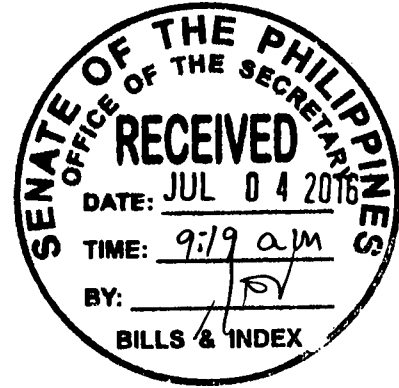
While there may be existing laws touching on the need of the poor as part of an overall national strategy to alleviate poverty, this proposed legislation states what is felt to be the basic irreducible rights of the poor as essential requirements towards poverty alleviation. These rights are: the right 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

SEVENTEENTH CONGRESS OF THE)
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S. No. 288



Introduced by Senator Antonio "Sonny" F. Trillanes IV

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 the
2 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
11 To attain the foregoing policy:

- 12 1) Government must invest heavily in anti-poverty programs to empower the poor to
13 enable them to participate in the country's growth and development;
14
15 2) All government departments, agencies and instrumentalities must provide full access
16 to government services at all levels for the poor; and
17
18 3) Government intervention must be done now to address the genuine concerns of the
19 poor while long term strategies and solutions for the economic empowerment of the
20 poor are being put in place.

21
22 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall be
23 defined as follows:

- 24 a. “Poor” shall refer to natural persons whose income or combined household income
25 falls below the poverty threshold as defined by the National Economic Development
26 Authority (NEDA) and who at the same time are not owners of real property;
27
28 b. “Hazardous or danger zones” - refer to areas which when used for residential
29 purposes pose a danger to the life and safety of the concerned residents or of the
30 general community; and
31
32 c. “Poor Organization” - refers to any recognized or accredited association as the sole
33 representative organization of the poor in the community.

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

6 The government shall provide the requirements, conditions and opportunities for the
7 full enjoyment of these rights of the poor as a matter of duty and obligation, and which the
8 poor can demand as a matter of right.
9

10 **SEC 5. *The Right to Food and Food Assistance.*** – The Department of Social
11 Welfare and Development (DWSD) shall develop a program of free food to the poor or a
12 system of food assistance/subsidy to help the poor meet their minimum food necessities, The
13 DSWD is hereby authorized to solicit donation, aids or grants, in cash or in kind, from
14 whatever source, to meet the demands of this basic right of the poor. The donors under this
15 provision shall be entitled to full deductibility of the value of the donation for income tax
16 purposes.
17

18 To help ensure the implementation of the free food for the poor program, all food
19 items and food products, including rice, corn, sugar and other prime commodities, seized and
20 forfeited with finality in favor of government for violation of customs laws shall be
21 automatically transferred to or turned over to the DSWD for its dispositions.
22

23 **SEC. 6. *The Right to Employment.*** – The Department of Labor and Employment
24 (DOLE), in coordination with the labor or employment offices of local government units,
25 shall primarily be responsible for ensuring that the poor shall have preferential access to
26 employment openings in private enterprises and in government programs and projects. For
27 this purpose and to focus on the specific issue of creation of employment for the poor, the
28 DOLE shall establish an Office of Employment Opportunities (OEO) within the department
29 to carry out this responsibility. The budgetary requirements of the OEO shall be included in
30 the annual budget of the DOLE.
31

32 Government departments and agencies, including government-owned and controlled
33 corporations, are hereby authorized and mandated to earmark funds from their budgetary
34 outlays to finance viable projects for employment purposes. The government shall likewise
35 allocate more funds from official development assistance for projects and activities that will
36 have greater impact on generation of employment for the poor.
37 It shall be mandatory for all government infrastructure projects and/or government-funded
38 contracts or government-assisted undertakings to utilize laborers from poor organizations as
39 may be necessary in areas where the projects or contracts are to be implemented.
40

41 **SEC. 7. *The Right to Free Quality Education.*** – The right of the poor to free
42 elementary and secondary public education shall not be impaired. This right shall include
43 provisions for free school uniform and school transportation.
44

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

1 It shall also include the right to availment of free vocational and/or technical training
2 and manpower Skills development from appropriated government agencies, for those who
3 fail to qualify for formal or higher education.
4

5 The Department of Education (DepEd), in coordination with government agencies
6 and government educational institutions concerned, shall ensure the full enjoyment of the
7 poor's right to education.
8

9 **SEC. 8. *The Right to Shelter.*** – The right of the poor to decent housing shall not be
10 abridged. The Government shall develop and implement an appropriate housing scheme that
11 will provide decent housing facilities to the poor with the least financial burden through a
12 system of subsidy or no-down payment acquisition schemes and long term, interest-free
13 loans.
14

15 In identified hazardous or danger zones or in geographic areas and population groups
16 where housing needs for the poor are urgent and greatest, the Government through the
17 National Housing Authority and the local government unit concerned, shall immediately
18 construct and provide free housing facilities in pre-determined development or resettlement
19 sites.
20

21 In all cases, the Government, in ensuring the exercise and enjoyment of this right of
22 the poor, shall put in place a system of simple requirement and procedures and expeditious
23 processing and approval.
24

25 **SEC. 9. *The Right to Free Health Services and Medicine.*** – The Department of
26 Health, through its regional offices of national and provincial or local hospitals, shall develop
27 and implement a system of free delivery of health services and medicine to the poor. The
28 availment of this right of the poor shall be limited to the locality where they permanently
29 reside.
30

31 Government medical and health insurance program under existing laws shall increase,
32 expand and liberalize their coverage so as to include free basic health services and medicine
33 to the poor.
34

35 **SEC. 10. *Other Rights of the Poor.*** – All other rights and benefits for the poor
36 provided under existing laws shall remain in full force and effect. Nothing herein shall be
37 construed to diminish the enjoyment of such rights by the poor who shall have the right to
38 avail of the greater rights or benefits offered by existing laws, including those granted under
39 this Act.
40

41 **SEC. 11. *Funding Requirements.*** – To carry out the provisions of this Act, the
42 following amounts are appropriated as follows:
43

- 44 1) The sum of Fifty Million Pesos (P50,000,000.00) as initial operating fund is hereby
45 appropriated out of any available funds in the National Treasury. The amount
46 necessary in subsequent years to help implement this Act shall be included in the
47 annual appropriation of the NEDA;

- 1 2) Twenty percent (20%) of the share of the national government in the earnings of the
2 PAGCOR;
3
4 3) Twenty percent (20%) of the share of the national government in all lotteries
5 conducted by the Philippine Charity Sweepstakes Office (PCSO);
6
7 4) Fifty percent (50%) of the share of the government in the proceeds from sale or
8 disposition of sequestered assets; and
9
10 5) Fifty percent (50%) of the proceeds from the sale or disposition by public auction of
11 goods or articles forfeited in favor of the government by the Bureau of Customs.
12

13 The share from the PAGCOR, the PCSO, the sale of sequestered assets and forfeited
14 goods and article, as above-provided, shall be directly remitted to the NEDA on a quarterly
15 basis for its disposition in accordance with this Act.
16

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

21 **SEC. 13. Implementing Rules.** – The NEDA, in coordination with the government
22 departments and agencies concerned, shall promulgate rules and regulations to carry out the
23 provisions of this Act within three (3) months from its effectivity. The rules shall set priority
24 target areas for the initial implementation of this Act with the end in view of ensuring the
25 successful replication of the program nationwide.
26

27 **SEC. 14. Compliance Report.** – The NEDA, in coordination with all government
28 department and agencies concerned, shall within six (6) months, from the effectivity of this
29 Act and every six (6) months thereafter, submit a report to Congress on the compliance with
30 the provisions of this Act.
31

32 **SEC. 15. Separability Clause.** – If any provision of this Act is declared
33 unconstitutional, the other provisions not affected thereby shall remain in full force and
34 effect.
35

36 **SEC. 16. Repealing Clause.** – All laws, decrees, orders, rules and regulations or parts
37 thereof which are inconsistent with the provisions of this Act are hereby repealed or modified
38 accordingly.
39

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

Approved,