

SENATE
S. No. 2010

'18 SEP 18 A9:54

Introduced by **SENATOR LEILA M. DE LIMA**

RECORDED

AN ACT
PROVIDING FOR A MAGNA CARTA OF THE POOR

EXPLANATORY NOTE

As early as 1940, Social Justice has been defined by the Supreme Court speaking through Justice Laurel as “humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. Social justice means the promotion of the welfare of all the people, the adoption by the Government of measures calculated to insure economic stability of all the competent elements of society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally, through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex*.”¹

Today, almost eight decades later, this law seeks to truly give life to the meaning of Social Justice, vivifying President Ramon Magsaysay’s oft-quoted “Those who have less in life should have more in law.” Recognizing that food², work³, education⁴, shelter⁵ and health⁶ are the foremost fundamental rights that lie at the

¹ Calalang vs Williams, 070 Phil 726 (1940).

² Rodriguez, Fritzie, “Our right to food.” 23 July 2014. Rappler online. Available at <https://www.rappler.com/move-ph/issues/hunger/61838-right-to-food> <last visited on 30 July 2018>

³ Cepeda, Mara, “Filipinos are working hard but remain poor’ – World Bank.” 17 June 2016. Rappler online. Available at <https://www.rappler.com/nation/136750-filipinos-jobs-remain-poor-world-bank> <last visit on 30 July 2018>

⁴ Tan, Oscar Franklin, “Education is a right, not a privilege.” 21 March 2013. Inquirer online. Available at <http://opinion.inquirer.net/49221/education-is-a-right-not-a-privilege> <last visited on 30 July 2018>

very core of human rights and human dignity, this law aims to at least assuage the ills that hamper the rise of the members of Philippine society who have been left helpless at the gutter for the longest time. An express message to the poor and needy that they are not overlooked, forgotten and consigned to oblivion⁷, this law will be the State's faithful compliance to its duty and promise⁸ to elevate and improve the standard of life of every Filipino. Progress after all, is a leap, not only of high rise infrastructures⁹, but more importantly of those in whose name and for whose benefit they were built in the first place.

These fundamental rights will be prioritized in the name of this law, in harmony with all the other priorities of the State, to the end that putting premium on poverty alleviation will be for the advancement of the Filipino people as a whole, so that we can rise together as a nation¹⁰ --- where no man, woman or child – however situated in life – will be left behind. It is especially during these dark times¹¹ that the State together with its development partners should be at the forefront of efforts to dignify human life. Muhammad Yunus, a Bangladeshi Nobel Laureate has once said “Poverty is the absence of Human Rights”¹²; thus, to truly protect and promote Human Rights, there is a need to eradicate the shackles that bind the poor and the helpless to their impecunious and lowly station in life.

⁵ Villar, Manny, “Decent housing is a human right.” 25 October 2016. Manila Bulletin online. <http://2016.mb.com.ph/2016/10/25/decent-housing-is-a-human-right/> <last visited on 30 July 2018>

⁶ Dakis, Alvin Cloyd, “Why the country needs universal health care.” 01 May 2013. Rappler online. Available at <https://www.rappler.com/move-ph/27195-universal-health-care> <last visited on 30 July 2018>

⁷ Maboloc, Christopher Ryan, “The forgotten war on poverty.” 05 October 2016. Inquirer online. Available at <http://opinion.inquirer.net/97911/the-forgotten-war-on-poverty> <last visited on 30 July 2018>

⁸ Roxas, Pathricia Ann, “Palace vows to uplift ‘poor, marginalized’ on Human Rights Day.” Inquirer online. Available at <http://newsinfo.inquirer.net/951114/human-rights-day-roque-duterte-palace-poor-marginalized-un-rights-council> <last visited on 30 July 2018>

⁹ “As PH grows, poor left behind, jobs scarce.” 26 February 2014. Rappler online. Available at <https://www.rappler.com/business/51641-jobs-scarce-ph-economy> <last visited on 30 July 2018>

¹⁰ Luo, Xubei, “Overcoming poverty in the philippines.” Business World online. Available at <http://www.bworldonline.com/overcoming-poverty-in-the-philippines/> <last visited on 30 July 2018>

¹¹ Aldama, Zigor, “How Philippines war on drugs has become war on the poor.” Post Magazine online. Available at <https://www.scmp.com/magazines/post-magazine/long-reads/article/2129538/how-philippines-war-drugs-has-become-war-poor> <last visited on 30 July 2018>

¹² Yunus, Muhammad, Nobel Lecture, Oslo. 2006. Available at https://www.nobelprize.org/nobel_prizes/peace/laureates/2006/yunus-lecture-en.html <last visited on 21 July 2018>

Bound by the long established maxim *pacta sunt servanda*¹³, the State must remain in compliance with international agreements and treaties on poverty and human rights, staying true to the commitments to which it has pledged its word. This effectively apprises the International Community that the fight of the poor is that of the State, and the growth that is aimed by it is inclusive rather than stratified – where no segment will be unaccounted for. Good faith compliance to international agreements and treaties requires that the Philippines give as much weight and mobilize as much governmental arm as possible to advance and promote the standard and quality of life of every Filipino.

Understanding that government expenditures should be in harmony with the availability of funds, a system of “**Progressive Realization**” shall be implemented; championing the cause of the poor while moving through and within the realities of a developing country¹⁴. This system of Progressive Realization introduced in this law will be the spark of hope in a dark tunnel where the famished, the unemployed, the unlettered, the homeless and the sick have been set aside; a light that is neither blown away in thoughtless dismissal nor sparked by false grandiloquent promises. It is a realistic approach to an increasing poverty incidence¹⁵ that the society has turned a blind eye to for decades on end; working within the means available and hand in hand with existing agencies, providing the most efficient relief within the limits and bounds of an Emerging Nation. The implementation of this law shall be made to adapt to budgetary constraints and all other government priority programs.

It is high time we hear the plea of the people. The State shall be their refuge. The path will not be smooth and the walk will not be easy, but their call will not be ignored if only the difficulty of the task is the lone barrier that stands in the way of faithful compliance of the State to its obligations to the people. Difficulty should not

¹³ Agustin vs Edu, 88 SCRA 195 (1979)

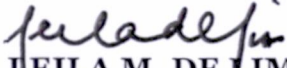
¹⁴ Atienza, Almi, and Lacorte, Germelina, and Pedroso, Kate, and Antonio, Rafael, “*Traffic, poverty must also be Duterte priorities, analysts say.*” Inquirer online. Available at <https://newsinfo.inquirer.net/822616/traffic-poverty-must-also-be-duterte-priorities-analysts-say> <last visited on 30 July 2018>

¹⁵ Aldaba, Fernando, and Bacani, Jessalaine, “*Revisiting our Poverty Statistics*”. Business Mirror online. 11 January 2018. Available at <https://businessmirror.com.ph/revisiting-our-poverty-statistics/> <last visited on 21 July 2018>

¹⁶ Warwick, Mara, “*The Philippines can overcome poverty.*” (Making Growth Work for the Poor: A Poverty Assessment for the Philippines, Cubao, Quezon City 29 May 2018)

be confused with impossibility¹⁶, and as the vanguard of Social Justice, the State shall ensure that the welfare of the people will be the true measure of progress and stability in accord with sustainability and fiscal realities.

In view of the foregoing, approval of this measure is earnestly sought.


JEILA M. DE LIMA

¹⁶ Warwick, Mara, *"The Philippines can overcome poverty."* (Making Growth Work for the Poor: A Poverty Assessment of the Philippines, Cubao, Quezon City 29 May 2018)

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



Office of the Secretary

SENATE
S. No. 2010

'18 SEP 18 A9:54

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
PROVIDING FOR A MAGNA CARTA OF THE POOR

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

1 SEC. 1. **Title.** - This Act shall be known as the "Magna Carta of the Poor".

2 Sec. 2. **Declaration of Policy.** - It is the declared policy of the State to
3 uplift the standard of living and quality of life of the poor and provide them with
4 sustained opportunities for growth and development. It shall adopt an area-based,
5 sectoral, and focused intervention to poverty alleviation where every poor Filipino
6 must be empowered to meet the minimum basic needs through the partnership of
7 the government and the basic sectors.

8 It is likewise vital that the State complies with its international obligations to
9 end poverty in all its forms, ensure and promote health and well-being of all.

10 To attain the foregoing policy:

11 (a) Investments in anti-poverty programs to enable the poor to fully
12 participate in the Country's growth and development shall be among the
13 top priorities of the State;

(b) Full access to government services shall be provided to the poor by departments, agencies and instrumentalities of the government;

(c) Interventions to address the genuine concerns of the poor will be strengthened, and long-term strategies and solutions for the empowerment of the poor will be institutionalized; and

(d) Enhancement and promotion of capabilities and competencies of the basic sectors, the non-government organizations (NGOs), the people's organizations (POs), and other development partners for the effective delivery and implementation of a wide range of anti-poverty-programs and basic services through government strategies and collaboration with development partners.

Sec. 3. **Definition of Terms.** – For the purposes of this Act, the following terms are hereby defined:

(a) "Basic Sectors" shall refer to the disadvantaged sectors of Philippine society including farmer-peasants, fisher folk, workers in the formal sector including migrant workers, workers in the informal sector, indigenous peoples and cultural communities, women, persons with disability, senior citizens, victims of calamities/natural and human-induced disasters, youth and students, children, urban poor and members of cooperatives;

(b) "Development Partners" shall refer to NGOs, POs and private corporations that are engaged in programs and activities aimed at alleviating the condition of the poor;

(c) "Hazardous/Danger Zones" shall refer to areas which, when occupied for residential or business purposes, pose a danger to the life and safety of the occupants or of the general public;

(d) "Non-Government Organizations (NGOs)" shall refer to duly registered non-stock, nonprofit organizations focusing on the upliftment of the basic sectors of society by providing advocacy, training, community organizing, research, access to resources, protection of the environment and conservation of natural resources and other similar activities;

(e) "People's Organizations (POs)" shall refer to self-help groups belonging to the basic sectors composed of members having a common bond of interest who voluntarily join together to achieve a lawful common social or economic end;

(f) "Poor" shall refer to individuals or families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or who cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing, or other essential amenities of life; and

(g) "National Poverty Reduction Plan" shall refer to the aggregation and consolidation of sectoral and local plans through a bottom-up approach, from the Local Poverty Reduction Action Plan towards the formulation of the national plan.

SEC. 4. ***Scope of the Fundamental Rights of the Poor.*** - The government shall establish a system of progressive realization or implementation to provide the requirements, conditions and opportunities for the full enjoyment of the following rights of the poor, which are essential requirements towards poverty alleviation:

(a) **Right to Adequate Food** is the right of individuals or families to have physical and economic access to adequate and healthy food, or the means to procure it. The Department of Social Welfare and Development (DSWD), the Department of Agriculture (DA), and other implementing agencies concerned shall:

(1) Undertake necessary actions to mitigate and alleviate hunger especially in times of calamities/natural and human-induced disasters;

(2) Fully implement and maintain supplementary feeding programs in day care centers and schools;

(3) Ensure the availability, accessibility and sustainability of food supplies in a quantity and quality sufficient to meet the dietary needs of poor individuals and families; and

(4) Proactively engage the poor in activities intended to promote their food self-sufficiency and strengthen their access to resources and means to ensure food security.

1 (b) **Right to Decent Work** is the right to the opportunity to obtain decent
2 and productive employment, in conditions of freedom, equity, gender equality,
3 security, and human dignity.

4 The Department of Labor and Employment (DOLE) and other implementing
5 agencies concerned shall:

6 (1) Ensure that the poor shall have access to information regarding
7 employment openings in private enterprises and in government programs and
8 projects especially regarding available employment opportunities for families
9 displaced by calamities/natural and human-induced disasters or relocated
10 from hazardous/danger zones;

11 (2) Ensure the compliance of private contractors and subcontractors
12 doing national and local public work projects, funded by either the national
13 government or any local government unit (LGU), to fill in thirty percent (30%)
14 of the skilled labor requirements by qualified workers who come from the poor
15 sector and who are residents of the LGUs where these projects are
16 undertaken: Provided, That where the number of available resources is less
17 than the required percentage provided therein, said requirements shall be
18 based on the maximum number of locally available labor resources and shall
19 be certified by the municipal, city, provincial or district engineer as sufficient
20 compliance with the labor requirements under this Act;

21 (3) Promote livelihood among the poor where implementing agencies
22 shall provide technical and administrative support to help the poor establish
23 their livelihood enterprise using loans obtained from these agencies;

24 (4) Ensure compliance with core labor standards, address the job and
25 skills mismatch, and enhance human capital through education and training;
26 and

27 (5) Provide an environment for more inclusive tripartism to achieve
28 more broad-based representation of interests and make decision-making
29 highly participatory through social dialogue at the firm and industry levels.

30 (c) **Right to Relevant and Quality Education** is the right to attain the full
31 development of the human person. The Department of Education (DepEd), the
32 Commission on Higher Education (CHED) and the Technical Education and Skills

1 Development Authority (TESDA), in coordination with development partners
2 concerned, shall:

3 (1) Maintain a system of free public education in the kindergarten,
4 elementary and high school levels;

5 (2) Make higher education accessible to all poor individuals and families.
6 They shall expand the programs of providing socialized college education to
7 the poor, including student loans or study-now-pay-later plans, in state/local
8 universities and colleges; Provided, That the students qualify and maintain
9 good academic standing; and

10 (3) Ensure access to quality technical vocational education and training
11 through scholarships, subsidies and financial assistance to ensure access to
12 decent and productive employment, subject to compliance to qualification
13 requirements and availability of funds.

14 (d) **Right to Adequate Housing** is the right to have a decent, affordable,
15 safe and culturally appropriate place to live in, with dignity, security of tenure, in
16 peace, with access to basic services, facilities, and livelihood. The Housing and Urban
17 Development Coordinating Council (HUDCC) and other implementing agencies
18 concerned shall:

19 (1) Prioritize the implementation of the socialized housing program with
20 identified appropriate subsidies;

21 (2) Immediately construct and provide housing facilities for families
22 living in identified hazardous/danger zones where the housing needs of the
23 poor are urgent;

24 (3) Create an enabling environment that will assist the poor gain access to
25 security of tenure with the least financial burden; and

26 (4) Provide a system consisting of simple requirements and procedures,
27 and expeditious processing and approval especially for community-based
28 socialized housing/people's proposals.

29 (e) **Right to the Highest Attainable Standard of Mental and Physical**
30 **Health** is the right to have equitable access to a variety of facilities, goods, services
31 and conditions necessary for the realization of the highest attainable standard of

1 health. The Department of Health (DOH) and other implementing agencies
2 concerned shall;

3 (1) Ensure equitable access to a system of good quality health care and
4 protection that is also available, accessible, and acceptable to the poor;

5 (2) Provide for comprehensive, universal, culture-sensitive, non-
6 discriminatory and gender-responsive health services and programs, which
7 include: (i) maternal and child health care and nutrition; (ii) access to
8 ethical legal, medically safe and effective reproductive health services and
9 supplies; (iii) promotion of breastfeeding; (iv) prevention and management
10 of reproductive tract infections, sexually transmitted diseases, HIV and
11 AIDS; (v) provision of immunization against major infectious diseases
12 occurring in the community; and (vi) prevention, treatment and control of
13 epidemic and endemic diseases;

14 (3) Reduce the financial burden of health care and protection of the
15 poor through a socialized health Insurance program with the end view of
16 totally eliminating out of pocket expenses; and

17 (4) Provide health- related education and information to the
18 community.

19 Sec. 5. ***Non-Diminution of the Rights of the Poor.*** - All other rights of
20 the poor provided under existing laws shall remain in full force and effect. Nothing
21 herein shall be construed in a manner that will diminish the enjoyment of such rights
22 by the poor who shall have the right to avail of greater rights offered by existing laws,
23 including those granted under this Act.

24 Sec. 6. ***Social Protection.*** - The government shall implement a sustainable
25 mechanism to build an effective social protection system to ensure the protection of
26 the poor from any risk or contingency. The system shall include social insurance,
27 safety nets, social welfare, and labor market interventions, which are affordable and
28 accessible. This social protection shall likewise be pursued in and during bilateral
29 and multilateral negotiations, including arrangements to be entered into with
30 international financial institutions.

31 Sec. 7. ***System for Targeting of Beneficiaries.*** - The NEDA shall design
32 and establish a single system of classification to be used for targeting beneficiaries of

1 the government's poverty alleviation programs and projects to ensure that such
2 programs reach the intended beneficiaries.

3 Sec. 8. ***The National Poverty Reduction Plan (NPRP) and Enhanced***
4 ***Coordination and Convergence among Government Agencies.*** — All
5 government agencies shall formulate, within one hundred (100) days from the
6 issuance of the rules and regulations to implement this Act, a comprehensive and
7 convergent plan to set the thresholds to be achieved by the government for each of
8 the recognized rights of the poor. This plan shall consider development plans of
9 provinces, cities, and municipalities. The National Anti-Poverty Commission
10 (NAPC), with the technical assistance of the NEDA, shall be tasked to compile and
11 harmonize these plans. The Department of Budget and Management (DBM) shall
12 likewise review the NPRP for inclusion in the budget of implementing agencies.

13 Sec. 9. ***Participation of the Basic Sectors and of the Local***
14 ***Government Units (LGUs).*** - The NAPC shall ensure that the basic sectors and
15 the LGUs are engaged in the formulation and implementation of the NPRP. The
16 Department of the Interior and Local Government (DILG) shall monitor the
17 compliance of the LGUs in aligning their respective development, investment, and
18 poverty reduction plans with the NPRP, and in implementing the same.

19 Sec. 10. ***Funding Requirements.*** - The funding for the poverty alleviation
20 programs and projects implemented under this Act shall be sourced from the existing
21 appropriations as authorized under the General Appropriations Act of the different
22 departments and agencies implementing these programs including those
23 enumerated below:

24 (a) DSWD - Pantawid Pamilyang Pilipino Program (4Ps) and Sustainable
25 Livelihood Program (SLP), and Kapit-Bisig Laban sa Kahirapan-
26 Comprehensive and Integrated Delivery of Social Services National
27 Community Driven Development Program (KALAHI-CIDSS NCDDP);

28 (b) DOLE - Special Program for Employment of Students (SPES) and
29 Tulong Panghanapbuhay sa Ating Disadvantaged Workers "TUPAD" Project;

30 (c) TESDA - Skills Training, Private Education Student Financial
31 Assistance (PESFA) and the Training for Work Scholarship Program (TWSP);

1 (d) DepEd - Alternative Learning System (ALS) and Government
2 Assistance to Students and Teachers in Private Education (GASTPE);

3 (e) CHED - Student Financial Assistance Program (STUFAP);

4 (f) NHA - Socialized housing program;

5 (g) DOH - Basic health care services;

6 (h) PhilHealth - Expanded Primary Care Package for the Poor and Senior
7 Citizens; and

8 (i) Social Housing Finance Corporation (SHFC) – Community Mortgage
9 Program for qualified organized informal settlers.

10 Allocations for the implementation of these programs and projects shall be
11 given preferential consideration in the funding allocation of the agency budget.

12 Any additional funds to the existing appropriations of the pro-poor programs
13 in the different departments and agencies shall be included in the General
14 Appropriations Act.

15 Sec. 11. **Private Sector Participation.** - The private sector is highly
16 encouraged to be an active partner in the financing and implementation of poverty
17 alleviation programs and projects. The government agencies implementing these
18 programs shall be authorized to accredit development partners, which may accept
19 donations, aids or grants, in cash or in kind, from duly accredited sources, to meet
20 the demands of and uphold the basic rights of the poor to adequate food, decent
21 work, relevant and quality education, adequate housing, and the highest attainable
22 standard of mental and physical health. Acceptance and use of such donations, aids
23 or grants, shall be transparent and subject to government applicable regulations.

24 Sec. 12. **Tax Exemptions.** - Any donation, contribution and grant which may
25 be made to the sponsored program shall be exempt from the donor's tax in
26 accordance with the specific provisions of the National Internal Revenue Code of
27 1997, as amended by Republic Act No. 10963 or the Tax Reform for Acceleration and
28 Inclusion.

29 The implementers of the socialized housing resettlement program shall enjoy
30 the incentives stated in Sec. 20 of Republic Act No. 7279, otherwise known as the
31 "Urban Development and Housing Act of 1992", subject to the new guidelines under

1 Republic Act No. 10884 or the Balanced Housing Development Program
2 Amendments.

3 Sec. 13. **Implementation through a System of Progressive**
4 **Realization.** - Nothing in this Act shall be construed in any manner as requiring
5 the government to undertake the immediate implementation of all poverty
6 alleviation programs. For the purpose of this Act, Progressive Realization shall mean
7 a process of implementation which will be paced according to the availability of
8 funds and which adjusts to the exigencies of the times. The government shall set
9 programmatic standards to be achieved over time depending upon the availability of
10 necessary resources and in consideration of economic resource constraints.

11 Consistent with the Principle of Progressive Realization of economic rights as
12 it is understood in the United Nations Covenant on Economic, Social and Cultural
13 Rights to which the Philippines is a State Party, the government shall move as
14 expeditiously as possible towards the realization of the rights.

15 Sec. 14. **Compliance Report.** — The NAPC shall be tasked to oversee and
16 monitor compliance with this Act. Within six (6) months from the effectivity of this
17 Act and every six (6) months thereafter, all implementing departments and agencies
18 shall submit a report to the NAPC on their respective compliance with the provisions
19 of this Act which, in turn, shall submit a compliance report to the House Committee
20 on Poverty Alleviation and to the Senate Committee on Social Justice, Welfare and
21 Rural Development.

22 Sec. 15. **Implementing Rules and Regulations.** - Within six (6) months
23 from the effectivity of this Act, the NAPC shall, in coordination with the government
24 departments and agencies, with the participation of the LGUs and the basic sectors,
25 promulgate rules and regulations to carry out the provisions of this Act.

26 Sec. 16. **Separability Clause.** - If, for any reason, any section or provision
27 of this Act is declared unconstitutional or invalid, the other sections or provisions
28 which are not affected shall continue to be in full force and effect.

29 Sec. 17. **Repealing Clause.** - All laws, decrees, executive orders,
30 proclamations, rules and regulations or parts thereof inconsistent herewith are
31 repealed, amended, or modified accordingly.

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

Approved,