

SENATE

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S. No. 2121

(In substitution of Senate Bill Nos. 250, 288, 690, 1327 and 2010, taking
into consideration House Bill No. 5811)

Prepared by the Committees on Social Justice, Welfare and Rural Development;
Ways and Means; and Finance with Senators Legarda, Trillanes, Aquino, Angara and
De Lima as authors

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:*

SECTION 1. Title. This Act shall be known as the "Magna Carta of the Poor."

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

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

To attain the foregoing policy:

(a) Investments in anti-poverty programs to enable the poor to fully
participate in the Country's growth and development shall be among the 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;

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

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

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

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

18 (b) “*Development Partners*” shall refer to NGOs, POs and private organizations
19 and corporations that are engaged in programs and activities aimed at
20 alleviating the condition of the poor;

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

24 (d) “*Non-Government Organizations (NGOs)*” shall refer to duly registered
25 non-stock, non-profit organizations focusing on the upliftment of the basic
26 sectors of society by providing advocacy, training, community organizing,
27 research, access to resources, protection of the environment and conservation
28 of natural resources and other similar activities;

29 (e) “*People's Organizations (POs)*” shall refer to self-help groups belonging to
30 the basic sectors composed of members having a common bond of interest who
31 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, as defined under Republic Act No. 8425, otherwise known as the “Social Reform and Poverty Alleviation Act”. In determining who constitute the poor, the Multidimensional Poverty Index determined by the Philippine Statistics Authority (PSA) shall be considered; 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 or realization¹ 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

¹ Recommendation by Mr. Luis of PCNC from the TWG: Replace enjoyment with REALIZATION

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

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

7 The Department of Labor and Employment (DOLE) and other implementing
8 agencies concerned shall:

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

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

25 (3) Promote livelihood among the poor where implementing agencies
26 shall provide technical and administrative support to help the poor
27 establish their livelihood enterprise;

28 (4) Ensure compliance with core labor standards, address the job and
29 skills mismatch, and enhance human capital through education and
30 training; and

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

1 (c) Right to Relevant and Quality Education is the right to attain the full
2 development of the human person. The Department of Education (DepEd), the
3 Commission on Higher Education (CHED) and the Technical Education and Skills
4 Development Authority (TESDA), in coordination with development partners
5 concerned, shall:

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

8 (2) Make higher education accessible to all poor individuals and
9 families. They shall expand the programs of providing free or socialized
10 college education to the poor, including student loans or study-now-pay-
11 later plans, in state/local universities and colleges, which may be made
12 subject to reasonable academic requirements; and

13 (3) Ensure access to quality technical-vocational education and
14 training through scholarships, subsidies and financial assistance to ensure
15 access to decent and productive employment, subject to compliance to
16 qualification requirements.

17 (d) Right to Adequate Housing is the right to have a decent, affordable, safe and
18 culturally appropriate place to live in, with dignity, security of tenure in accordance
19 with Republic Act No. 7279, otherwise known as the "Urban Development and
20 Housing Act of 1992", in peace, with access to basic services, facilities, and livelihood.
21 The Housing and Urban Development Coordinating Council (HUDCC) and other
22 implementing agencies concerned shall:

23 (1) Prioritize the implementation of the socialized housing program
24 with identified appropriate subsidies;

25 (2) Immediately construct and provide housing facilities for families
26 living in identified hazardous/danger zones, and in areas affected by
27 disasters/calamities where the housing needs of the poor are urgent;

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

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

1 (e) Right to the Highest Attainable Standard of Health is the right to have
2 equitable access to a variety of facilities, goods, services and conditions necessary for
3 the realization of the highest attainable standard of health. The Department of Health
4 (DOH) and other implementing agencies concerned shall;

5 (1) Ensure equitable access to a system of good quality health care and
6 protection that is also available, and accessible to the poor, in keeping with
7 reasonable standards;

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

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

21 (4) Provide health-related education and information to the
22 community.

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

28 **Sec. 6. Social Protection.** – The government shall implement a sustainable
29 mechanism to build an effective social protection system to ensure the access of the
30 poor to protection from any risk or contingency. The system shall include social
31 insurance, safety nets, social services, and labor market interventions, which shall be
32 made affordable and accessible. This social protection shall likewise be pursued in and

1 during bilateral and multilateral negotiations, including arrangements to be entered
2 into with international financial institutions.

3 **Sec. 7. *System for Targeting of Beneficiaries.*** – The NEDA shall
4 maintain and periodically review, in consultation with PSA, a single system of
5 classification to be used for targeting beneficiaries of the government's poverty
6 alleviation programs and projects to ensure that such programs reach the intended
7 beneficiaries.

8 DSWD, in coordination with NEDA and the National Anti-Poverty Commission
9 (NAPC), shall identify and the target beneficiaries.

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

20 **Sec. 9. *Participation of the Basic Sectors and of the Local***
21 ***Government Units (LGUs).*** – NAPC shall ensure that the basic sectors and the
22 LGUs are engaged in the formulation and implementation of the NPRP. The
23 Department of the Interior and Local Government (DILG) shall monitor the
24 compliance of the LGUs in aligning their respective development, investment, and
25 poverty reduction plans with the NPRP, and in implementing the same.

26 **Sec. 10. *Funding Requirements.*** – The funding for the poverty alleviation
27 programs and projects implemented under this Act shall be sourced from the existing
28 appropriations as authorized under the General Appropriations Act of the different
29 departments and agencies implementing these programs including those enumerated
30 below:

31 (a) DSWD - Pantawid Pamilyang Pilipino Program (4Ps) and Sustainable
32 Livelihood Program (SLP), and Kapit-Bisig Laban sa Kahirapan-

1 Comprehensive and Integrated Delivery of Social Services National Community
2 Driven Development Program (KALAH-CIDSS NCDDP);

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

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

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

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

10 (f) NHA - Socialized housing program;

11 (g) DOH - Basic health care services;

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

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

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

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

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

1 **Sec. 12. Tax Exemptions.** – Any donation, contribution and grant which
2 may be made to the programs implemented under the NPRP shall be exempt from the
3 donor's tax in accordance with the specific provisions of the National Internal Revenue
4 Code of 1997, as amended by Republic Act No. 10963 or the Tax Reform for
5 Acceleration and Inclusion.

6 The implementers of the socialized housing resettlement program shall enjoy
7 the incentives stated in Section 20 of Republic Act No. 7279, otherwise known as the
8 "Urban Development and Housing Act of 1992", subject to the new guidelines under
9 Republic Act No. 10884 or the Balanced Housing Development Program
10 Amendments.

11 **Sec. 13. Rational Allocation of Funds.** – DBM shall be principally
12 responsible for the efficient and rational allocation of available funds to the different
13 government departments and agencies to support the implementation of this Act.

14 **Sec. 14. Implementation through a System of Progressive**
15 **Realization.** – Nothing in this Act shall be construed in any manner as requiring the
16 government to undertake the immediate implementation of all poverty alleviation
17 programs. For the purposes of this Act, Progressive Realization shall mean a process
18 of implementation which will be paced according to the availability of funds and which
19 adjusts to the exigencies of the times. The government shall set programmatic
20 standards to be achieved over time depending upon the availability of necessary
21 resources and in consideration of economic resource constraints.

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

26 **Sec. 15. Compliance Report.** – NAPC shall oversee and monitor
27 compliance with this Act. Within six (6) months from the effectivity of this Act and
28 every six (6) months thereafter, all implementing departments and agencies shall
29 submit a report to the NAPC on their respective compliance with the provisions of this
30 Act which, in turn, shall submit a compliance report to the House Committee on
31 Poverty Alleviation and to the Senate Committee on Social Justice, Welfare and Rural
32 Development.

1 **Sec. 16. Implementing Rules and Regulations.** – Within six (6) months
2 from the effectivity of this Act, the NAPC shall, in coordination with the government
3 departments and agencies, with the participation of the LGUs and the basic sectors,
4 promulgate rules and regulations to carry out the provisions of this Act.

5 **Sec. 17. Separability Clause.** – If, for any reason, any section or provision
6 of this Act is declared unconstitutional or invalid, the other sections or provisions
7 which are not affected shall continue to be in full force and effect.

8 **Sec. 18. Repealing Clause.** - All laws, decrees, executive orders,
9 proclamations, rules and regulations or parts thereof inconsistent herewith are
10 repealed, amended, or modified accordingly.

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

Approved,