

SENATE  
S. No. 46

'19 JUL -1 A11 :39

Introduced by Senator Ralph G. Recto

RECEIVED

AN ACT  
PROVIDING FOR A NATIONAL EMPLOYMENT ASSISTANCE PROGRAM  
AND APPROPRIATING FUNDS THEREFOR

Explanatory Note

One out of every five Filipinos is considered poor. As reported by the Philippine Statistics Authority, the poverty incidence among Filipino individuals in the first semester of 2018 was estimated at 21 percent<sup>1</sup>. Our current population is roughly 110 million, this means that over 20 million Filipinos live in poverty.

Poverty is more than the lack of income and resources to ensure a sustainable livelihood. Its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion as well as the lack of participation in decision-making<sup>2</sup>. High poverty incidence spells a host of other problems, thus, poverty reduction results in solutions for a number of other problems as well.

The reduction of poverty is at the heart of the development agenda both nationally and globally. This is reflected in the Philippine Development Plan, and the worldwide commitment toward the Sustainable Development Goals. On the part of the current administration we have the Ambisyon 2040, which envisions a Philippines in 2040 where no Filipino is poor, no Filipino is ever hungry and Filipino families live in comfortable homes with the desired amenities and secure tenure<sup>3</sup>; and the Philippine Development Plan 2017-2022 which aims to reduce poverty to 13 to 15 percent by 2022.

In the ADB's report on Poverty in the Philippines, one of the identified main causes of poverty in the country is recurrent shocks and exposure to risks such as economic crisis, conflicts, natural disasters, and "environmental poverty." The subsequent loss of employment is the most common outcome resulting from these causes. In turn the loss of employment and loss of income pushes those already at risk into poverty, and the poor more deeply mired in poverty.

The Poverty Assessment<sup>4</sup> report by the World Bank recommends managing disaster risks and protecting the vulnerable as a policy direction. The government has several programs in line with this. The DOLE has the Adjustment Measures Program(AMP) and the Tulong Panghanapbuhay para sa Ating Disadvantaged/Displaced Workers (TUPAD). These programs provide for the temporary employment of the people in afflicted areas or situations. The most notable ones to date are the AMPs done by the government in response to the K to 12 Integration and the Boracay and Mining closures.

<sup>1</sup> Proportion of Poor Filipinos registered at 21.0 percent in the First Semester of 2018, <https://psa.gov.ph/poverty-press-releases/nid/138411>

<sup>2</sup> Sustainable Development Goals, [www.un.org](http://www.un.org)

<sup>3</sup> Ambisyon Natin 2040. [www.neda.gov.ph](http://www.neda.gov.ph)

<sup>4</sup> Making growth work for the poor : A Poverty Assessment for the Philippines, <https://www.worldbank.org>

This bill aims to institutionalize these emergency employment programs into the National Employment Assistance Program. With the institutionalization of these programs there would be no need to convene special task forces that would formulate and implement the government's plan of action for similar incidents as the mechanisms and funding for these programs are already in place. Hence government action would be swift and more efficient.

Due to the geographic location of the Philippines, our country has a high risk of experiencing natural disasters. An average of 20 typhoons make landfall in the Philippines every year. At least 60 percent of the country's total land area is exposed to multiple hazards, and 74 percent of the population is vulnerable to their impact<sup>5</sup>. The institutionalization of a national emergency employment program would mitigate the negative impacts of these disastrous events as well as contribute to the poverty reduction efforts of the government.

In light of the foregoing, the approval of this bill is earnestly sought.



RALPH G. RECTO

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<sup>5</sup> Global Facility for Disaster Reduction and Recovery, <https://www.gfdr.org/en/philippines>

Note: This version of the bill is essentially the Committee Report Version reported out by the Committee on Social Justice, Welfare and Rural Development in the 17<sup>th</sup> Congress, which was authored and sponsored by Senator Leila M. De Lima, and including some proposed additions to the measure by this representation.



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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 “National  
2       Employment Assistance Program Act”.

3       Sec. 2. **Declaration of Policy.** – It is a declared policy of the State to promote a  
4       just and dynamic social order that will ensure the prosperity and independence of the  
5       nation and free the people from poverty through policies that provide adequate social  
6       services, promote full employment, a rising standard of living, and an improved quality  
7       of life for all. Towards this end, the State shall provide Filipinos with opportunities for  
8       just and sufficient means of livelihood. The State shall likewise initiate meaningful  
9       employment assistance programs to qualified individuals of poor, disadvantaged or  
10      displaced households duly identified by the appropriate national agencies.

11      Sec. 3. **National Employment Assistance Program.** – There is hereby  
12      created a National Employment Assistance Program (NEAP), which shall provide  
13      temporary employment to qualified individuals who are poor, disadvantaged/displaced  
14      or seasonal workers who volunteer to work for a minimum of ten (10) days but not more  
15      than (90) days in a calendar year wherein the minimum and maximum period of  
16      engagement can cover a single activity or multiple activities spread out over the course  
17      of a calendar year: *Provided*, that qualified individuals may include subprofessionals.

18      Qualified individuals are not subject to the terms and conditions of regular  
19      employment and as such, shall not be deemed to have an employer-employee  
20      relationship with the Department of Labor and Employment (DOLE), or any agency or  
21      institution who utilizes their services with respect to the Program.

22      Sec. 4. **Definition of Terms.** – As used in this Act:

- 1 (a) “*Displaced worker*” refers to a worker in the formal and informal sectors  
2 who became unemployed, underemployed, or have lost livelihood as a  
3 result of closure of establishment, economic crisis, retrenchment,  
4 termination, natural disaster/calamities;
- 5 (b) “*Poor*” refers to individuals and families whose income fall below the  
6 poverty threshold as defined by the government and/or cannot afford in a  
7 sustained manner to provide their minimum basic needs of food, health,  
8 education, housing and other essential amenities of life, or those who have  
9 been identified as poor by the National Household Targeting System for  
10 Poverty Reduction (NHTS-PR);
- 11 (c) “*Qualified individual*” refers to willing and able Filipino citizens who are  
12 at least fifteen (15) years of age. *Provided*, That individuals between the  
13 ages of fifteen (15) and eighteen (18) may only qualify by first obtaining  
14 consent from their parent/s and/or legal guardian, and can only be  
15 employed in non-hazardous work environments in accordance with the  
16 Labor Code; and
- 17 (d) “*Seasonal worker*” refers to a worker who performs work or service that is  
18 only for a specific period of time or season of the year.

19 Sec. 5. ***Qualifications for Availment of Employment Assistance.*** –  
20 The DOLE shall take the lead in the overall implementation of the NEAP.

21 The DOLE and the Department of Social Welfare and Development (DSWD), in  
22 close coordination with other government agencies concerned, as well as the identified  
23 communities, may conduct a preliminary joint assessment of all poor,  
24 disadvantaged/displaced individuals, including seasonal workers who signify interest in  
25 undertaking work in order to determine eligibility and inclusion to the NEAP. The  
26 assessment shall also take into consideration the inherent knowledge, skills, capacities,  
27 and capabilities of potential qualified participants so as to properly determine the type  
28 and nature of projects that are most suited to them and their respective communities.

29 The DOLE shall facilitate basic knowledge and skills orientation and capacity-  
30 building trainings and seminars as deemed necessary towards project development for  
31 qualified participants. The local government units (LGUs) and program partners  
32 concerned may make available for use any tools and equipment necessary for project  
33 development to the qualified individuals.

34 Sec. 6. ***Types of Works and Activities under the Program.*** – Employment  
35 activities for this purpose shall be designed to mobilize eligible individuals, families and  
36 communities to finish a project within a given time period. These projects may include,  
37 but are not limited, to the following:



- 1 (a) Development, rebuilding/rehabilitation of agri-based livelihood assets  
2 damaged, destroyed or lost due to natural disasters, such as desilting of  
3 irrigation canals, development of paddy dikes, and rehabilitation of water  
4 impounding dams;
- 5 (b) Development or rehabilitation of common service facilities, which are being  
6 shared and used by poor families as production or consolidation centers like  
7 post-harvest facilities, public markets, display centers, and fish ports;
- 8 (c) Development or rehabilitation of physical assets to open up access to areas  
9 necessary to transport rural products, such as construction of farm-to-market  
10 roads and bridges;
- 11 (d) Protection of natural and productive assets through mitigation and disaster  
12 risk reduction measures, such as mangrove planting and rehabilitation, tree  
13 planting, seedling preparation, re-forestation and similar activities; and
- 14 (e) Social community projects, such as repair, maintenance, and/or improvement  
15 of common public facilities and infrastructure such as schools and health  
16 centers, debris clearing, declogging of canals, debris segregation and materials  
17 recovery, stockpiling and clearing.

18 The DOLE shall provide an updated list of projects that may be undertaken as  
19 well as the projects not covered under this Act. This list shall be readily made available  
20 to potentially qualified individuals who have expressed their desire to participate in the  
21 NEAP.

22 Sec. 7. **Rate of Assistance.** – Every person qualified under this Program shall  
23 be entitled to receive compensation for each day of work at the prevailing minimum  
24 wage set by the Regional Tripartite Wages and Productivity Board (RTWPB) concerned.  
25 LGUs may also provide for additional allowances to the beneficiaries in order to cover  
26 for other expenses such as transportation and food.

27 Sec. 8. **Appropriations.** – The Secretary of Labor and Employment shall  
28 include in the DOLE'S programs the implementation of this Act, the initial funding of  
29 which shall be charged against the current year's appropriations of the DOLE.  
30 Thereafter, the amount necessary for its continued implementation shall be included in  
31 the annual General Appropriations Act.

32 In addition, the DOLE may accept donations, contributions or grants from  
33 foreign and local persons, institutions and governments, among others, for the  
34 implementation of the NEAP.

1       Sec. 9. **Implementing Rules and Regulations.** – Within ninety (90) days  
2 after the approval of this Act, the Secretary of the DOLE and DSWD shall issue the  
3 necessary rules and regulations for the effective implementation of this Act.

4       Sec. 10. **Separability Clause.** – Should any provision of this Act be found  
5 unconstitutional by a court of law, such provision shall be severed from the remainder of  
6 this Act, and such action shall not affect the enforceability of the remaining provisions of  
7 this Act.

8       Sec. 11. **Repealing Clause.** – All laws, decrees, letters of instruction,  
9 resolutions, orders or parts thereof which are inconsistent with the provisions of this Act  
10 are hereby repealed, modified or amended accordingly.

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

*Approved,*