

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



Senate
Office of the Secretary

20 APR 27 12:37

SENATE

S. B. NO. 1456

RECEIVED

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
PROVIDING FOR A WAGE EMPLOYMENT ASSISTANCE PROGRAM
FOR DISPLACED AND/OR VULNERABLE WORKERS,
INSTITUTIONALIZING FOR THE PURPOSE THE *TULONG
PANGHANAPBUHAY SA ATING DISADVANTAGE/DISPLACED
WORKERS (TUPAD) PROGRAM* OF THE DEPARTMENT OF LABOR
AND EMPLOYMENT, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

The year 2020 rolled out with disrupting events unfolding in succession, beginning with the Alert Level 4 in Iraq announced by the Department of Foreign Affairs (DFA) on January 8, 2020 due to heightening of tension between the United States and Iran in the Middle East. A few days after, on January 12, 2020, Taal Volcano had phreatic eruption affecting thousands of families and caused millions-worth of damages. Before the month ended, on January 30, 2020, this was again followed by the first confirmed case of novel coronavirus disease (COVID-19) in the country, resulting in the imposition of travel bans to and from China, Hongkong, and Macau, Taiwan, and to some areas in South Korea.

In all these events, what stands out is the fact that these events have widely affected the livelihood of Filipino workers and their families. More so the vulnerable workers, such as the minimum wage earners, the working poor and the marginalized workers. With respect to the situation in the Middle East, some of our OFWs opted to take their chances in Iraq, rather than be repatriated because "they and their families will starve to death here in the country." On the other hand, the Taal volcano phreatic eruption resulted in the stoppage of operations of factories in the area, and the evacuation of hundreds of affected workers in evacuation centers. The dismal situation of these affected workers was even exacerbated by the COVID-19 pandemic, which caused local manufacturing operations to slow down and the consequent adoption of temporary lay-offs, job rotations and forced leaves in various

companies, who are mostly dependent on Chinese factories for electronics, wearables and automotive OEMs and other raw materials. Meanwhile, overseas Filipino workers in various parts of the country chose to stay where they are, despite the rapid transmission of the virus, and at the risk of contracting the virus, to continue to earn a living for their families.

With all these, the need for a permanent and institutionalized social safety net for displaced workers and their families is given all the more urgency and import. Disasters, war, armed conflict, crises, epidemics/outbreaks, pandemic, public health emergencies, and economic shocks are triggers of hardship and displacement, not to mention income loss brought about by ill-health, disability, work-related accidents or injuries, unemployment, work displacements due to business closure, retrenchment, rightsizing, redundancy, technological advances, and other analogous causes. Assistance to get them back on their feet with dignity, other than relief goods and food at the evacuation centers, or bringing them home for free from overseas without addressing income insecurity, has to be strengthened and enhanced.

This bill seeks to institutionalize the Department of Labor and Employment's *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers* (TUPAD) or the emergency employment program as a social safety net program for the workers. It (i) authorizes the DOLE to *motu proprio* implement employment projects in cases of massive displacements, (ii) clarifies the covered worker-beneficiaries, which includes both formal and informal workers affected by the triggers mentioned above, (iii) ensures the payment of 100% of the prevailing minimum wage rate for non-agricultural workers in the area of project implementation, and (iv) providing penalty for acts such as getting commissions, job sharing, listing ghost beneficiaries, padding, among others.

The immediate enactment of this bill is earnestly sought.


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FOR OTHER PURPOSES

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 “TUPAD Act.”
2

3 **SEC. 2. Declaration of Policies.** – The State shall promote a just and dynamic
4 social order that will ensure the prosperity and independence of the nation and free
5 the people from poverty through policies that provide adequate social services,
6 promote full employment, a rising standard of living, and an improved quality of life
7 for all.
8

9 It shall improve the quality of life of all Filipino workers through active labor market
10 policies promoting and facilitating employment generation, human resource
11 development and by providing displaced and/or vulnerable workers a social safety
12 net from the effects of disasters, epidemics/outbreaks, pandemics, public health
13 emergencies, war, armed conflict, crises, economic shocks or income loss brought
14 about by ill-health, disability, work-related injury, unemployment, work
15 displacements, and other related contingencies.
16
17

1 **SEC. 3. Coverage.** – This Act shall cover all displaced and/or vulnerable workers
2 affected by disasters, epidemics/outbreaks, pandemics, public health emergencies,
3 war, armed conflict, crises, economic shocks or income loss brought about by ill-
4 health, disability, work-related accidents or injuries, unemployment, work
5 displacements due to business closure, retrenchment, rightsizing, redundancy,
6 technological advances, and other analogous causes.
7

8 **SEC. 4. Definition of Terms.** – As used in this Act:
9

- 10 a) **Accredited Co-Partner** refers to the program partner, which may be a peoples'
11 or workers' organization, union, association, federation, cooperative, business
12 association, church-based organization, educational institution, or private
13 foundation, that has been accredited by the Department of Labor and
14 Employment (DOLE) to implement TUPAD programs and projects using
15 government or public funds;
16
- 17 b) **Beneficiary** refers to individuals or group of individuals who are qualified
18 recipients of assistance under TUPAD;
19
- 20 c) **Disaster** refers to a serious disruption of the functioning of a community or a
21 society involving widespread human, material, economic or environmental
22 losses and impacts, which exceeds the ability of the affected community or
23 society to cope using its own resources, as defined in Republic Act No. 10121,
24 otherwise known as the Philippine Disaster Risk Reduction and Management
25 Act of 2010;
26
- 27 d) **DOLE or Department** refers to the Department of Labor and Employment;
28
- 29 e) **Displaced workers** refer to workers in the formal and informal economy or
30 self-employed, whether overseas or local, who became unemployed,
31 underemployed, or have lost their livelihood due to disasters,
32 epidemics/outbreaks, pandemics, public health emergencies, war, armed
33 conflict, crises, economic shocks, or income loss brought about by ill-health,
34 disability, work-related accidents or injuries, business closure, retrenchment,
35 rightsizing, redundancy, technological advances, and other analogous adverse
36 events as may be determined by the DOLE;
37
- 38 f) **Massive displacement** refers to large-scale displacement of workers in the
39 formal and informal sectors brought about by disasters, epidemics/outbreaks,
40 pandemics, public health emergencies, war, armed conflict crises, or economic
41 shocks, among others, resulting in serious disruption of means of livelihood;
42
- 43 g) **Micro-insurance** refers to a scheme that provides specific insurance and
44 similar products and services that meet the needs of the low-income sector for
45 risk protection and relief against distress, misfortune, and other contingent
46 events;
47

- 1 h) **Self-employed** refers to individuals who create their own earnings and
2 opportunities in the form of business, contract work whether overseas or local,
3 or freelance activities;
4
- 5 i) **Sub-professionals** refer to individuals who hold first level position under the
6 Revised Administrative Code of 1987, which includes the clerical, trades, crafts,
7 and custodial service positions requiring less than four (4) years of collegiate
8 studies;
9
- 10 j) **TESDA** refers to the Technical Education and Skills Development Authority;
11
- 12 k) **TUPAD Program** is a safety net wage employment assistance program for
13 displaced and/or vulnerable workers also known as the *Tulong*
14 *Panghanapbuhay sa Ating Disadvantaged/Displaced Workers Program*, and
15 herein interchangeably referred to as TUPAD or Program.
16
- 17 l) **Underemployed workers** refer to employed persons who express the desire to
18 have additional hours of work in their present job or an additional job, or have a
19 new job with longer working hours;
20
- 21 m) **Vulnerable workers** refer to minimum wage earners, working poor, or
22 marginalized workers, as defined below, whether in an employer-employee
23 relationship in the public or private sector, or self-employed including the
24 Overseas Filipino Workers (OFWs), and whose families depend solely on their
25 wages or compensation income for their minimum basic needs, such as food,
26 health, education, housing and other essential amenities of life.
27
- 28 i. **Minimum wage earners** refer to workers in the private sector who are
29 paid the statutory minimum wage, or to employees in the public sector
30 with compensation income of not more than the statutory minimum wage
31 in the non-agricultural sector where he/she is assigned as defined under
32 Republic Act No. 10963 otherwise known as the TRAIN law;
33
- 34 ii. **Working poor** refers to individuals and/or groups whose income fall
35 below the poverty threshold as defined by the National Economic and
36 Development Authority (NEDA) and/or cannot afford in a sustained
37 manner to provide their minimum basic needs of food, health, education,
38 housing and other essential amenities of life;
39
- 40 iii. **Marginalized workers** refer to workers who have not benefitted from
41 education, health, employment, and other opportunities by reasons of
42 poverty, geographical inaccessibility, culture, gender, among others, and
43 to workers who are less likely to have formal work arrangements, and are
44 more likely to lack decent working conditions, adequate social security,
45 and whose employment is characterized by inadequate earnings, low
46 productivity, and difficult conditions of work that undermine their
47 fundamental rights;
48

1 n) **Wage employment** refers to the act of generating one's income from an
2 employer-employee relationship.
3

4 **Article II**

5
6 **Wage Employment Assistance Program**
7 **for Displaced and/or Vulnerable Workers or TUPAD Program**
8

9 **SEC. 5. Wage Employment Assistance Program for Displaced and/or**
10 **Vulnerable Workers or TUPAD Program.** – The TUPAD Program is a social safety
11 net designed to assist displaced and/or vulnerable workers and their families, and
12 get them back on their feet by providing them wage employment if they fall on hard
13 times due to disasters, epidemics, war, armed conflict, crises, economic shocks or
14 income loss brought about by ill-health, disability, work-related accidents or injuries,
15 unemployment, work displacements due to business closure, retrenchment,
16 rightsizing, redundancy, technological advances, and other analogous causes. For
17 this purpose, the TUPAD Program being implemented by the DOLE providing
18 emergency employment for displaced or disadvantaged workers is hereby
19 institutionalized.
20

21 **SEC. 6. Lead Agency and Convergence with Related Government Assistance**
22 **Program.** – The Department shall be the lead agency in the implementation of the
23 TUPAD Program and shall proactively administer directly, *motu proprio*, wage
24 employment projects, in coordination or collaboration with relevant government
25 agencies, in the event of massive displacement of workers resulting in serious
26 disruption of means of livelihood.
27

28 The Department shall be responsible in the administration, sourcing, assessment
29 and approval of all project proposals for appropriate funding using TUPAD funds. It
30 shall integrate and collaborate with other government agencies, business and labor
31 groups, and civil society groups in implementing similar or related programs and
32 services for efficient and effective whole-of-nation approach in the delivery of social
33 safety nets.
34

35 **SEC. 7. Eligible Projects for TUPAD; No Counterpart Funding Requirement.** –
36 All employment projects, to be eligible for funding under TUPAD, shall be under any
37 of the listed eligible projects below. The Department shall set the period of work of
38 approved employment project depending on the nature and duration of the work to
39 be performed, but in no case shall the project duration be less than ten (10) days,
40 nor to exceed ninety (90) days, as provided herein:
41

Eligible Projects	Maximum No. of Work Days
(a) Light works, such as street sweeping and cleaning of public facilities.	15
(b) Social community projects such as de-clogging of canals, debris clearing/segregation and materials recovery, stockpiling and clearing at the aftermath of calamity or disaster.	45

(c) Social community projects such as minor repair and maintenance of common public facilities such as schools and health centers.	60
(d) Government projects requiring improvement of government facilities and infrastructures such as health centers, irrigation canals, roads, evacuation centers, school buildings, and the like.	90
(e) Economic community projects such as maintenance and/or rehabilitation of farm-to-market roads, bridges, post-harvest facilities, public markets, and common public facilities such as production and display centers, fish ports, etc.	
(f) Agro-forestry and eco-agriculture farming which include tree-planting, seedling preparation, re-forestation and crop growing.	
(g) Field works, such as conduct of survey and profiling, in partnership with other government offices.	

1
2 No counterpart funding shall be required in the implementation of the project from
3 the Local Government Units (LGUs) or any of DOLE's accredited program partners.
4 However, they shall provide technical assistance, which could be in the form of
5 identification of projects, profiling of beneficiaries, procurement, monitoring, and
6 facilitating access of services from other agencies.
7

8 TUPAD projects involving 46-90 days period of work shall be implemented in
9 partnership and/or complementation with agencies implementing public projects,
10 such as the Department of Public Works and Highways (DPWH), the Department of
11 Environment and Natural Resources (DENR), Local Government Units, as well as
12 private sector entities willing to engage in public projects. Said offices/program
13 partners shall provide the required materials, tools, and equipment including office
14 equipment, as warranted by the nature of work.
15

16 **SEC. 8. Qualified Beneficiaries.** – All displaced workers and/or vulnerable
17 workers are qualified beneficiaries under this Act; *Provided*, that the Secretary of
18 Labor, may, in proper instances, also approve programs under the TUPAD Program
19 that will include the underemployed, including sub-professionals involved in
20 structured work in support of office operations or those engaged in arts, crafts,
21 manual and clerical work, as beneficiaries under this Act.
22

23 The Secretary of DOLE shall set standards on the TUPAD beneficiaries, including
24 the allowable number of beneficiaries per household, and the number of projects
25 under the Program a qualified beneficiary may participate in, and such other relevant
26 matters for the effective implementation of this Act, with a view to helping the most
27 number of beneficiaries.
28
29
30
31

1 **SEC. 9. Modes of Implementation of the TUPAD Program.** – The TUPAD
2 Program shall be implemented by the DOLE Regional Offices through any of the
3 following modes:
4

5 a) **Accredited Co-Partner (ACP).** Under this mode, the ACP shall be the
6 Department's partner or conduit in the implementation of the program, provided
7 they are registered with any registering body of the government and accredited
8 by DOLE as ACP under the TUPAD Program. The following shall qualify as
9 ACP:

- 10 i. Peoples' organization;
- 11 ii. Private sector unions, federations or workers' associations, as defined in
12 Book V of the Omnibus Rules and Regulations Implementing the Labor
13 Code of the Philippines;
- 14 iii. Cooperatives;
- 15 iv. Church-based organizations;
- 16 v. Private educational institutions;
- 17 vi. Private foundations; and
- 18 vii. Government agencies and instrumentalities, including National
19 Government Agencies, Local Government Units and Government Owned
20 and Controlled Corporations;

21 b) **Direct Administration.** Under this, the administration and implementation of
22 the TUPAD Program shall be undertaken directly by the Department's regional,
23 provincial and/or field offices.
24

25 **SEC. 10. Accreditation of Co-Partners (ACP).** – DOLE shall accredit the co-
26 partners in the implementation of the TUPAD Program, and for this purpose, shall
27 set the guidelines for the accreditation process.
28

29 Government agencies, including local government units (LGUs) and state university
30 and colleges (SUCs), shall automatically be TUPAD program partners, without need
31 of accreditation, upon execution of a TUPAD Partnership Memorandum of
32 Agreement clearly outlining the responsibilities and deliverables of each party under
33 the program.
34

35 **SEC. 11. Employment Project Implementation Requirements.** – All programs
36 under the TUPAD Program shall observe the following:
37

- 38 a) Strict compliance with the Occupational Safety and Health Standards provided
39 under Republic Act No. 11058 and other related laws and regulations;
40
41
42
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- 1 b) Provision of necessary equipment for beneficiaries needed to effectively and
2 safely participate in a project under the Program;
3
- 4 c) Enrollment of every beneficiary to a group micro-insurance to be included in the
5 total project cost;
6
- 7 d) Issuance of an identification card or document for every beneficiary
8 participating in a project under the Program;
9
- 10 e) Assistance to beneficiaries who have participated in the Program of skills
11 training or upgrading towards self-employment or wage employment. For this
12 purpose, the Department and TESDA shall ensure the implementation and
13 enforcement of this provision;
14
- 15 f) Mechanisms to ensure that the Department and/or its accredited co-partners
16 monitor the implementation of every employment project under the TUPAD
17 Program; and
18
- 19 g) Submission of proper documentary requirements for the release and liquidation
20 of funds for every employment project under the TUPAD Program subject to
21 relevant accounting and auditing rules and regulations.
22

23 **SEC. 12. Wages and Compensation of Beneficiaries; Prohibited Practices.** –
24 The wages and compensation of the beneficiaries shall not be less than 100% of the
25 prevailing private sector minimum wage rate set by the Regional Wages and
26 Productivity Board (RTWPB) for non-agricultural workers in the area or locality where
27 the project will be implemented.
28

29 To ensure compliance with this provision, the Department shall establish
30 mechanisms for strict implementation providing safeguards and a listing of prohibited
31 activities such as cuts for commission, job sharing, ghost beneficiaries, and padding
32 of beneficiaries, among others.
33

34 Any violation of this provision shall result in the blacklisting of the accredited co-
35 partner, including the payment of the amount involved, with legal interest, without
36 prejudice to the filing of criminal cases. If the accredited co-partner is an LGU or
37 SUC, the LGU or SUC shall be immediately address such deficiency and/or error,
38 without prejudice to applicable rules and regulations of the Commission on Audit,
39 and the filing civil, criminal or administration actions. In case of direct administration,
40 the responsible DOLE personnel shall be subjected to administrative investigation,
41 without prejudice to the filing of appropriate civil or criminal case.
42

43 **SEC. 13. Project Funding.** – Approved employment project proposals shall be
44 funded under the TUPAD Program fund under the budget of the DOLE.
45

46 The Department shall be primarily responsible for managing the funds for the
47 implementation of the Program.
48

1 **SEC. 14. Authority to Receive and Administer Donations for TUPAD Program.**

2 – The Department is hereby authorized under this Act to receive donations from
3 government and non-government organizations and to administer the same strictly
4 and exclusively for the beneficiaries and qualified applicants of the TUPAD Program,
5 subject to relevant accounting and auditing rules and regulations.
6

7 **SEC. 15. Monitoring, Reporting and Evaluation of the TUPAD Program.** – The
8 Department shall establish a standardized monitoring and reporting system to
9 properly document every approved project under the Program.
10

11 It shall also submit to Congress and make available to the public, an annual
12 accomplishment report and utilization of the funds earmarked for the implementation
13 of the TUPAD Program. The annual report shall include the pertinent details of
14 every project under the Program, the mode of implementation, number of
15 beneficiaries, donations from private and other organizations, expenditures, number
16 of beneficiaries who acquired employment after their participation in the Program,
17 and other pertinent information as may be necessary. An impact evaluation shall be
18 conducted from time to time, but not later than every three years.
19

20 **Article III**
21 **Miscellaneous Provisions**
22

23 **SEC. 16. Appropriations.** – The funds for the initial implementation of this Act shall
24 be sourced from the current budget of the Department for the implementation of the
25 TUPAD Program. Thereafter, the amount necessary for its continued implementation
26 shall be included in the annual General Appropriations Act; provided, that such
27 appropriation shall take into consideration an administration fee of not more than 5%.
28

29 **SEC. 17. Implementing Rules and Regulations.** – Within ninety (90) days from
30 the effectivity of this Act, DOLE shall, in consultation with TESDA, Department of
31 Trade and Industry, and other relevant government agencies and stakeholders,
32 issue the necessary rules and regulations for the effective implementation of this Act.
33

34 **SEC. 18. Separability Clause.** – Any portion or provision of this Act that is
35 declared unconstitutional or invalid shall not have the effect of nullifying other
36 portions or provisions hereof as long as such remaining portions can still subsist and
37 be given effect in their entirety.
38

39 **SEC. 19. Repealing Clause.** – All laws, ordinances, rules, regulations, other
40 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed
41 or modified accordingly. Nothing in this Act shall result in the diminution of the
42 benefits and/or assistance given to overseas Filipinos and migrant workers as
43 provided in other laws, ordinances, rules, regulations and issuances.
44

45 **SEC. 20. Effectivity.** – This Act shall take effect fifteen (15) days after its
46 publication in the *Official Gazette* or in two (2) newspapers of general circulation.
47

48 **Approved,**