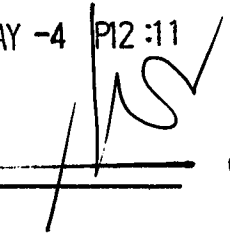




SENATE

20 MAY -4 P12:11

S. No. 1468

RECEIVED BY: 

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

**AN ACT
ENHANCING THE SOCIAL PROTECTION RESPONSES OF THE
GOVERNMENT TO THE IMPACT OF THE COVID-19 PANDEMIC**

EXPLANATORY NOTE

The World Health Organization (WHO) declared COVID-19 as a pandemic on March 11, 2020¹. As of April 26, 2020, or a month and a half since it was declared as such, it has already spread across more than 110 countries with 2,899,830 confirmed cases and 203,043 deaths.² Here in our country, the said pandemic burdened our local public health system with 7,579 confirmed cases and 501 deaths as of April 26, 2020³, and as there remains no cure or vaccine for the virus, it continues to pose serious economic and social impacts.

The Government is facing a double challenge. It has to contain the health pandemic, while at the same time, respond to the ensuing economic and social crisis. Given the magnitude of this problem, the implementation of effective social protection systems is crucial to safeguarding the poor and vulnerable as this crisis remains untamed.

According to the World Bank, 126 countries across the globe have introduced or adapted social protection and labor market policies in response to COVID-19, with 505 measures currently in place⁴. Crucial steps that countries must take, and choices

¹ Ducharme, J. (11 March 2020) "World Health Organization Declares COVID-19 a 'Pandemic.' Here's What That Means" Retrieved from: <https://time.com/5791661/who-coronavirus-pandemic-declaration/>. Accessed last 13 March 2020

² Gutiérrez, P (16 April 2020) *Coronavirus world map: which countries have the most cases and deaths?*. <https://www.theguardian.com/world/2020/apr/26/coronavirus-world-map-which-countries-have-the-most-cases-and-deaths>. Accessed last 24 April 2020

³ Department of Health *COVID-19 Tracker*. Retrieved from: <https://www.doh.gov.ph/2019-nCoV>. Accessed last 26 April 2020

⁴ Rutkowski, M. (15 April 2020) *How social protection can help countries cope with COVID-19*. Retrieved from: <https://blogs.worldbank.org/voices/how-social-protection-can-help-countries-cope-covid-19>. Accessed last 24 April 2020

they have to make in order to endure the days ahead as the whole world continues to survive the global pandemic.

The role of the State in upholding social justice and the welfare of our people in the midst of this crisis is avouched. Article II, Section 9 of the 1987 Constitution decrees that, “[t]he State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.” This mandate to uphold social justice has also been clearly elucidated by the Supreme Court in the case of *Calalang v. Williams*⁵ as, “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*.”

Ensuring social protection to all sectors especially the most vulnerable will guarantee that social justice is achieved to benefit all members of the society now more than ever, during this period when the great social divide is most palpable especially to those at the bottom of the social pyramid who are hit the hardest but are often left with very little or without at all recourse.

As a quick response to the most urgent needs of the nation at the start of this pandemic, Republic Act No. 11469, or the “Bayanihan to Heal as One Act” (Bayanihan Act) was enacted, which enabled the government to jumpstart its social assistance program for the poor and low income households. It was the State’s social protection response for the first sixty (60) days following the enactment of the Bayanihan Act.

However, the WHO revealed that the COVID-19 virus “will be with us for a long time since most countries are still in the early stages of their epidemics while some that were affected early in the pandemic are now starting to see resurgence in

⁵ G.R. No. 47800 (December 2, 1940)

cases”⁶. Confronted with this reality, the Social Amelioration Program of the government and its social protection responses must be enhanced to cushion the prolonged and more hard-hitting impact of the continued lockdowns and community quarantines on the economy and labor markets which expose our Filipino households to various risks.

Aside from the primordial mandate of the State to monitor, contain, address and prevent the spread and escalation of pandemic diseases, such as the COVID-19 disease, it is also the role of the Government to provide the public, especially its vulnerable population, with a responsive social protection program – which is an indispensable part of a coordinated policy response to this unfolding crisis.

It is thus the intention of this proposed measure to further provide modest social protection responses to the poor and vulnerable population, increase their resiliency and enable them to survive or “*makatawid*” from this crisis – serving as an economic and social stabilizing mechanism that can contribute to a swift recovery of our nation. Surviving this crisis after all entails not only curing those who are afflicted – but also, protecting and upholding the lives of all Filipinos so that they may rise up after this period.

Recognizing that monetary assistance, while absolutely necessary to respond to the daily needs of the Filipinos, is often riddled with controversy such as abuse or misuse of funds, the key feature of this bill is a cash assistance program which provides in-cash support through cash cards that shall be exclusively used to buy basic food and medicine needs in groceries and drugstores. The amount of cash assistance is computed as a certain percentage of the basic food spending of the average Filipino household. This is a safeguard that responds to the reported misuse of funds by some beneficiaries, and ensures that basic needs are purchased by the beneficiaries - which will also eventually help restart the business of manufacturing and distributing these goods.

This humble representation believes that Social Protection must be seen as an investment and not as an additional cost for the Government. We have seen that past crises have confirmed that social protection plays a vital role as a social buffer and economic stabilizer, integral to the smooth and successful functioning of society.

⁶ Agence France-Presse (23 April 2020) “Virus ‘will be with us for a long time’ – WHO”. Retrieved from: <https://www.rappler.com/world/global-affairs/258749-who-coronavirus-updates-april-22-2020>. Accessed last 25 April 2020

Expeditious consideration and approval of this measure is earnestly sought.


LEILA M. DE LIMA

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

**AN ACT
ENHANCING THE SOCIAL PROTECTION RESPONSES OF THE
GOVERNMENT TO THE IMPACT OF THE COVID-19 PANDEMIC**

*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 “Pantawid COVID-19
2 Response Act”.

3 Sec. 2. *Declaration of Policies.* – The COVID-19 pandemic has greatly affected
4 nations worldwide, including the Philippines, and is continuing to disrupt our lives
5 and the economy. The State shall uplift the standard of living and quality of life of the
6 poor and maintain the existing gains of interventions of the government for
7 economic growth and development to the poor, marginalized sectors and low income
8 households of our society exposed to various risks in this pandemic.

9 In doing so, the State shall endeavour to: (1) provide social assistance to help
10 Filipinos get through the pandemic; (2) preserve livelihoods through employment
11 retention or restoration; and (3) shore up social protection systems to ensure
12 preparedness for future crises. The State shall likewise implement and strengthen
13 existing social protection systems to help our nation recover from this pandemic and
14 not lose the gains and momentum of our poverty reduction interventions.

15 Sec. 3. *Pantawid COVID-19 Cash Assistance Program.* – The Pantawid
16 COVID-19 Cash Assistance is hereby created under the social welfare component of
17 the Government’s Social Protection program that provides cash assistance through
18 cash cards that shall be exclusively used to buy basic food and medicine needs in

1 groceries and drugstores. The aforementioned cash cards can be reloadable in
2 regions or areas that are still under Enhanced Community Quarantine (ECQ) or
3 General Community Quarantine (GCQ).

4 Sec. 4. *Amount of Cash Assistance.* – Each qualified household in a region or
5 area under ECQ shall receive an amount of Two Thousand Pesos (₱2,000.00) which
6 approximately covers Twenty-Five Percent (25%) of the monthly basic food needs of
7 the average Filipino household.

8 Each qualified household in a region or area under GCQ shall receive an
9 amount of One Thousand Pesos (₱1,000.00) which covers approximately Fifteen
10 Percent (15%) of the monthly basic food needs of the average Filipino household.

11 Each qualified household beneficiary shall receive the respective amounts
12 through cash cards.

13 Sec. 5. *Eligible Beneficiaries.* – The following sectors, unable to work by
14 reason of the ECQ or GCQ, shall be covered by the Pantawid COVID-19 Cash
15 Assistance Program:

16 (a) 4Ps Beneficiaries

17 (b) Informal economy workers, which include, but are not limited to, the
18 following:

- 19 1) Directly hired or occasional worker/s;
- 20 2) Subcontracted worker/s;
- 21 3) Homeworkers;
- 22 4) Househelpers;
- 23 5) Drivers of pedicab, tricycle, PUJs, PUVs and Transport, PUBs, taxi,
24 and Transport Network Companies (TNC) registered vehicles;
- 25 6) Transportation Network Vehicle Service (TNVS) drivers;
- 26 7) Micro-entrepreneurs and producers, operators of sari- sari stores,
27 and the like;
- 28 8) Sub-minimum wage earners;
- 29 9) Farmers (who are not 4Ps beneficiaries and are not covered by any
30 active assistance programs of the Department of Agriculture);
- 31 10) Employees affected by “no work, no pay” policy and not covered by
32 DOLE Order No. 209, Series of 2020 or any DOLE issuance/s on
33 adjustment measures program; and

1 11) Stranded workers.

2 (c) Other households with members belonging to any of the following
3 vulnerable sectors:

4 1) Indigent Senior Citizens and those receiving pension below
5 ₱8,000.00;

6 2) Persons with disability (PWDs);

7 3) Pregnant and lactating women;

8 4) Solo parents;

9 5) Indigent Indigenous Peoples;

10 6) Other members of the vulnerable sectors who are undergoing any
11 clinical or hospital procedure, such as dialysis and chemotherapy, or
12 those recovering from major health surgeries or organ transplant.

13 (d) Underprivileged and homeless individuals, including informal settler
14 families (ISFs).

15 Sec. 6. *Hybrid Application Process.* – The application process for eligible
16 beneficiaries may be done through easy, accessible and self-service online platforms
17 or by manual application. Concerned government agencies shall closely coordinate
18 and partner with LGUs to expedite the process of applying for these programs.

19 Sec. 7. *Enhancing the Pantawid Pamilyang Pilipino Program Cash Grants.* –
20 The existing cash grants in Section 7 of Republic Act 11310, or the “Pantawid
21 Pamilyang Pilipino Program (4Ps) Act”, shall be continued, and conditions for
22 entitlement in Section 11 of the aforementioned law shall remain suspended until 31
23 December 2020. Likewise, the existing subsidies, such as Rice Subsidy allowance,
24 not included in Sec 7 of the 4Ps Act, shall be deducted from the amount of Pantawid
25 COVID-19 Cash Assistance stipulated in Sec. 4 of this Act.

26 Sec. 8. *Pantawid Loans for MSMEs.* – The Department of Trade and Industry
27 (DTI) shall target most affected businesses and provide support to these enterprises
28 in the form of “*Pantawid Loans*” for retaining workers, thereby preventing
29 unemployment, and measures to provide income security to unemployed workers.
30 The said amount shall be determined by the DTI per business classification, with a
31 maximum loanable amount of One Million Pesos (₱1,000,000.00).

1 Sec. 9. *Pantawid Bayarin Subsidy*. – The government shall provide a
2 “*Pantawid Bayarin*” subsidies to cover the payment of the following utilities:

3 (a) Energy consumption of low-income households using less than 100
4 kilowatt-hours a month with an assistance not more than Five Hundred
5 Pesos (₱500.00);

6 (b) Water consumptions of low-income households using 10 cubic meters or
7 less per month with assistance not more than One Hundred Pesos
8 (₱100.00).

9 Sec. 10. *Pantawid Trabaho Hotlines*. – The government through its concerned
10 agencies shall establish a “*Pantawid Trabaho*” hotline that will facilitate access to
11 employment services, including job-matching, skills development and active labour
12 market policies to support jobseekers affected by their loss of jobs in finding
13 temporary or permanent employment.

14 Sec. 11. *Pantawid COVID-19 Transparency Portal*. – The Government shall
15 establish an online portal that will post information regarding the qualifications,
16 targeting, status of implementation, amount of aid and loans received for this social
17 protection program and number of grievances and actions taken, among others. The
18 said portal shall be maintained by the Department of Information and Technology.

19 Sec. 12. *Pantawid COVID-19 Task Force (PCTF)*. – An Inter-Agency Task
20 Force shall be established to coordinate and monitor the implementation of this Act.
21 The PCTF may be a sub-committee of the Inter-Agency Task Force on Emerging
22 Infectious Diseases (IATF-EID).

23 Sec.13. *Functions of the Pantawid COVID-19 Task Force (PCTF)*. – The PCTF
24 shall have the following functions:

25 (a) To determine qualified household beneficiaries that shall be covered by
26 Sections 3 and 9 of this Act;

27 (b) To coordinate, monitor and evaluate the implementation of this Act;

28 (c) To make recommendations for concerned agencies to ensure the effective
29 and efficient delivery of the enumerated assistance to the target
30 beneficiaries;

1 (d) To submit a bi-monthly report to Congress on the implementation of this
2 Act; and

3 (e) To craft the Implementing Rules and Regulations of this Act not later than
4 20 days upon its approval.

5 Sec. 14. *Composition of the Committee.* – The Committee shall be composed
6 of the following or their authorized representatives:

7 (a) Secretary of Social Welfare and Development as Chairperson;

8 (b) Secretary of the Interior and Local Government, as Vice Chairperson;

9 (c) National Statistician and Civil Registrar-General of the Philippine
10 Statistics Authority as Member;

11 (d) Secretary of Trade and Industry as Member;

12 (e) Secretary of the Labor and Employment as Member;

13 (f) Secretary of Information and Technology as Member;

14 (g) Chairperson of the Commission on Audit as Member;

15 (h) Secretary of Health as Member; and

16 (i) Lead Convenor of the National Anti-Poverty Commission as Member.

17 Sec 15. *Appropriations.* – The amount necessary to carry out the provisions of
18 this Act shall be charged against the existing realigned appropriations of the 2019
19 and 2020 General Appropriations Act for COVID-19 response.

20 Sec 16. *Penalties.*– Any person, whether or not acting in conspiracy with
21 public officials, who, by act or omission, inserts or allows the insertion of data or
22 false information, or who diverts from what ought to be contained in the approved
23 registry, with the view of altering the fact, or aiding in the grant of the money to
24 persons other than the qualified beneficiaries, shall be penalized with imprisonment
25 of not less than one (1) month but not more than one (1) year, or a fine of not less
26 than Ten thousand pesos (P10,000.00) but not more than One hundred thousand
27 pesos (P100,000.00) or both imprisonment and fine, at the discretion of the court. A
28 public official who commits any of the acts provided herein shall be penalized with
29 temporary disqualification to hold public office. Administrative sanctions shall be
30 imposed without prejudice to prosecution in the proper courts.

1 *Sec. 17. Separability Clause.* – Should any provision of this Act be found
2 unconstitutional by a court of law, such provision shall be severed from the
3 remainder of this Act, and such action shall not affect the enforceability of the
4 remaining provisions of this Act.

5 *Sec. 18. Repealing Clause.* – All laws, decrees, letters of instruction,
6 resolutions, orders or parts thereof which are inconsistent with the provisions of this
7 Act are hereby repealed, modified or amended accordingly.

8 *Sec. 19. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,