



HOUSE OF REPRESENTATIVES

H. No. 6915

BY REPRESENTATIVES DEL MAR, LACSON, DEFENSOR (A.), SYJUCO, ARROYO (I.), TEODORO, CODILLA, CARL, CUA (J.), ZIALCITA, BONOAN-DAVID, VILLANUEVA, PIÑOL, JOSON, CAYETANO, LIM, SOON-RUIZ, DUMARPA, CHAVEZ, SY-ALVARADO, AGYAO, CHATTO, CHONG, PANCRUDO, YU, ALFELOR, ALMARIO, ALVAREZ (A.), ANGARA, ANGPING, ANTONINO, APOSTOL, AQUINO, ARNAIZ, BAGATSING, BIAZON, BRAVO, CASIÑO, COQUILLA, CRUZ-GONZALES, DAYANGHIRANG, CASTELO DAZA, DAZA, DEFENSOR (M.), DIMAPORO, DUAVIT, DUMPIT, DY, EMANO, ERMITA-BUHAIN, ESCUDERO, FUA, GARCIA (P.), GOLEZ, GUANLAO, GUINGONA, GULLAS, GUNIGUNDO, HONTIVEROS, JAAFAR, LAGMAN, MANDANAS, MAGSAYSAY, MARIANO, MONTEMAYOR, OCAMPO, ONG, PING-AY, PINGOY, LEONEN-PIZARRO, RAMIRO, REMULLA, ROBES, ROMAN, SEACHON-LANETE, UY (R.S.), VALENCIA, VINZONS-CHATO, VIOLAGO, YAP, SILVERIO, GO, DUEÑAS, GONZALES (N.), DE GUZMAN AND MARCOLETA, PER COMMITTEE REPORT NO. 2450

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 SECTION 1. *Title.* – This Act shall be known as the “Magna Carta of
2 the Poor”.

3 SEC. 2. *Declaration of Policy.* – It is the declared policy of the State
4 to uplift the standard of living and quality of life of the poor and provide them
5 with sustained opportunities for growth and development. Every poor Filipino

1 family must be empowered to meet their minimum basic needs, through the
2 partnership of the government and the basic sectors.

3 To attain the foregoing policy:

4 (a) Government must prioritize investments in anti-poverty programs to
5 enable the poor to participate responsibly in the country's growth and
6 development;

7 (b) All government departments, agencies and instrumentalities must
8 provide full access to government services for the poor;

9 (c) Government interventions must be strengthened to address the
10 genuine concerns of the poor, while long-term strategies and solutions for the
11 empowerment of the poor are being put in place; and

12 (d) The capabilities and competencies of the basic sectors, the
13 nongovernment organizations and people's organizations, as partners of the
14 government for the effective delivery and implementation of a wide range of
15 anti-poverty programs and basic services, will be enhanced and promoted.

16 SEC. 3. *Definition of Terms.* — As used in this Act, the following
17 terms are hereby defined:

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

23 (b) *Basic sectors* shall refer to the disadvantaged sectors of Philippine
24 society, namely: farmer-peasants, artisanal fisherfolks, workers in the formal
25 and informal sectors, migrant workers, indigenous peoples and cultural
26 communities, women, differently-abled persons, senior citizens, victims of
27 calamities and disasters, youths, students, children and the urban poor;

1 (c) *Hazardous or danger zones* shall refer to areas, which when
2 occupied for residential purposes actually pose a danger to the life and safety
3 of the occupants or of the general community;

4 (d) *People's organization* shall refer to any recognized or accredited
5 self-help association or cooperative of the basic sectors or disadvantaged
6 groups composed of members having a common bond of interest, who
7 voluntarily join together to achieve a lawful common social and economic
8 end; and

9 (e) *Cooperative* shall refer to a duly registered association of at least
10 fifteen (15) persons, majority of whom are poor, having a common bond of
11 interest, who voluntarily join together to achieve a lawful common social and
12 economic end. It is organized by members who equitably contribute the
13 required share capital and accept a fair share of the risks and benefits of their
14 undertaking in accordance with universally-accepted corporate principles and
15 practices.

16 SEC. 4. *Basic Rights of the Poor.* -- The poor shall have the following
17 rights, the enjoyment of which is an essential requirement towards poverty
18 alleviation: (a) the right to food; (b) the right to employment and livelihood;
19 (c) the right to quality education; (d) the right to shelter; and (e) the right to
20 basic health services and medicine.

21 The government shall, as a matter of duty and obligation, provide the
22 requirements, conditions and opportunities for the full enjoyment of these
23 rights of the poor, and which the poor can demand as a matter of right.

24 4.1. *The Right to Food.* -- The Department of Social Welfare and
25 Development (DSWD) shall expand a program of subsidy to help the poor
26 meet their minimum food necessities.

27 To help ensure the implementation of the food assistance program, all
28 food items and food products, including rice, corn, sugar and other prime

1 It shall also include the right to free availment of quality technical
2 vocational education and training to ensure access to decent and productive
3 employment.

4 The Department of Education (DepED), the Commission on Higher
5 Education (CHED) and the Technical Education and Skills Development
6 Authority (TESDA), in coordination with *government agencies concerned*,
7 shall ensure the full enjoyment of the poor of the right to education.

8 4.4. The Right to Shelter. – The right of the poor to decent housing
9 shall not be abridged. The government shall develop and implement a well-
10 targeted and responsive subsidy scheme that will provide decent housing with
11 the least financial burden.

12 In all cases, the government, in ensuring the exercise and enjoyment of
13 this right of the poor, shall put in place a system consisting of simple
14 requirements and procedures, and expeditious processing and approval.

15 The government, through the *Housing and Urban Development*
16 *Coordinating Council (HUDCC)* and the National Housing Authority (NHA),
17 in coordination with the LGUs, shall prioritize the implementation of the
18 socialized housing and resettlement for the poor.

19 The implementors of the socialized housing resettlement program shall
20 enjoy the incentives stated in Section 20 of Republic Act No. 7279, otherwise
21 known as the “Urban Development and Housing Act of 1992”.

22 4.5. The Right to Basic Health Services and Medicine. – The LGUs
23 shall ensure and promote the health of the populace, including the provision of
24 *direct health services, particularly the basic health care services*.
25 The Department of Health (DOH) shall provide the highly specialized level of
26 health care and technical assistance to LGUs, people’s organizations and other
27 members of civil society in effectively implementing programs, projects and
28 services that will promote the health and well-being of every Filipino,

1 especially the poor. Government medical and health insurance programs under
2 existing laws shall increase, expand and liberalize their coverage so as to
3 include socialized basic health services and medicine to the poor. The
4 Philippine Health Insurance Corporation (PhilHealth), in coordination with the
5 LGUs, shall implement an expanded primary care package for the poor.

6 SEC. 5. *Other Rights of the Poor.* – All other rights and benefits for
7 the poor provided under existing laws shall remain in full force and effect.
8 Nothing herein shall be construed in a manner that will diminish the enjoyment
9 of such rights by the poor who shall have the right to avail of the greater rights
10 or benefits offered by existing laws, including those granted under this Act.

11 SEC. 6. *Funding Requirements.* – The funding provided for the
12 pro-poor programs and projects of the different departments and agencies shall
13 be geared towards the implementation of this Act as follows:

14 (a) DSWD – Pantawid Pamilyang Pilipino Program (4PS), Core
15 Shelter Assistance Project, Self-Employment Assistance-Kaunlaran (SEA-K)
16 and KALAHI-CIDSS and Nutrition Program for Day Care Children (Malusog
17 na Simula, Yaman ng Bansa);

18 (b) DOLE – Job Search Assistance Program for Wage Employment,
19 Capacity-Building Program for Employment, Technical-Vocational Education
20 and Productivity Training Program, Special Program for Employment of
21 Students (SPES);

22 (c) TESDA – Skills Training and Scholarships;

23 (d) DepED – Pre-school and Free Public Elementary and Secondary
24 Education Scholarships, Nutrition Program for Pre-school Children;

25 (e) CHED – Specialized College Education, Study-Now-Pay-Later
26 Plans in all State Universities and Colleges (SUCs);

27 (f) NHA – Socialized Housing Resettlement;

1 (g) DOH – Basic Health Care Services including Potable Water
2 System; and

3 (h) PhilHealth – Expanded Primary Care Package for the Poor.

4 Any deficiency in the existing appropriations of the pro-poor programs
5 in the different departments and agencies shall be included in the General
6 Appropriations Act of the year following the enactment of this Act and
7 thereafter.

8 *SEC. 7. Tax Exemptions.* – Any donation, contribution and grants
9 which may be made to the sponsored program shall be exempt from the
10 donor's tax and the same shall be considered as allowable deduction from the
11 gross income in the computation of the income tax of the donor in accordance
12 with the provisions of the "National Internal Revenue Code of 1997", as
13 amended.

14 *SEC. 8. Private Sector Participation.* – The private sector is highly
15 encouraged to be an active partner for the empowerment of the basic sectors.
16 As such, the Departments of Social Welfare and Development, Labor and
17 Employment, Education and of Health are hereby authorized to solicit
18 donations, aids or grants, in cash or in kind, from whatever source, to meet the
19 demands of the basic rights to food, employment and livelihood, quality
20 education, shelter and basic health services and medicine. The donors of the
21 sponsored program shall be entitled to full deductibility of the value of the
22 donation for income tax purposes.

23 *SEC. 9. Rational Allocation of Funds.* – The DSWD shall be
24 principally responsible for the efficient and rational allocation of available
25 funding requirements as may be needed by the different government
26 departments and agencies in implementing this Act.

27 *SEC. 10. Role of the Local Government Units.* – The LGUs, through
28 the local development councils of the province, city, municipality or barangay,

1 shall be responsible for the formulation, implementation, monitoring and
2 evaluation of the national anti-poverty agenda and the programs and projects
3 set forth in the basic rights of the poor as provided for in Section 4 of this Act
4 and in their respective jurisdiction.

5 SEC. 11. *Implementing Rules.* – The DSWD, in coordination with the
6 government departments and agencies, shall promulgate rules and regulations
7 to carry out the provisions of this Act within three (3) months from its
8 effectivity. The rules shall set priority target areas for the initial
9 implementation of this Act, with the end in view of ensuring the successful
10 replication of the program nationwide.

11 SEC. 12. *Compliance Report.* – The NEDA, shall, within six (6)
12 months from the effectivity of this Act and every six (6) months thereafter,
13 submit a report to Congress on the compliance with the provisions of this Act.

14 SEC. 13. *Separability Clause.* – If, for any reason, any section or
15 provision of this Act is declared unconstitutional or invalid, the other sections
16 or provisions hereof which are not affected thereby shall continue to be in full
17 force and effect.

18 SEC. 14. *Repealing Clause.* – All laws, decrees, executive orders,
19 proclamations, rules and regulations or parts thereof inconsistent herewith are
20 hereby repealed.

21 SEC. 15. *Effectivity Clause.* – This Act shall take effect immediately
22 upon its publication in the *Official Gazette* or in two (2) newspapers of general
23 circulation.

Approved,