



HOUSE OF REPRESENTATIVES

H. No. 4629

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SUAREZ, TOLENTINO, TUGNA, TURABIN-HATAMAN, VILLARICA, ZAMORA (M.), BARZAGA, BELMONTE (V.), CAYETANO, DIMAPORO (I.), DAYANGHIRANG, FARIÑAS, FERNANDEZ, LACSON-NOEL, LAGDAMEO (A.), MADRONA, PANCHO, ROMULO, TIANGCO, TUPAS, ARAGONES, TINIO, PERNES, BRAVO (A.), BULUT-BEGTANG, ERICE, KHO, MIRASOL, VARGAS, COLLANTES, TAN (A.) AND ALVAREZ (M.),
PER COMMITTEE REPORT NO. 319

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. It shall adopt an
6 area-based, sectoral, and focused intervention to poverty alleviation where
7 every poor Filipino family must be empowered to meet their minimum basic
8 needs, through the partnership of the government and the basic sectors. It is
9 likewise vital that the State complies with its international obligations to
10 eradicate extreme poverty and hunger; achieve universal primary education;
11 promote gender equality and empowerment of women; reduce child mortality;
12 improve maternal health; combat Human Immunodeficiency Virus/Acquired
13 Immune Deficiency Syndrome (HIV/AIDS), malaria and other diseases; and
14 ensure environmental sustainability and development of a global partnership
15 for development.

1 To attain the foregoing policy:

2 (a) The government shall prioritize investments in anti-poverty
3 programs to enable the poor to fully participate in the country's growth and
4 development;

5 (b) All departments, agencies and instrumentalities of the government
6 shall provide full access of its services to the poor;

7 (c) The government shall strengthen interventions to address the
8 genuine concerns of the poor and shall institutionalize long-term strategies and
9 solutions for the empowerment of the poor; and

10 (d) Government strategies shall enhance and promote the capabilities
11 and competencies of the basic sectors, the nongovernment organizations
12 (NGOs) and people's organizations (POs), as development partners of the
13 government for the effective delivery and implementation of a wide range of
14 anti-poverty programs and basic services.

15 SEC. 3. *Definition of Terms.* – As used in this Act:

16 (a) *Basic sectors* refer to the disadvantaged sectors of Philippine
17 society including farmer-peasants, artisanal fisherfolk, workers in the formal
18 sector including migrant workers, workers in the informal sector, indigenous
19 peoples and cultural communities, women, persons with disability, senior
20 citizens, victims of calamities/natural and human-induced disasters, youth and
21 students, children, the urban poor and members of cooperative;

22 (b) *Development partners* refer to NGOs, POs and private corporations
23 which are engaged in programs and activities aimed at alleviating the condition
24 of the poor;

25 (c) *Hazardous/danger zones* refer to areas which, when occupied for
26 residential or business purposes, pose a danger to the life and safety of the
27 occupants or of the general public;

1 (d) *Nongovernment organizations (NGOs)* refer to duly registered
2 nonstock, nonprofit organizations focusing on the upliftment of the basic
3 sectors of society by providing advocacy, training, community organizing,
4 research, access to resources, protection of the environment and conservation
5 of natural resources and other similar activities;

6 (e) *People's organizations (POs)* refer to self-help groups belonging to
7 the basic sectors composed of members having a common bond of interest who
8 voluntarily join together to achieve a lawful common social or economic end,

9 (f) *Poor* refers to individuals or families whose income falls below the
10 poverty threshold as defined by the National Economic and Development
11 Authority (NEDA) and/or who cannot afford in a sustained manner to provide
12 their minimum basic needs of food, health, education, housing, or other
13 essential amenities of life; and

14 (g) *National Poverty Reduction Plan* refers to the aggregation and
15 consolidation of sectoral and local plans through a bottom-up approach, from
16 the Local Poverty Reduction Action Plan towards the formulation of the
17 national plan.

18 SEC. 4. *Scope of the Fundamental Rights of the Poor.* – The
19 government shall establish a system of progressive realization or
20 implementation to provide the requirements, conditions and opportunities for
21 the full enjoyment of the following rights of the poor which are essential
22 requirements towards poverty alleviation:

23 (a) The Right to Adequate Food is the right of individuals or families
24 to have physical and economic access to adequate and healthy food, or the
25 means to procure it. The Department of Social Welfare and Development
26 (DSWD), the Department of Agriculture (DA), and other implementing
27 agencies concerned shall:

1 (1) Undertake necessary actions to mitigate and alleviate hunger
2 especially in times of calamities/natural and human-induced disasters;

3 (2) Fully implement and maintain supplementary feeding programs in
4 day care centers and schools;

5 (3) Ensure the availability, accessibility and sustainability of food
6 supplies in a quantity and quality sufficient to meet the dietary needs of poor
7 individuals and families; and

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

11 (b) The Right to Decent Work is the right to the opportunity to obtain
12 decent and productive employment in conditions of freedom, equity, security
13 and human dignity. The Department of Labor and Employment (DOLE) and
14 other implementing agencies concerned shall:

15 (1) Ensure that the poor shall have access to information regarding
16 employment openings in private enterprises and in government programs and
17 projects especially regarding available emergency employment opportunities
18 for families displaced by calamities/natural and human-induced disasters or
19 relocated from hazardous/danger zones;

20 (2) Ensure the compliance of private contractors and subcontractors
21 doing national and local public work projects, funded by either the national
22 government or any local government unit (LGU), to fill in thirty percent (30%)
23 of the skilled labor requirements by qualified workers who come from the poor
24 sector and who are residents of the LGUs where these projects are undertaken:
25 *Provided*, That where the number of available resources is less than the
26 required percentage provided therein, said requirements shall be based on the
27 maximum number of locally available labor resources and shall be certified by

1 the municipal, city, provincial or district engineer as sufficient compliance with
2 the labor requirements under this Act;

3 (3) Promote livelihood among the poor. These implementing agencies
4 shall provide technical and administrative support to help the poor establish
5 their livelihood enterprise using loans obtained from them;

6 (4) Ensure compliance with core labor standards, address the job and
7 skills mismatch, and enhance human capital through education and training;
8 and

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

12 (c) The Right to Relevant and Quality Education is the right to attain
13 the full development of the human person.

14 The Department of Education (DepED), the Commission on Higher
15 Education (CHED) and the Technical Education and Skills Development
16 Authority (TESDA), in coordination with development partners concerned,
17 shall:

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

20 (2) Make higher education accessible to all poor individuals and
21 families. They shall expand the programs of providing socialized college
22 education to the poor, including student loans or study-now-pay-later plans, in
23 state/local universities and colleges: *Provided*, That the students qualify and
24 maintain good academic standing; and

25 (3) Ensure access to quality technical/vocational education and training
26 through scholarships, subsidies and financial assistance to ensure access to
27 decent and productive employment subject to compliance to qualification
28 requirements and availability of funds.

1 (d) The Right to Adequate Housing is the right to have a decent,
2 affordable, safe and culturally appropriate place to live in, with dignity,
3 security of tenure, in peace, with access to basic services, facilities, and
4 livelihood.

5 The Housing and Urban Development Coordinating Council (HUDCC)
6 and other implementing agencies concerned shall:

7 (1) Prioritize the implementation of the socialized housing program
8 with identified appropriate subsidies;

9 (2) Immediately construct and provide housing facilities for families
10 living in identified hazardous/danger zones where the housing needs of the
11 poor are urgent;

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

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

17 (e) The Right to the Highest Attainable Standard of Mental and
18 Physical Health is the right to have equitable access to a variety of facilities,
19 goods, services and conditions necessary for the realization of the highest
20 attainable standard of health. The Department of Health (DOH) and other
21 implementing agencies concerned shall:

22 (1) Ensure equitable access to a system of good quality health care and
23 protection that is also available, accessible, and acceptable to the poor;

24 (2) Provide for comprehensive, universal, culture-sensitive, and
25 gender-responsible health services and programs which include: (i) maternal
26 and child health care and nutrition; (ii) access to ethical, legal, medically safe
27 and effective reproductive health services and supplies; (iii) promotion of
28 breastfeeding; (iv) prevention and management of reproductive tract

1 infections, sexually transmitted diseases, HIV and AIDS; (v) provision of
2 immunization against major infectious diseases occurring in the community;
3 and (vi) prevention, treatment and control of epidemic and endemic diseases;

4 (3) Reduce the financial burden of health care and protection of the
5 poor through a socialized health insurance program with the end view of totally
6 eliminating out-of-pocket expenses; and

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

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

13 *SEC. 6. Social Protection* – The government shall build an effective
14 social protection system to ensure the protection of the poor from any risk or
15 contingency. The system shall include social insurance, safety nets, social
16 welfare, and labor market interventions which are affordable and accessible.
17 This social protection shall likewise be afforded in and during bilateral and
18 multilateral negotiations, including arrangements to be entered into with
19 international financial institutions.

20 *SEC. 7. System for Targeting of Beneficiaries.* – The NEDA shall
21 design and establish a single system of classification to be used for targeting
22 beneficiaries of the government's poverty alleviation programs and projects to
23 ensure that such programs reach the intended beneficiaries.

24 *SEC. 8. The National Poverty Reduction Plan (NPRP) and Enhanced*
25 *Coordination and Convergence among Government Agencies.* – All
26 government agencies shall formulate, within one hundred (100) days from the
27 issuance of the rules and regulations to implement this Act, a comprehensive
28 and convergent plan to set the thresholds to be achieved by the government for

1 each of the recognized rights of the poor. This plan shall consider all sectoral
2 and local poverty reduction plans of each barangay, municipality/city and
3 province. The National Anti-Poverty Commission (NAPC), with the technical
4 assistance of the NEDA, shall be tasked to compile and harmonize these plans.
5 The Department of Budget and Management (DBM) shall likewise review the
6 NPRP for inclusion in the budget of implementing agencies.

7 SEC. 9. *Participation of the Basic Sectors and of the Local*
8 *Government Units (LGUs).* – The NAPC shall ensure that the basic sectors
9 and the LGUs are engaged in the formulation and in the implementation of the
10 NPRP. The Department of the Interior and Local Government (DILG) shall
11 monitor the compliance of the LGUs in aligning their respective development,
12 investment, and poverty reduction plans with the NPRP, and in implementing
13 the same.

14 SEC. 10. *Funding Requirements.* – The funding for the poverty
15 alleviation programs and projects implemented under this Act shall be sourced
16 from the existing appropriations as authorized under the General
17 Appropriations Act of the different departments and agencies implementing
18 these programs including those enumerated below:

19 (a) DSWD – Pantawid Pamilyang Pilipino Program (4Ps) and
20 Sustainable Livelihood Program (SLP);

21 (b) DOLE – Special Program for Employment of Students (SPES)
22 and Tulong Panghanapbuhay sa Ating Disadvantaged Workers “TUPAD”
23 Project;

24 (c) TESDA – Skills Training, Private Education Student Financial
25 Assistance (PESFA) and the Training for Work Scholarship Program (TWSP);

26 (d) DepED – Alternative Learning System (ALS) and Government
27 Assistance to Students and Teachers in Private Education (GASTPE);

28 (e) CHED – Student Financial Assistance Program (STUFAP);

1 (f) NHA – Socialized housing program;

2 (g) DOH -- Basic health care services including potable water system;

3 and

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

5 Allocations for the implementation of these programs and projects
6 shall be given preferential consideration in the funding allocation of the
7 department/agency budget.

8 Any additional funds to the existing appropriations of the pro-poor
9 programs in the different departments and agencies shall be included in the
10 General Appropriations Act of the year following its enactment into law and
11 thereafter.

12 SEC. 11. *Private Sector Participation* – The private sector is highly
13 encouraged to be an active partner in the financing and implementation of
14 poverty alleviation programs and projects. The government agencies
15 implementing these programs shall be authorized to accredit development
16 partners, who may accept donations, aids or grants, in cash or in kind, from
17 duly accredited sources, to meet the demands of and uphold the basic rights of
18 the poor to adequate food, decent work, relevant and quality education,
19 adequate housing, and the highest attainable standard of mental and physical
20 health. Acceptance and use of such donations, aids or grants, shall be
21 transparent and subject to government applicable regulations.

22 The government shall recognize top performing development partners.

23 SEC. 12. *Tax Exemptions*. – Any donation, contribution and grant
24 which may be made to the sponsored program shall be exempt from the
25 donor's tax and shall be considered as allowable deduction from the gross
26 income in the computation of the income tax of the donor in accordance with
27 the provisions of the National Internal Revenue Code of 1997, as amended.

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

4 SEC. 13. *Rational Allocation of Funds.* – The DBM shall be principally
5 responsible for the efficient and rational allocation of available funds to the
6 different government departments and agencies to support the implementation
7 of this Act.

8 SEC. 14. *Implementation Through a System of Progressive Realization*
9 – Nothing in this Act shall be construed in any manner as requiring the
10 government to undertake the immediate implementation of all poverty
11 alleviation programs. The government shall set programmatic standards to be
12 achieved over time depending upon the availability of necessary resources and
13 in consideration of economic resource constraints.

14 SEC. 15. *Compliance Report.* – The NAPC shall be tasked to oversee
15 and monitor compliance with this Act. Within six (6) months from the
16 effectivity of this Act and every six (6) months thereafter, all implementing
17 departments and agencies shall submit a report to the NAPC on their respective
18 compliance with the provisions of this Act which, in turn, shall submit a
19 compliance report to the House Committee on Poverty Alleviation and to the
20 Senate Committee on Social Justice, Welfare and Rural Development.

21 SEC. 16. *Implementing Rules and Regulations.* – Within six (6)
22 months from the effectivity of this Act, the NAPC shall, in coordination with
23 the government departments and agencies, with the participation of the LGUs
24 and the basic sectors, promulgate rules and regulations to carry out the
25 provisions of this Act.

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

5 SEC. 18. *Repealing Clause.* – All laws, decrees, executive orders,
6 proclamations, rules and regulations or parts thereof inconsistent herewith are
7 repealed, amended, or modified accordingly.

8 SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after
9 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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