



NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL -7 P3 :02

RECEIVED BY: _____

SENATE

S. B. NO. 132

Introduced by SENATOR JOEL VILLANUEVA

AN ACT
PROVIDING FOR A WAGE EMPLOYMENT ASSISTANCE PROGRAM
FOR DISPLACED, MARGINALIZED, AND/OR VULNERABLE
WORKERS, INSTITUTIONALIZING FOR THIS PURPOSE THE
TULONG PANGHANAPBUHAY SA ATING
DISADVANTAGED/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 disruptive 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 a phreatic eruption affecting thousands of families and causing millions-worth of damages. Before the month ended, on January 30, 2020, the first case of novel coronavirus disease (COVID-19) was confirmed 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. As noted by the Asian Development Bank, the pandemic alone affected 1.7 million jobs up to January 2021, and employment in the informal sector rose by about 435,000 in the country during this period.¹ 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 herein the country.” On the other hand, the Taal volcano phreatic eruption resulted in the stoppage of operations of

¹ Asian Development Bank, Philippines' COVID-19 Employment Challenge: Labor Market Programs to the Rescue, available at <https://blogs.adb.org/blog/philippines-covid-19-employment-challenge-labor-market-programs-to-rescue> (last accessed June 24, 2022).

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 globe were also not spared, with thousands of workers repatriated at the height of the pandemic, and thousands more would-be overseas workers stranded in the country due to border closures.

All these emphasized the need for a permanent and institutionalized social safety net for displaced, marginalized, and vulnerable workers and their families. 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, policy-related disruptions 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, must be strengthened and enhanced.

It is in this light that 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. The bill contains the following provisions:

- 1) Authorizes the DOLE to *motu proprio* implement employment projects in cases of massive displacements;
- 2) Clarifies the covered worker-beneficiaries, which includes both formal and informal workers affected by the triggers mentioned above;
- 3) Ensures the payment of 100% of the prevailing minimum wage rate for non-agricultural workers in the area of project implementation; and
- 4) Providing penalty for acts, such as getting commissions, job sharing, listing ghost beneficiaries, padding, among others.

Thus, the immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA *jr*



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WORKERS, INSTITUTIONALIZING FOR THIS PURPOSE THE
TULONG PANGHANAPBUHAY SA ATING
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THE DEPARTMENT OF LABOR AND EMPLOYMENT,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Article I
General Provisions

- 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 social
- 4 order that will ensure the prosperity and independence of the nation and free the people
- 5 from poverty through policies that provide adequate social services, promote full
- 6 employment, a rising standard of living, and an improved quality of life for all.
- 7
- 8 The State shall improve the quality of life of all Filipino workers through active labor market
- 9 policies, promotion of employment opportunities and employment facilitation, human
- 10 resource development, and the provision to displaced, marginalized, and/or vulnerable
- 11 workers a transitional or temporary social safety net from economic shocks brought about
- 12 by disasters, public health emergencies, war, armed conflict, economic crises, and other

1 related contingencies, and/or experiencing loss of livelihood or income due to disability,
2 work-related accidents or injuries, unemployment, or work displacements.

3
4 **SEC. 3. Coverage.** – This Act shall cover all displaced, marginalized, and/or vulnerable
5 workers affected by disasters, public health emergencies, war, armed conflict, economic
6 crises, and other related contingencies, and/or experiencing loss of livelihood, or income
7 loss due to ill-health, disability, work-related accidents or injuries, unemployment, or work
8 displacements because of authorized causes of termination of employment, technological
9 advances, policy-related disruptions, and other analogous causes.

10
11 **SEC. 4. Definition of Terms.** – As used in this Act:

- 12
13 a) *Accredited Co-Partner* or ACP refers to the program partner that has been
14 accredited by the Department of Labor and Employment (DOLE) to implement
15 TUPAD projects using government or public funds. The ACP may be a peoples' or
16 workers' organization, legitimate labor organization, cooperative, business
17 association, church-based organization, educational institution, including Technical
18 Education and Skills Development Authority (TESDA)-accredited technical-
19 vocational training institutions and State Universities and Colleges (SUCs), non-
20 government organization, private foundation, or a government agency or
21 instrumentality, including National Government Agencies (NGAs), Local
22 Government Units (LGUs) and Government-Owned and Controlled Corporations
23 (GOCCs);
24
25 b) *Beneficiary* refers to individuals or group of individuals who are qualified recipients
26 of assistance under the TUPAD Program;
27
28 c) *Department* or DOLE refers to the Department of Labor and Employment;
29
30 d) *Displaced workers* refer to persons involuntarily terminated due to authorized
31 causes of termination as provided under the Labor Code of the Philippines,
32 technological advances, policy-related disruptions, and other analogous causes. It
33 also refers to Overseas Filipino Workers who have been involuntarily separated from
34 their jobs overseas.
35
36 e) *Marginalized workers* refer to workers deprived of education, health, employment,
37 and other opportunities by reasons of poverty, geographical inaccessibility, culture,
38 and gender, among others, and to workers who are less likely to have formal work
39 arrangements, and are more likely to lack decent working conditions, adequate
40 social security, and whose employment is characterized by inadequate earnings,
41 low productivity, and difficult conditions of work that undermine their fundamental
42 rights;
43
44 f) *Self-employed* refers to persons who operate their own businesses or trades and do
45 not employ paid workers in the conduct of their economic activities, including
46 workers who work purely on commission basis and who may not have regular
47 working hours;
48
49 g) *Sub-professionals* as used in this Act refer to individuals in the private sector
50 involved in structured work in support of office operations or those engaged in arts,
51 crafts, and manual or clerical work;
52
53 h) *TESDA* refers to the Technical Education and Skills Development Authority;

- 1
2 i) *TUPAD Program* is a temporary wage employment assistance program for
3 displaced, marginalized, and/or vulnerable workers, also known as the Tulong
4 Panghanapbuhay sa Ating Disadvantaged/Displaced Workers Program, and herein
5 interchangeably referred to as TUPAD or Program;
6
7 j) *Underemployed workers* refer to employed persons who express the desire to have
8 additional hours of work in their present job, or an additional job, or to have a new
9 job with longer working hours;
10
11 k) *Vulnerable workers* refer to workers, local and overseas, including minimum wage
12 earners, working poor, and marginalized workers, who are confronted by *ex-ante*
13 risk that if currently non-poor will fall below the poverty line, or if currently poor, will
14 remain mired in poverty, or exposed to adverse shocks; and
15
16 l) *Workers* as used in this Act refer to workers in the formal and informal economy or
17 self-employed, whether overseas or local.
18

19 **Article II**
20 **Wage Employment Assistance Program**
21 **for Displaced, Marginalized, and/or Vulnerable Workers or TUPAD Program**
22

23 **SEC. 5. Lead Agency and Convergence with Related Government Assistance**
24 **Program.** – The DOLE shall be the lead agency in the implementation of the TUPAD
25 Program and shall be responsible in the administration, sourcing, assessment, and
26 approval of all project proposals for funding from the appropriated funds for the
27 implementation of the TUPAD Program.
28

29 The Department shall integrate and collaborate with other government agencies, LGUs,
30 business and labor groups, and civil society groups in implementing similar or related
31 programs and services for an efficient and effective whole-of-nation approach in the
32 delivery of social safety nets.
33

34 **SEC. 6. Eligible Projects for TUPAD; Counterpart Funding Requirement.** – Eligible
35 employment projects that may be included under the Program shall include, but not be
36 limited to, social community projects, economic projects, field works such as conduct of
37 survey and profiling in partnership with government offices, agro-forestry community
38 projects that promote green jobs, and provision of assistance to LGUs in the delivery of
39 essential services. The Department, in coordination with relevant government agencies,
40 LGUs, ACPs, and other relevant stakeholders, shall formulate and implement projects
41 under the TUPAD Program that complements or utilizes the skill set of all categories of
42 workers classified under the Philippines Standard Occupational Classification.
43

44 The Department shall also set the duration of work for each project under the Program,
45 with due regard to the nature of the work to be performed; *Provided*, That except as
46 authorized by the Secretary of Labor and Employment in exceptional circumstances, the
47 duration of each project under the TUPAD Program shall not be less than ten (10) days,
48 nor exceed ninety (90) days.
49

50 Consistent with applicable government auditing rules and regulations, ACPs and LGUs
51 shall provide a counterpart funding of 20% of the total cost of the project. The funding may
52 be in the form of labor, land for the project site, facilities, and equipment, among others,
53 to be used in the project. The LGUs and ACPs may also provide technical assistance,

1 which could be in the form of identification of projects, profiling of beneficiaries,
2 procurement, monitoring, and facilitating access of services from other agencies.
3

4 **SEC. 7. Qualified Beneficiaries.** – All displaced workers, marginalized, and/or vulnerable
5 workers shall be qualified as beneficiaries under this Act; *Provided*, That the Secretary of
6 Labor and Employment may, under appropriate circumstances, approve TUPAD projects
7 that will include the underemployed and/or sub-professionals as beneficiaries under this
8 Act.
9

10 The Secretary of DOLE shall set standards on the TUPAD beneficiaries, including the
11 allowable number of beneficiaries per household, the number of projects under the
12 Program a qualified beneficiary may participate in, and such other relevant matters for the
13 effective implementation of this Act, with a view to helping the most number of
14 beneficiaries.
15

16 **SEC. 8. Modes of Implementation of the TUPAD Program.** – The TUPAD Program
17 shall be implemented by DOLE Regional Offices through any of the following modes:
18

- 19 a) With an Accredited Co-Partner (ACP). Under this mode, the ACP shall be the
20 Department's partner or conduit in the implementation of the program, provided they
21 are registered with any registering body of the government and accredited by DOLE
22 as an ACP; *Provided*, That Government agencies, LGUs, TESDA, and SUCs, shall
23 automatically be TUPAD program partners, without need of accreditation; or
24
- 25 b) DOLE Direct Administration. Under this mode, the administration and
26 implementation of the TUPAD Program shall be undertaken directly by the
27 Department's regional, provincial and/or field offices. In the event of massive
28 displacement of workers resulting in serious disruption of means of livelihood, direct
29 administration of wage employment projects shall be undertaken proactively by
30 DOLE *motu proprio*, in collaboration with relevant government agencies and/or
31 LGUs.
32

33 **SEC. 9. Wages and Compensation of Beneficiaries.** – The wages and compensation
34 of the beneficiaries shall not be less than 100% of the highest prevailing minimum wage
35 rate set by the Regional Wages and Productivity Board (RTWPB) in the region where the
36 project will be implemented. The beneficiaries shall be enrolled in a group micro-insurance
37 and shall be provided with the appropriate training, safety tools and proper equipment.
38

39 The Department shall use automated banking facilities, money remittance providers, and
40 electronic/digital wallets as primary mode of wage disbursement for the beneficiaries of
41 this Act. Under exceptional circumstances, such as TUPAD projects in geographically
42 isolated and disadvantaged areas, or non-operation of wage disbursement mechanisms
43 due to public emergencies, including war, armed conflict, epidemics/outbreaks or public
44 health emergencies, the Secretary of Labor and Employment may authorize direct cash
45 pay-out to TUPAD beneficiaries.
46

47 **SEC. 10. Prohibited Practices.** – The Department shall establish mechanisms to ensure
48 compliance with the provisions of this Act. It shall provide a list of prohibited activities,
49 such as, but not limited to, cuts for commission, job sharing, ghost beneficiaries, duplicate
50 beneficiaries, and padding of beneficiaries.
51

52 Any violation of this provision shall result in the blacklisting of the ACP, including the
53 reimbursement of the amount involved, with legal interest, without prejudice to the filing

1 of criminal and other related cases. If the ACP is an LGU or SUC, the LGU or SUC shall
2 immediately address such deficiency and/or error, without prejudice to applicable rules
3 and regulations of the Commission on Audit (COA), and the filing of civil, criminal or
4 administrative actions against erring officials and government employees. In case of direct
5 administration, the responsible DOLE personnel shall be subjected to administrative
6 investigation, without prejudice to the filing of appropriate civil, criminal or administrative
7 case.

8
9 **SEC.11. Authority to Receive and Administer Donations for TUPAD Program.** – The
10 Department is hereby authorized under this Act to receive donations from government
11 and non-government organizations and to administer the same strictly and exclusively for
12 the beneficiaries of the TUPAD Program, subject to relevant accounting and auditing rules
13 and regulations.

14
15 **SEC. 12. Monitoring, Reporting and Evaluation of the TUPAD Program.** – The
16 Department shall establish a standardized monitoring, evaluation and reporting system to
17 properly document every approved project under the Program.

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

27
28 **SEC. 13. Grievance Mechanisms.** – The Department shall establish grievance
29 mechanisms for the filing or reporting of complaints, grievances, or violations provided in
30 this Act and other related laws arising from the implementation of the TUPAD Program.
31 For this purpose, the Department shall ensure that all beneficiaries and stakeholders of
32 the Program have access to these grievance mechanisms.

33
34
35 **Article III**
36 **Miscellaneous Provisions**

37
38 **SEC. 14. Appropriations.** – The funds for the initial implementation of this Act shall be
39 sourced from the current budget of the Department for the implementation of the TUPAD
40 Program. Thereafter, the amount necessary for its continued implementation shall be
41 included in the annual General Appropriations Act; *Provided*, That such appropriation
42 shall take into consideration an administration cost of not more than 5%, subject to
43 periodic review and appropriate recommendation for increase, whenever necessary. For
44 this purpose, the Department shall issue the appropriate guidelines on the utilization and
45 management of the administration cost.

46
47 **SEC. 15. Implementing Rules and Regulations.** – Within ninety (90) days from the
48 effectivity of this Act, the DOLE shall, in consultation with TESDA, DPWH, DENR, DILG,
49 Union of Local Authorities of the Philippines, National Anti-Poverty Commission (NAPC),
50 and other relevant government agencies and other stakeholders, issue the necessary
51 rules and regulations for the effective implementation of this Act.
52

1 **SEC. 16. Separability Clause.** – Any portion or provision of this Act that is declared
2 unconstitutional or invalid shall not have the effect of nullifying other portions or provisions
3 hereof as long as such remaining portions can still subsist and be given effect in their
4 entirety.

5
6 **SEC. 17. Repealing Clause.** – All laws, ordinances, rules, regulations, other issuances
7 or parts thereof, which are inconsistent with this Act, are hereby repealed or modified
8 accordingly. Nothing in this Act shall result in the diminution of the benefits and/or
9 assistance given to overseas Filipinos and migrant workers as provided in other laws,
10 ordinances, rules, regulations, and issuances.

11
12 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
13 the Official Gazette or in two (2) newspapers of general circulation.

14
15 **Approved,**