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SENATE
S.B. No. 2370

RECEIVED BY: *[Signature]*

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT PROVIDING FOR A MAGNA CARTA OF THE POOR

EXPLANATORY NOTE

The country's economic performance in recent years has been impressive and unprecedented. Our 7.2% GDP growth in 2013 was the highest in the ASEAN earning the country improved investment grade ratings. Its economic climate is now attractive, viable and profitable for investors to come in.

Despite these accomplishments, our country still faces a myriad of challenges – millions of Filipinos do not have jobs and a fifth of the populace is still poor.

The daunting task for the State is how to capitalize on its outstanding growth, the critically acclaimed reform efforts and the renewed global confidence, in order to make growth more inclusive and felt by all of the one hundred million Filipinos.

In the midst of this economic progress, it is essential for the State to craft policies so that every Filipino family is recognized regardless of the socio-economic status of its members, and their needs be taken cared and provided for.

The proposed measure thus seeks to ensure the protection and promotion of five basic rights of every Filipino: the right to food, employment, education, shelter and basic health care. It supports the creation of a just and dynamic environment where prosperity is shared through the provision of adequate social services, enabling a rising standard of living and improved quality of life for everyone.


As the Philippines grows, no Filipino should be left behind.

In view of the foregoing, the approval of this bill is earnestly sought.

Bam Aquino
Senator Paolo Benigno "Bam" A. Aquino IV

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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. Short Title.** – This Act shall be known as the "Magna Carta of the Poor."

2 **SECTION 2. Declaration of Policy.** – It is the declared policy of the State to uplift the
3 standard of living and quality of life of the poor and provide them with sustained opportunities
4 for growth and development. It shall adopt an area-based, sectoral, and focused intervention to
5 poverty alleviation, where every Filipino family must be empowered to meet its minimum basic
6 needs through the partnership of the government and the basic sectors. It is likewise vital that
7 the State complies with its international obligations to eradicate extreme poverty and hunger,
8 achieve universal primary education, promote gender equality and empowerment of women,
9 reduce child mortality, improve maternal health, combat Human Immunodeficiency Virus/
10 Acquired Immune Deficiency Syndrome (HIV/ AIDS), malaria and other diseases, ensure
11 environmental sustainability, and develop a global partnership for development.

12 To attain the foregoing policy:

- 13 a. Government shall prioritize investments in anti-poverty programs to enable the poor to
14 participate responsibly in the country's growth and development;
- 15 b. All government departments, agencies and instrumentalities must provide full access to
16 government services for the poor;
- 17 c. Government shall strengthen interventions to address the genuine concerns of the poor
18 and must institutionalize long term strategies and solutions for the empowerment of
19 the poor;
- 20 d. Government strategies shall enhance and promote the capabilities and competencies of
21 the basic sectors, the non-government organizations (NGOs) and people's organizations
22 (POs), as development partners of the government for the effective delivery and
23 implementation of a wide range of anti-poverty programs and basic services.

24 **SECTION 3. Definition of Terms.** – As used in this Act, the following terms are hereby
25 defined:

- 26 a. *Basic Sectors* refers to the disadvantaged sectors of Philippine society including farmer-
27 peasants, artisanal fisherfolks, workers in the formal sector and migrant workers,
28 workers in the informal sectors, indigenous people and cultural communities, women,
29 persons with disability, senior citizens, victims of calamities, natural and human-induced
30 disasters, youths and students, children, urban poor and members of the cooperative;
- 31 b. *Development partners* refer to NGOs, POs, and private corporations which are engaged
32 in programs and activities aimed at alleviating the conditions of the poor;

- 1 c. *Hazardous/danger zones* refer to areas which when occupied for residential purposes
- 2 actually pose a danger to the life and safety of the occupants or of the general
- 3 community;
- 4 d. *Non-government Organizations (NGOs)* refer to duly registered non-stock, non-profit
- 5 organizations focusing on the upliftment of the basic sectors of society by providing
- 6 advocacy, training, community organizing, research, access to resources, protection of
- 7 the environment and conservation of natural resources, and other similar activities;
- 8 e. *People's Organizations (POs)* refer to self-help groups belonging to the basic sectors
- 9 composed of members having a common bond of interest, who voluntarily join together
- 10 to achieve a lawful common social and economic end;
- 11 f. *Poor* shall refer to individuals or families whose income fall below the poverty threshold
- 12 as defined by the National Economic and Development Authority (NEDA) and/or cannot
- 13 afford to provide their minimum basic needs of food, health, education, housing and
- 14 other essential amenities in a sustained manner;
- 15 g. *National Poverty Reduction Plan (NPRP)* refers to the aggregation and consolidation of
- 16 sectoral and local plans through a bottom-up approach, from the local poverty
- 17 reduction action plans towards the formulation of the national plan.

18 **SECTION 4. *Scope and Content of the Rights of the Poor.*** – The government shall

19 establish a system of progressive realization or implementation to provide the requirements,

20 conditions, and opportunities for the full enjoyment of the following rights of the poor which

21 are essential requirements towards poverty alleviation.

- 22 a. **The Right to Adequate Food** is the right of individuals or families to have physical and
- 23 economic access to adequate and healthy food, or the means to procure it. The
- 24 Department of Social Welfare and Development (DSWD) and the Department of
- 25 Agriculture (DA), and other implementing agencies shall:
 - 26 1. Undertake necessary actions to mitigate and alleviate hunger in times of natural
 - 27 or human-induced disasters;
 - 28 2. Fully implement and maintain supplementary feeding programs in day care
 - 29 centers and schools;
 - 30 3. Ensure the availability, accessibility, and sustainability of food supplies in a
 - 31 quantity and quality sufficient to meet the dietary needs of individuals and
 - 32 families; and
 - 33 4. Proactively engage the poor in activities intended to promote their food self-
 - 34 sufficiency.
- 35 b. **The Right to Decent Work** is the right to the opportunity to obtain decent and
- 36 productive employment in conditions of freedom, equity, security and human dignity.
- 37 The Department of Labor and Employment (DOLE) shall:
 - 38 1. Ensure that the poor shall have access to information regarding employment
 - 39 openings in private enterprises and in government programs and projects,
 - 40 especially regarding available emergency employment opportunities for families
 - 41 displaced by natural and human-induced disasters or relocated from hazardous/
 - 42 danger zones;
 - 43 2. Ensure the compliance of private contractors and subcontractors doing national
 - 44 and local public work projects funded by either the National Government or any
 - 45 LGU to fill Thirty percent (30%) of the skilled labor requirements by qualified
 - 46 workers who come from the poor sector and who are residents of the LGUs
 - 47 where these projects are undertaken: *Provided*, that where the number of
 - 48 available resources is less than the required percentage provided therein, said
 - 49 requirements shall be based on the maximum number of locally available labor

- 1 resources and shall be certified by the municipal, city, provincial or district
2 engineer as sufficient compliance with labor requirements under this Act;
- 3 3. Promote livelihood among the poor. These agencies shall provide technical and
4 administrative support to help the poor establish their livelihood enterprise
5 using loans obtained from the same;
 - 6 4. Ensure compliance with core labor standards, address job and skills mismatch,
7 and enhance human capital through education and training; and
 - 8 5. Provide an environment for more inclusive tri-partism to make representation
9 of interests of sectors more broad-based and highly participatory through social
10 dialogue at the firm and industry levels.

11 c. **The Right to Relevant and Quality Education** is the right to attain the full development
12 of the human person. The Department of Education (DepEd), the Commission on
13 Higher Education (CHED) and the Technical Education and Skills Development Authority
14 (TESDA), in coordination with development partners concerned, shall:

- 15 1. Maintain a system of free public education in the kindergarten, primary, and
16 secondary school levels;
- 17 2. Make higher education accessible to all poor individuals and families. They shall
18 expand the programs providing socialized college education to the poor,
19 including the student loans or study-now-pay-later plans, in state/local
20 universities and colleges; provided, that the students qualify and maintain good
21 academic standing; and
- 22 3. Ensure access to quality technical/ vocational education and training through
23 scholarship, subsidies and financial assistance to ensure access to decent and
24 productive employment subject to compliance to qualification requirements
25 and availability of funds.

26 d. **The Right to Adequate Housing** is the right to have a decent, affordable, safe, and
27 culturally appropriate place to live in, with dignity, security of tenure, in peace, and
28 with access to basic services, facilities, and livelihood. The Housing and Urban
29 Development Coordinating Council (HUDCC) and other implementing agencies
30 concerned shall:

- 31 1. Prioritize the implementation of the socialized housing program with identified
32 appropriate subsidies;
- 33 2. Immediately construct and provide housing facilities for families living in
34 identified hazardous/ danger zones where the housing of the poor are urgent;
- 35 3. Create an enabling environment that will assist the poor to gain access to
36 security of tenure with the least financial burden; and
- 37 4. Provide a system consisting of simple requirements and procedures, and
38 expeditious processing and approval especially for community-based socialized
39 housing/people's proposals.

40 e. **The Right to the Highest Attainable Standard of Mental and Physical Health.** The
41 Department of Health (DOH) shall:

- 42 1. Ensure equitable access to a system of good quality health care and protection
43 that is also available, accessible, and acceptable to the poor;
- 44 2. Provide for comprehensive universal, culture-sensitive, and gender-responsible
45 health services and programs which include (a) maternal and child health care
46 and nutrition; (b) access to ethical, legal, medically safe and effective
47 reproductive health services and supplies; (c) promotion of breastfeeding; (d)
48 prevention and management of reproductive tract infections, sexually

- 1 transmitted diseases, HIV and AIDS; (e) provide immunization against the major
2 infectious diseases occurring in the community; and (f) prevention, treatment,
3 and control of epidemic and endemic diseases;
- 4 3. Reduce the financial burden of health care and protection on the poor through
5 a socialized health insurance program, with the end view of totally eliminating
6 out-of-the pocket expenses; and
7 4. Provide health-related education and information to the community.

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

12
13 **SECTION 6. Social Protection.** – The government shall build an effective social
14 protection system to ensure the protection of the poor from any risk or contingency. The
15 system shall include social insurance, safety nets, social welfare, and labor market interventions
16 which are affordable and accessible. This social protection is further guaranteed under this law
17 by government in negotiating bilateral and multilateral agreements, including arrangements
18 concluded with international financial institutions.

19 **SECTION 7. System for Targeting of Beneficiaries.**– The National Economic and
20 Development Authority (NEDA)-shall design and establish a single system of classification to be
21 used for targeting beneficiaries of the government's anti-poverty programs and projects to
22 ensure that such programs reach the intended beneficiaries.

23 **SECTION 8. The National Poverty Reduction Plan and Enhanced Coordination and**
24 **Convergence Among Government Agencies.** – All government agencies and offices must
25 therefore formulate, within one hundred (100) days from the issuance of the implementing
26 rules and regulations of this act, a comprehensive and convergent plan to set the thresholds to
27 be achieved by the government for each recognized right. This plan shall consider all sectoral
28 and local poverty reduction action plans of each barangay, municipal/city, and province. The
29 National Anti-Poverty Commission (NAPC), with technical assistance of NEDA, shall be tasked to
30 compile and harmonize these plans. The Department of Budget and Management (DBM) shall
31 likewise review the National Poverty Reduction Plan (NPRP) for inclusion in the budget of
32 implementing agencies.

33 **SECTION 9. Participation of Basic Sectors and of the Local Government Units (LGUs).** –
34 NAPC shall ensure that the basic sectors and local government units are engaged in the
35 formulation and in the implementation of the National Poverty Reduction Plan (NPRP). The
36 Department of Interior and Local Government shall monitor the compliance of the LGUs in
37 aligning their respective development, investment, and poverty reduction plans with the NPRP,
38 and in implementing the same.

39 **SECTION 10. Funding Requirements.** – The funding for the pro-poor programs and
40 projects implemented under this Act shall be taken from the existing appropriations as
41 authorized under the General Appropriations Act of the different departments and agencies
42 implementing pro-poor programs including those enumerated below:

- 43 a. DSWD – Pantawid Pamilyang Pilipino Program (4Ps) and Sustainable Livelihood Program
44 (SLP);
45 b. DOLE – Special Program for Employment of Students (SPES) and Tulong Panghanapbhay
46 sa Ating Disadvantaged Workers “TUPAD” Project;
47 c. TESDA – Skills Training, Private Education Student Financial Assistance (PESFA) and the
48 Training for Work Scholarship Program (TWSP);

- 1 d. DepEd – Alternative Learning System (ALS), Government Assistance to Students and
- 2 Teachers in Private Education (GASTPE);
- 3 e. CHED – Student Financial Program (STUFAP);
- 4 f. Social Housing and Finance Corporation (SHFC) – Socialized Housing Program (SHP);
- 5 g. DOH – Basic Health Care Services including Potable Water System; and
- 6 h. PhilHealth – Expanded Primary Care Packages for the Poor.

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

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

19 **SECTION 12. Tax Exemptions.** – Any donation, contribution and grant which may be
20 made to the sponsored program shall be exempt from the donor’s tax and shall be considered
21 as allowable deduction from the gross income in the computation of the income tax of the
22 donor in accordance with the provisions of the “National Internal Revenue Code of 1997,” as
23 amended.

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

27 **SECTION 13. Rational Allocation of Funds.** – The Department of Budget and
28 Management (DBM) shall be principally responsible for the efficient and rational allocation of
29 available funds to the different government departments and agencies to support the
30 implementation of this Act.

31 **SECTION 14. Implementation Through a System of Progressive Realization.** – Nothing
32 in this Act shall be construed in any manner as requiring the Government to undertake the
33 immediate implementation of all poverty alleviation programs. The government shall set
34 programmatic standards to be achieved overtime, depending upon the availability of necessary
35 resources and in consideration of economic resource constraint.

36 **SECTION 15. Compliance Report.** – The NAPC shall be tasked to oversee and monitor
37 the compliance with this Act. Within six (6) months from the effectivity of this Act and every six
38 (6) months thereafter, all implementing departments and agencies shall submit a report to the
39 NAPC on their respective compliance with the provisions of this Act. NAPC, in turn, shall submit
40 a compliance report to the House Committee on Poverty Alleviation and to the Senate
41 Committee on Social Justice, Welfare and Rural Development.

42 **SECTION 16. Implementing Rules.** - Within six (6) months from the effectivity of this
43 Act, the NAPC shall, in coordination with the government departments and agencies, with
44 participation of the LGUs and the basic sectors, promulgate rules and regulations to carry out
45 the provisions of this Act.

1 **SECTION 17. Effectivity.** — This Act shall take effect fifteen (15) days after its complete
2 publication either in the *Official Gazette* or at least two (2) newspapers of general circulation.

3 *Approved,*