


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



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SENATE
S.B. No. 690

RECEIVED BY: 

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. Its 7.2% GDP growth in 2013 was the highest in Asia earning the country improved investment grades. Its economic climate is now attractive, viable and profitable for investors to come in – doing business has become more fun in the Philippines.

Despite the accomplishments of the country, it still does face a myriad of challenges – around three million Filipinos do not have jobs and a fifth of the populace is 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 to take care and provide for their needs.

The proposed measure thus seeks to ensure the protection and promotion of five basic rights of every Filipino: the right to food, employment, quality education, shelter and basic health care. It supports the creation of a just and dynamic environment where prosperity is shared through provision of adequate social services and 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, immediate approval of this bill is earnestly sought.

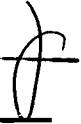

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AN ACT PROVIDING FOR A MAGNA CARTA OF THE POOR

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

13 To attain the foregoing policy:

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

1 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall mean:

- 2 a. *Basic Sectors* - the disadvantaged sectors of Philippine society including farmer-
3 peasants, artisanal fisherfolks, workers in the formal sector and migrant workers,
4 workers in the informal sectors, indigenous people and cultural communities,
5 women, persons with disability, senior citizens, victims of calamities, natural and
6 human-induced disasters, youths and students, children, urban poor and members
7 of the cooperative;
8 b. *Development partners* - NGOs, POs, and private corporations which are engaged in
9 programs and activities aimed at alleviating the conditions of the poor;
10 c. *Hazardous/danger zones* - areas which when occupied for residential purposes
11 actually pose a danger to the life and safety of the occupants or of the general
12 community;
13 d. *Non-government Organizations (NGOs)* - duly registered non-stock, non-profit
14 organizations focusing on the upliftment of the basic sectors of society by providing
15 advocacy, training, community organizing, research, access to resources, protection
16 of the environment and conservation of natural resources, and other similar
17 activities;
18 e. *People's Organizations (POs)* - self-help groups belonging to the basic sectors
19 composed of members having a common bond of interest, who voluntarily join
20 together to achieve a lawful common social and economic end;
21 f. *Poor* - individuals or families whose income fall below the poverty threshold as
22 defined by the National Economic and Development Authority (NEDA) and/or cannot
23 afford to provide their minimum basic needs of food, health, education, housing and
24 other essential amenities in a sustained manner;
25 g. *National Poverty Reduction Plan (NPRP)* - the aggregation and consolidation of
26 sectoral and local plans through a bottom-up approach, from the local poverty
27 reduction action plans towards the formulation of the national plan.

28 **SEC. 4. Scope and Content of the Rights of the Poor.** – The government shall
29 establish a system of progressive realization or implementation to provide the
30 requirements, conditions, and opportunities for the full enjoyment of the following rights of
31 the poor, which are essential requirements towards poverty alleviation.

- 32 a. **The Right to Adequate Food** is the right of individuals or families to have physical
33 and economic access to adequate and healthy food, or the means to procure it. The
34 Department of Social Welfare and Development (DSWD) and the Department of
35 Agriculture (DA), and other implementing agencies shall:
36 1. Undertake necessary actions to mitigate and alleviate hunger in times of
37 natural or human-induced disasters;
38 2. Fully implement and maintain supplementary feeding programs in day care
39 centers and schools;
40 3. Ensure the availability, accessibility, and sustainability of food supplies in a
41 quantity and quality sufficient to meet the dietary needs of individuals and
42 families; and
43 4. Proactively engage the poor in activities intended to promote their food self-
44 sufficiency.

1 b. **The Right to Decent Work** is the right to the opportunity to obtain decent and
2 productive employment in conditions of freedom, equity, security and human
3 dignity. The Department of Labor and Employment (DOLE) shall:

- 4 1. Ensure that the poor shall have access to information regarding employment
5 openings in private enterprises and in government programs and projects,
6 especially regarding available emergency employment opportunities for
7 families displaced by natural and human-induced disasters or relocated from
8 hazardous/ danger zones;
- 9 2. Ensure the compliance of private contractors and subcontractors doing
10 national and local public work projects funded by either the National
11 Government or any LGU to fill thirty percent (30%) of the skilled labor
12 requirements by qualified workers who come from the poor sector and who
13 are residents of the LGUs where these projects are undertaken: *Provided,*
14 That where the number of available resources is less than the required
15 percentage provided therein, said requirements shall be based on the
16 maximum number of locally available labor resources and shall be certified
17 by the municipal, city, provincial or district engineer as sufficient compliance
18 with labor requirements under this Act;
- 19 3. Promote livelihood among the poor. These agencies shall provide technical
20 and administrative support to help the poor establish their livelihood
21 enterprise using loans obtained from the same;
- 22 4. Ensure compliance with core labor standards, address job and skills
23 mismatch, and enhance human capital through education and training; and
- 24 5. Provide an environment for more inclusive tri-partism to make
25 representation of interests of sectors more broad-based and highly
26 participatory through social dialogue at the firm and industry levels.

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

- 32 1. Maintain a system of free public education in the kindergarten, primary, and
33 secondary school levels;
- 34 2. Make higher education accessible to all poor individuals and families. They
35 shall expand the programs providing socialized college education to the
36 poor, including the student loans or study-now-pay-later plans, in state/local
37 universities and colleges; provided, that the students qualify and maintain
38 good academic standing; and
- 39 3. Ensure access to quality technical/ vocational education and training
40 through scholarship, subsidies and financial assistance to ensure access to
41 decent and productive employment subject to compliance to qualification
42 requirements and availability of funds.

43 d. **The Right to Adequate Housing** is the right to have a decent, affordable, safe, and
44 culturally appropriate place to live in, with dignity, security of tenure, in peace, and
45 with access to basic services, facilities, and livelihood. The Housing and Urban

1 Development Coordinating Council (HUDCC) and other implementing agencies
2 concerned shall:

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

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

- 15 1. Ensure equitable access to a system of good quality health care and
16 protection that is also available, accessible, and acceptable to the poor;
- 17 2. Provide for comprehensive universal, culture-sensitive, and gender-
18 responsive health services and programs which include (a) maternal and
19 child health care and nutrition; (b) access to ethical, legal, medically safe and
20 effective reproductive health services and supplies; (c) promotion of
21 breastfeeding; (d) prevention and management of reproductive tract
22 infections, sexually transmitted diseases, HIV and AIDS; (e) provide
23 immunization against the major infectious diseases occurring in the
24 community; and (f) prevention, treatment, and control of epidemic and
25 endemic diseases;
- 26 3. Reduce the financial burden of health care and protection on the poor
27 through a socialized health insurance program, with the end view of totally
28 eliminating out-of-pocket expenses; and
- 29 4. Provide health-related education and information to the community.

30 **SEC. 5. Non-diminution of Benefits.** – All other rights of the poor provided under
31 existing laws shall remain in full force and effect. Nothing herein shall be construed in a
32 manner that will diminish the enjoyment of such rights by the poor, who shall have the right
33 to avail of greater rights offered by existing laws including those granted under this Act.
34

35 **SEC. 6. Social Protection.** – The government shall build an effective social protection
36 system to ensure the protection of the poor from any risk or contingency. The system shall
37 include social insurance, safety nets, social welfare, and labor market interventions, which
38 are affordable and accessible. This social protection is further guaranteed under this law by
39 government in negotiating bilateral and multilateral agreements, including arrangements
40 concluded with international financial institutions.

41 **SEC. 7. System for Targeting of Beneficiaries.** - The National Economic and
42 Development Authority (NEDA) shall design and establish a single system of classification to
43 be used for targeting beneficiaries of the government's anti-poverty programs and projects
44 to ensure that such programs reach the intended beneficiaries.

1 **SEC. 8. The National Poverty Reduction Plan and Enhanced Coordination and**
2 **Convergence Among Government Agencies.** – All government agencies and offices must
3 therefore formulate, within one hundred (100) days from the issuance of the implementing
4 rules and regulations of this Act, a comprehensive and convergent plan to set the thresholds
5 to be achieved by the government for each recognized right. This plan shall consider all
6 sectoral and local poverty reduction action plans of each barangay, municipal/city, and
7 province. The National Anti-Poverty Commission (NAPC), with technical assistance of NEDA,
8 shall be tasked to compile and harmonize these plans. The Department of Budget and
9 Management (DBM) shall likewise review the National Poverty Reduction Plan (NPRP) for
10 inclusion in the budget of implementing agencies.

11 **SEC. 9. Participation of Basic Sectors and of the Local Government Units (LGUs).** –
12 NAPC shall ensure that the basic sectors and local government units are engaged in the
13 formulation and in the implementation of the National Poverty Reduction Plan (NPRP). The
14 Department of Interior and Local Government shall monitor the compliance of the LGUs in
15 aligning their respective development, investment, and poverty reduction plans with the
16 NPRP, and in implementing the same.

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

- 21 a. DSWD – Pantawid Pamilyang Pilipino Program (4Ps) and Sustainable Livelihood
22 Program (SLP);
- 23 b. DOLE – Special Program for Employment of Students (SPES) and Tulong
24 Panghanapbuhay sa Ating Disadvantaged Workers “TUPAD” Project;
- 25 c. TESDA – Skills Training, Private Education Student Financial Assistance (PESFA) and
26 the Training for Work Scholarship Program (TWSP);
- 27 d. DepEd – Alternative Learning System (ALS), Government Assistance to Students and
28 Teachers in Private Education (GASTPE);
- 29 e. CHED – Student Financial Program (STUFAP);
- 30 f. Social Housing and Finance Corporation (SHFC) – Socialized Housing Program (SHP);
- 31 g. DOH – Basic Health Care Services including Potable Water System; and
- 32 h. PhilHealth – Expanded Primary Care Packages for the Poor.

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

36 **SEC. 11. Private Sector Participation.** – The private sector is highly encouraged to be
37 an active partner in the financing and implementation of poverty alleviation programs and
38 projects. The government agencies implementing these programs shall be authorized to
39 accredit development partners, who may accept donations, aids or grants, in cash or in kind,
40 from duly accredited sources, to meet the demands of and uphold the basic rights of the
41 poor to adequate food, decent work, relevant and quality education, adequate housing, and

1 the highest attainable standard of mental and physical health. Acceptance and use of such
2 donations, aids or grants, shall be transparent and subject to applicable regulations of
3 government.

4 **SEC. 12. Tax Exemptions.** – Any donation, contribution and grant which may be
5 made to the sponsored program shall be exempt from the donor’s tax and shall be
6 considered as allowable deduction from the gross income in the computation of the income
7 tax of the donor in accordance with the provisions of the “National Internal Revenue Code
8 of 1997,” as amended.

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

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

16 **SEC. 14. Implementing Rules and Regulations.** – Within sixty (60) days from the
17 effectivity of this Act, the NAPC, together with its member national government agencies,
18 NEDA, the basic sectors, and representatives of persons living in poverty, shall promulgate
19 rules and regulations to carry out the provisions of this Act.

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

26 **SEC. 16. Separability Clause.** — If any provision of this Act is subsequently declared
27 invalid or unconstitutional, other provisions hereof which are not affected thereby shall
28 remain in full force and effect.

29 **SEC. 17. Repealing Clause.** — All laws, acts, presidential decrees, executive orders,
30 issuances, presidential proclamations, rules and regulations or parts thereof which are
31 contrary to and inconsistent with any provision of this Act are hereby repealed, amended or
32 modified accordingly.

33 **SEC. 18. Effectivity.** — This Act shall take effect fifteen (15) days after its complete
34 publication either in the *Official Gazette* or in two (2) newspapers of general circulation.

35 *Approved,*