

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 23



Introduced by: **HON. RACHEL MARGUERITE B. DEL MAR**

EXPLANATORY NOTE

In essence, social justice in a democracy is caring for the poor, a continuing and sincere concern for the underprivileged, a genuine and serious effort to improve their quality of life. This is what the attached bill, The Magna Carta for the Poor, is all about.

While there may be existing laws touching on the need of the poor, the jobless, the homeless and the landless as part of an overall national strategy to alleviate poverty, this proposed legislation puts in sharp focus by stating in unequivocal terms what is felt to be the basic irreducible rights of the poor as essential requirements towards poverty alleviation, rights without which it is pointless to talk about poverty reduction. These rights are: the right to employment, the right to free healthcare and medicine – the “minimum standards of decency” which the poor can demand as a matter of right and which the government must do as a matter of obligation.

More than a bill of rights of the poor, it declares that Government must now take the side of the poor because the issue of poverty has now become a critical question of survival; that Government intervention, given the present situation, is the only realistic route to take to uplift the poor while long term measures, strategies and solutions for poverty reduction are being put in place, and that government must invest heavily in anti-poverty programs for the economic empowerment of the poor.

The attached bill recognizes that, under the present economic environment, the top priority should be the creation of jobs or creation of employment opportunities. The lack of employment appears to be the core of the problem of poverty. Jobs mean income and income translates into access to food, shelter, land, education and healthcare services. This means income spending which means payment and collection of taxes which in turn means more services to the poor. The government, therefore, must create jobs, must establish employment opportunities for the poor.

Likewise, the government must implement a system of subsidy to help the poor in their food and housing requirements, and a system of free quality education and free health services and medicine. Employment will not come immediately for all the poor and the income may be grossly inadequate for those who may be employed. Hunger and sickness should not incapacitate and disable the poor in the pursuit of their rights.

The value of education – not mere education but free quality educations even at the college level is envisioned – in poverty alleviation cannot be denied. Simply put, an educated poor would have better chances of surviving and enduring, even prevailing, in the market of employment and business. As stressed somewhere, those left out of public education programs are likely to be left out of economic opportunities, a misfortune that will surely be inherited by the next generation. The government must treat this concept of free quality education as a national investment, equipping the citizenry with tools for the future, for a better future.

In the end, to make democracy work, the government must firstly work for the poor, the greater majority of the people. We can only have strong democratic institutions when such greater majority of the people are given the opportunities to participate in the benefits, growth and development of a democratic society. Only when the poor are economically empowered will they be able to participate in the democratic process of setting national goals that affect their daily lives.

In this light, approval of the 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 the House of Representatives of the Philippines in Congress assembled:

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

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to uplift the standard of living and quality of life of the poor and provide them with sustained opportunities for growth and development. Every poor Filipino family must be empowered to meet their minimum basic needs, through the partnership of the government and the basic sectors.

To attain the foregoing policy:

- (a) Government must prioritize investments in anti-poverty programs to enable the poor to participate responsibly in the country’s growth and development;
- (b) All government departments, agencies and instrumentalities must provide full access to government services for the poor;
- (c) Government interventions must be strengthened to address the genuine concerns of the poor, while long-term strategies and solutions for the empowerment of the poor are being put in place; and

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

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

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

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

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

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

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

SEC. 4. *Basic Rights of the Poor.* – The poor shall have the following rights, the enjoyment of which is an essential requirement towards poverty alleviation: (a) the right to food; (b) the right to employment and livelihood; (c) the right to quality education; (d) the right

to shelter; and (e) the right to basic health services and medicine.

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

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

To help ensure the implementation of the food assistance program, all food items and food products, including rice, corn, sugar and other prime commodities, seized and forfeited with finality in favor of the government for violations of customs laws shall be automatically transferred to and/or turned over to the DSWD for proper disposition.

The DSWD, in coordination with the Department of Agriculture (DA), shall develop a complementary program to food subsidy so that the poor can engage in productive activities. These programs shall promote food self-sufficiency among the poor.

4.2 The Right to Employment and Livelihood. – The Department of Labor and Employment (DOLE), in coordination with the people's organizations, the Presidential Commission for the Urban Poor (PCUP) and the local government units (LGUs) shall primarily be responsible for ensuring that the poor shall have preferential access to employment openings in private enterprises and in government programs and projects. The DOLE is likewise tasked to address the emergency employment needs of displaced families.

Five percent (5%) of all casual positions in all government infrastructure projects done by administration and/or government-assisted undertakings where the national government has full control shall be reserved for the members of people's organizations.

4.3. The Right to Quality Education. – The right of the poor to free public elementary and secondary education shall not be impaired.

The right to education shall include access to quality education at the college level. Consistent with the government's goal of providing socialized college education to the poor, including the student loans or study-now-pay-later plans, programs on education shall be expanded in state/local universities and colleges: *Provided*, That the students qualify and maintain good academic standing.

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

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

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

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

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

4.5. The Right to Basic Health Services and Medicine. – The LGUs shall ensure and promote the health of the populace, including the provision of direct health services, particularly the basic health care services. The Department of Health (DOH) shall provide the highly specialized level of health care and technical assistance to LGUs, people’s organizations and other members of civil society in effectively implementing programs, projects and services that will promote the health and well-being of every Filipino, especially the poor. Government medical and health insurance programs under existing laws shall increase, expand and liberalize their coverage so as to include socialized basic health services and medicine to the poor. The Philippine Health Insurance Corporation (PhilHealth), in coordination with the LGUs, shall implement an expanded primary care package for the poor.

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

granted under this Act.

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

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

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

(c) TESDA – Skills Training and Scholarships;

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

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

(f) NHA – Socialized Housing Resettlement;

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

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

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

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

SEC. 8. *Private Sector Participation.* – The private sector is highly encouraged to be an active partner for the empowerment of the basic sectors. As such, the Departments of Social Welfare and Development, Labor and Employment, Education and of Health are hereby authorized to solicit donations, aids or grants, in cash or in kind, from whatever source, to meet

the demands of the basic rights to food, employment and livelihood, quality education, shelter and basic health services and medicine. The donors of the sponsored program shall be entitled to full deductibility of the value of the donation for income tax purposes.

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

SEC. 10. *Role of the Local Government Units.* – The LGUs, through the local development councils of the province, city, municipality or barangay, shall be responsible for the formulation, implementation, monitoring and evaluation of the national anti-poverty agenda and the programs and projects set forth in the basic rights of the poor as provided for in Section 4 of this Act and in their respective jurisdiction.

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

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

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

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

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

Approved,