

HOUSE OF REPRESENTATIVES

House Bill No. 148

Introduced by Representative Ben P. Evardone

EXPLANATORY NOTE

Social progress can only be attained through social justice. This is the basic tenet the State must employ in its responsibility to its citizens, especially the less fortunate and impoverished. Concrete mechanisms are necessary in order to squarely respond to the ills of poverty that hamper the growth and development of the nation. Thus, to achieve social justice and progress it is imperative to enact a legislation that directly caters to the needs and concerns of the poor Filipino.

This legislation, providing for a Magna Carta of the Poor, seeks to empower poor Filipino families towards the alleviation of their status through the implementation of anti-poverty programs, making government services accessible, strengthening government interventions, and enhancing the participation of non-government organizations (NGOs) and people's organizations (POs). Moreover, this bill aims to guarantee the rights of the poor to food, employment and livelihood, quality education, shelter, basic health services and medicines, among others. Aside from guaranteeing the rights of the poor, this bill calls for the recognition of such through tangible mechanisms and through a solid partnership between the government and its agencies and the basic sectors.

The assurance of a higher standard of living and quality of life of every poor Filipino is a duty of the State. This entails the creation of viable opportunities for the less fortunate that are accessible and relevant.

In the interest of uplifting the state of our fellow Filipinos, immediate passage of this bill is earnestly sought.



BEN P. EVARDONE

Representative, Lone District of Eastern Samar

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

HOUSE OF REPRESENTATIVES

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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. *Title.* - This Act shall be known as the "Magna Carta for the
2 Poor".

3 SEC. 2. *Declaration of Policy.* - It is the declared policy of the State to
4 uplift the standard of living and quality of life of the poor and provide them with
5 sustained opportunities for growth and development. Every poor Filipino family
6 must be empowered to meet their minimum basic needs, through the partnership
7 of the government and the basic sectors. It is likewise vital that the State
8 complies with its international obligations to eradicate poverty, such as our
9 commitment to achieve the Millennium Development Goals which include the
10 eradication of extreme poverty and hunger, achievement of universal primary
11 education, promotion of gender equality and empowerment of women, reduction
12 of child mortality, improvement of maternal health, combating HIV/AIDS,
13 malaria and other diseases, ensuring environmental sustainability and
14 development of a global partnership for development.

15 To attain the foregoing policy:

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

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

6 SEC. 3. *Definition of terms.* - As used in this Act, the following terms are
7 hereby defined:

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

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

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

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

27 SEC. 4. *Basic Rights of the Poor.* - The poor shall have the following rights,
28 the enjoyment of which is an essential step towards poverty alleviation: (a) the
29 right to food; (b) right to employment and livelihood; (c) the right to quality
30 education; (d) the right to shelter; and (e) the right to basic health services and
31 medicines.

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

35 4.1. *The Right to Food.*- The Department of Social Welfare and
36 Development (DSWD) shall expand a program of subsidy to help the poor
37 meet their minimum food requirements.

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

43 The DSWD, in coordination with the Department of Agriculture (DA),
44 shall develop plans and projects to complement existing food subsidy

1 programs of the government so that the poor can engage in productive
2 activities. These shall promote food self- sufficiency among the poor.

3 *4.2. The Right to Employment and Livelihood.*- The Department of Labor
4 and Employment (DOLE), in coordination with the POs, National Anti-
5 Poverty Commission (NAPC), Local Government Units (LGUs), and
6 relevant government agencies and government financial institutions, shall
7 primarily be responsible for providing facilitation assistance to the poor to
8 ensure better access to livelihood opportunities and employment openings
9 in private enterprises and in government programs and projects. The
10 DOLE and other concerned government agencies are likewise tasked to
11 address the emergency employment needs of displaced families.

12 In the hiring of workers needed for the implementation of government
13 infrastructure projects and/or government-funded contracts or
14 government-assisted undertakings, it shall be mandatory to prioritize
15 qualified laborers from the poor sector who are residents of the LGUs
16 where the project is located, as provided in the implementing rules.

17 *4.3. The Right to Quality Education.*- The right of the poor to free public
18 elementary and secondary education shall not be impaired.

19 The right to education shall include access to quality education at the
20 college level. Consistent with the government's goal of providing
21 socialized college education, including the student loans or study-now-
22 pay-later plans, programs on education shall be expanded in state/local
23 private universities and colleges, as well as higher education institutions:
24 *Provided*, That the students qualify and maintain good academic standing;
25 *Provided further*, That the students enroll in priority courses, as
26 determined by the Commission on Higher Education (CHED).

27 It shall also include the right to avail of quality technical vocational
28 education and training through scholarships, subsidies and financial
29 assistance, to ensure access to decent and productive employment.

30 At least five percent (5%) discount shall be granted by establishments that
31 sell reference books for college and school supplies to poor but deserving
32 students, subject to the guidelines to be issued by CHED: *Provided*, That
33 these establishments may claim the cost as allowable tax deduction from
34 the gross income in the computation of their income tax in accordance
35 with the provisions of the National Internal Revenue Code of 1997, as
36 amended.

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

41 *4.4. The Right to Shelter.* - The right of the poor to decent housing shall
42 not be abridged. The government shall develop and implement a housing
43 program for the poor which shall include a well- targeted and responsive

1 subsidy scheme that will provide decent housing with the least financial
2 burden.

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

6 The government, through the Housing and Urban Development
7 Coordinating Council (HUDCC) and the National Housing Authority
8 (NHA), in coordination with the LGUs, shall prioritize the
9 implementation of the socialized housing and resettlement for the poor
10 specially those residing in hazardous or danger zones.

11 The implementers of the socialized housing and resettlement programs
12 shall enjoy the incentives stated in Section 20 of Republic Act No. 7279,
13 otherwise known as the "Urban Development and Housing Act of 1992".

14 *4.5. The Right to Basic Health Services and Medicines.*- The LGUs shall
15 ensure and promote the health of their populace in a rational manner,
16 including the availability of quality primary healthcare services and
17 access to secondary and tertiary healthcare services and public healthcare
18 programs.

19 The Department of Health (DOH) shall provide the highly specialized
20 level of quality health care in a rational manner as well as technical
21 assistance to LGUs, POs and other members of civil society in effectively
22 implementing programs, projects and services that will promote the health
23 and well- being of every Filipino, especially the poor.

24 The Philippine Health Insurance Corporation (PhilHealth), in
25 coordination with the DOH, shall ensure that every Filipino, especially
26 the poor, is covered and entitled to an adequate package of health
27 services. The out-of-pocket expenses of every Filipino, especially the
28 poor, shall be substantially reduced, with the end view of totally
29 eliminating such expenses. The current payment and enrollment
30 mechanisms shall also be reformed.

31 The DOH, LGUs and Philhealth shall define an expanded primary health
32 package that every citizen is entitled to and can readily avail of. Clear
33 responsibilities must be defined and allocated between the three partners,
34 ensuring also that services provided are consistent with the
35 epidemiological profile and population needs.

36 *4.6. Other Rights of the Poor.* - All other rights and benefits for the poor
37 provided under existing laws shall remain in full force and effect. Nothing
38 herein shall be construed to diminish the enjoyment of such rights by the
39 poor who shall have the right to avail of the greater rights or benefits
40 offered by existing laws, including those granted under this Act.

41 SEC. 5. *System for Targeting of Beneficiaries.*- The DSWD, in
42 coordination with NAPC and other relevant government agencies, LGUs, NGOs

1 and POs, shall come up with a single system of classification to be used for
2 targeting beneficiaries of the government's anti- poverty programs and projects
3 to ensure that such programs reach the intended beneficiaries.

4 SEC. 6. *Funding Requirements.* The funding for the pro-poor programs
5 and projects implemented under this Act shall be taken from the appropriate
6 programs of the relevant agencies, guided by the Medium Term Expenditure
7 Framework which they develop and submit to the Department of Budget and
8 Management (DBM).

9 Deficiencies in the existing appropriations of the pro-poor programs in the
10 different departments and agencies shall be included in the General
11 Appropriations Act of the year following the enactment of this Act and
12 thereafter.

13 SEC. 7. *Rational Allocation of Funds.* - The National Economic and
14 Development Authority (NEDA), in relation with NAPC, shall be principally
15 responsible for the efficient and rational allocation of available funding
16 requirements as may be needed by the different government departments and
17 agencies in implementing the rights of the poor.

18 SEC. 8. *Private Sector Participation.* - The private sector is highly
19 encouraged to be an active partner for the empowerment of the basic sectors. As
20 such, the DSWD, DOLE, DepEd, DOH, NAPC, DA, CHED, TESDA, HUDCC,
21 NHA are hereby authorized to solicit donations, aids or grants, in cash or in kind,
22 from whatever source, and/or enter partnerships with private/public institutions
23 to meet the demands of the basic rights to food, employment and livelihood,
24 quality education, shelter, basic health services and medicine, and other rights.

25 SEC. 9. *Tax Exemptions.* - Any donation, contribution or grant which may
26 be made to the programs and projects entered into pursuant to this law shall be
27 exempt from the donor's tax and the same shall be considered as allowable
28 deduction from the gross income in the computation of the income tax of the
29 donor in accordance with the provisions of the "National Internal Revenue Code
30 of 1997", as amended,

31 SEC 10. *Role of the Local Government Unit.* - LGUs shall be responsible
32 for the formulation and implementation of local anti-poverty programs and
33 projects in their jurisdictions and ensure that these are consistent with, and
34 complementary to, national programs and projects set forth in the basic rights of
35 the poor as provided in Section 4 of this Act.

36 SEC. 11. *Joint Congressional Oversight Committee.* - There is hereby
37 created a joint congressional oversight committee to monitor the implementation
38 of this Act, including the achievement of the Millennium Development Goals,
39 The committee shall be composed of five (5) senators and five (5)
40 representatives to be appointed by the Senate President and the Speaker of the
41 House of Representatives, respectively, The oversight committee shall be co-
42 chaired by a senator and a representative designated by the Senate President and
43 the Speaker of the House of Representatives, respectively,

1 The mandate given to the joint congressional oversight committee under
2 this Act shall be without prejudice to the performance of the duties and functions
3 by the respective existing oversight committees of the Senate and the House of
4 Representatives,

5 SEC. 12. *Implementing Rules*. - The NAPC, in, coordination with the
6 government departments and agencies, shall promulgate rules and regulations to
7 carry out the provisions of this Act within three (3) months from its effectivity,
8 The rules shall set priority target areas for the initial implementation of this Act,
9 with the end in view of ensuring the successful replication of the program
10 nationwide,

11 SEC. 13. *Compliance Report*. - The NAPC, in coordination with all
12 government departments and agencies concerned, shall within six (6) months,
13 from the effectivity of this Act and every six (6) months thereafter, submit a
14 report to Joint Congressional Oversight Committee on the compliance with the
15 provisions of this Act

16 SEC. 14. *Separability Clause*. - If any provision of this Act is declared
17 unconstitutional, the other provisions not affected thereby shall remain in full
18 force and effect

19 SEC. 15. *Repealing Clause*. - All laws, decrees, orders, rules and
20 regulations or parts thereof which are inconsistent with the provisions of this Act
21 are hereby repealed or modified accordingly.

22 SEC. 16. *Effectivity*. - This Act shall take effect fifteen (15) days after its
23 publication in two (2) national newspapers of general circulation.

24 Approved,