



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Sixteenth Congress
First Regular Session

HOUSE BILL NO. 598

Introduced by Honorable Erlinda M. Santiago

EXPLANATORY NOTE

This bill seeks to strengthen the existing pro-poor programs of the government to reduce the number of extremely poor Filipinos through the creation of a "Magna Carta of the Poor."

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 basic sectors.

The issue of poverty has now become a critical question of survival in the country. Given the present situation, government intervention is the only realistic route to take in order to uplift the plight of the poor while long term measures, strategies and solutions for poverty reduction are being put in place. The government must invest heavily in anti-poverty programs for the economic empowerment of the poor.

This proposed bill aims to give the poor preferential access to employment opening in private enterprises as well as in government programs and projects; give them food or food assistance or subsidy for their survival; provide them access to quality education at the college levels; provide decent housing facilities, and provide a system of free delivery of health services and medicines.

In order to help attain the objectives of this proposed measure, officials or employees of the government who negligently permit the violation of any provision of this measure and hinder the proper implementation of the programs of the government for this purpose shall be penalized.

It is worthy to note that 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 view of the foregoing, approval of this bill is highly and earnestly recommended.


ERLINDA M. SANTIAGO



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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:

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

SEC. 2. **Declaration of Policy.** – It is the 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. Poverty alleviation is a government responsibility that primarily requires the creation and expansion of employment opportunities geared towards providing decent and productive employment to the poor.

To attain the foregoing policy:

- a) Government shall invest in anti-poverty programs to empower the poor to participate in the country’s growth and development;
 - b) All government departments, agencies and instrumentalities shall provide full access to government services for the poor at all levels;
- and

c) Government interventions shall address the genuine concerns of the poor for daily survival while long term strategies and solutions for the economic empowerment of the poor are being put in place.

SEC. 3. ***Basic Rights of the Poor.*** – The poor shall have the following rights the enjoyment of which is an essential requirement towards poverty alleviation:

- a) Right to employment;
- b) Right to food;
- c) Right to free quality education;
- d) Right to shelter; and
- e) Right to free health services and medicine.

For purposes of this Act, “*poor*” refers to a person whose income or combined household income falls within the poverty threshold as defined by the National Economic Development Authority (NEDA) and who is not an owner of real property.

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

SEC. 4. ***Right to Food and Food Assistance.*** – The Department of Social Welfare and Development (DSWD) shall develop a program of free food to the poor or a system of food assistance or subsidy to help the poor meet their minimum food necessities.

The DSWD is hereby authorized to solicit donations, aids or grants, in cash or in kind, from whatever source, to meet the demands of this basic

right of the poor. Any donor under this provision shall be entitled to full tax deduction for the value of the donation.

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

SEC. 5. *Right to Employment.* – The Department of Labor and Employment (DOLE), in coordination with the labor or employment offices of local government units, shall primarily be responsible for ensuring that the poor shall have preferential access to employment in private enterprises and in government programs and projects. For this purpose and to focus on the specific issue of creation of employment for the poor, the DOLE shall establish an Office of Employment Opportunities (OEO) to carry out this responsibility. The budgetary requirements of the OEO shall be included in the annual budget of DOLE.

Government departments and agencies, including government-owned and controlled corporations, are hereby authorized and mandated to earmark funds from their budgetary outlays to immediately undertake viable projects for employment purposes. The government shall likewise allocate more funds from official development assistance for projects and activities that will have greater impact on generation of employment for the poor.

It shall be mandatory for all government infrastructure projects and government-funded contracts or government-assisted undertakings to utilize

workers who are poor in areas where the projects or contracts are to be implemented.

SEC. 6. ***Right to Free Quality Education.*** – The right of the poor to free elementary and secondary public education shall not be impaired. This right shall include provisions for free school uniform and school transportation.

The right to education shall include access to quality education at the college level. The government goal of providing free college education, scholarships, including the study-now-pay-later-plans for the poor, shall be expanded in state universities and colleges and similar government educational institutions.

It shall also include the right to free availment of vocational and technical training and manpower skills development, for those who fail to qualify for formal or higher education from appropriate government agencies.

The Department of Education (DepEd), in coordination with government agencies and government educational institutions, shall ensure the full enjoyment of the poor's right to education.

SEC. 7. ***Right to Shelter.*** – The right of the poor to decent housing shall not be abridged. The Government shall develop and implement an appropriate housing scheme that will provide decent housing to the poor with the least financial burden through a system of subsidy or no-down payment acquisition schemes and long term interest-free loans.

The Government shall, through the National Housing Authority (NHA) and the local government units, immediately construct and provide

free housing facilities in pre-determined development or resettlement sites for residents of identified hazardous or danger zones or areas where housing needs for the poor are urgent and greatest.

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

SEC. 8. ***Right to Free Health Services and Medicines.*** – The Department of Health (DOH), through its regional offices of national and provincials or local hospitals, shall develop and implement a system of free delivery of health services and medicine to the poor. The availment of this right of the poor shall be limited to the locality where they permanently reside.

Government medical and health insurance program under existing laws shall increase, expand and liberalize their coverage so as to include free basic health services and medicine to the poor.

SEC. 9. ***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. 10. ***Funding Requirements.*** – To carry out the provisions of this Act, the following amounts are appropriated as follows:

a) The sum of Fifty Million Pesos (P50,000,000.00) as initial operating fund is hereby appropriated out of any available funds in the

National Treasury. The amount necessary in subsequent years to help implement this Act shall be included in the annual appropriation of the National Economic and Development Authority (NEDA);

b) Twenty percent (20%) of the share of the national government in the earnings of the Philippine Amusement and Gaming Corporation (PAGCOR);

c) Twenty percent (20%) of the share of the national government in all lotteries conducted by the Philippine Charity Sweepstakes Office (PCSO);

d) Fifty percent (50%) of the share of the government in the proceeds from sale or disposition of sequestered assets; and

e) Fifty percent (50%) of the proceeds from the sale or disposition by public auction of goods or articles forfeited in favor of the government by the Bureau of Customs (BOC).

The share from the PAGCOR, the PCSO, the sale of sequestered assets and forfeited goods and article shall be directly remitted to NEDA on a quarterly basis for its disposition in accordance with this Act.

SEC. 11. ***Progressive and Rational Allocation Funds.*** – The NEDA, shall be principally responsible for the progressive and rational allocation of available funding requirements as may be needed by the different government departments and agencies in the progressive realization of the rights of the poor.

SEC. 12. ***Penalty.*** – Any public official or employee who negligently permits the violation of any provision of this Act shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not

exceeding one (1) year or removal from office depending on the gravity of the offense, after due notice and hearing, without prejudice to the filing of appropriate criminal case if warranted under the circumstances.

SEC. 13. ***Implementing Rules and Regulations.*** – Within three (3) months from the effectivity of this Act, the Secretary General of NEDA shall, in coordination with DOLE and DSWD, promulgate rules and regulations to carry out the provisions of this Act. 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. 14. ***Compliance Report.*** – The NEDA shall, in coordination with DOLE and DSWD, submit a quarterly report to Congress on the compliance with the provisions of this Act.

SEC. 15. ***Separability Clause.*** – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 16. ***Repealing Clause.*** – All laws, decrees, executive orders, proclamations, rules and regulations, and issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 17. ***Effectivity.*** – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,