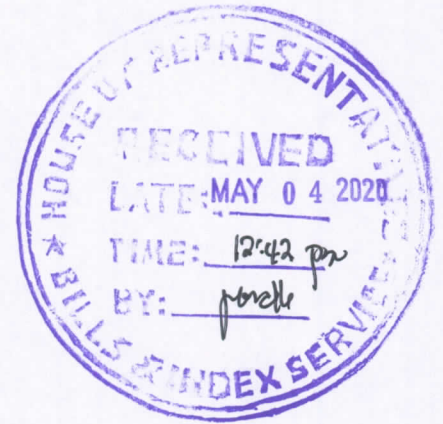


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6659



Introduced by CIBAC Party-List Representatives
Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera

AN ACT
PROVIDING FOR A WAGE EMPLOYMENT ASSISTANCE PROGRAM FOR DISPLACED AND/OR VULNERABLE WORKERS, INSTITUTIONALIZING FOR THE PURPOSE THE *TULONG PANGHANAPBUHAY SA ATING DISADVANTAGE/DISPLACED WORKERS (TUPAD) PROGRAM* OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The year 2020 rolled out with disrupting events unfolding in succession, beginning with the Alert Level 4 in Iraq announced by the Department of Foreign Affairs (DFA) on January 8, 2020 due to heightening of tension between the United States and Iran in the Middle East. A few days after, on January 12, 2020, Taal Volcano had phreatic eruption affecting thousands of families and caused millions-worth of damages. Before the month ended, on January 30, 2020, this was again followed by the first confirmed case of novel coronavirus disease (COVID-19) in the country, resulting in the imposition of travel bans to and from China, Hongkong, and Macau, Taiwan, and to some areas in South Korea.

In all these events, what stands out is the fact that these events have widely affected the livelihood of Filipino workers and their families. More so the vulnerable workers, such as the minimum wage earners, the working poor and the marginalized workers.

With respect to the situation in the Middle East, some of our OFWs opted to take their chances in Iraq, rather than be repatriated because “they and their families will starve to death here in the country.” On the other hand, the Taal volcano phreatic eruption resulted in the stoppage of operations of factories in the area, and the evacuation of hundreds of affected workers in evacuation centers.

The dismal situation of these affected workers was even exacerbated by the COVID-19 pandemic, which caused local manufacturing operations to slow down and the consequent adoption of temporary lay-offs, job rotations and forced leaves in various companies, who are mostly dependent on Chinese factories for electronics, wearables and automotive OEMs and other raw materials.

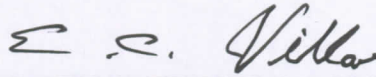
Meanwhile, overseas Filipino workers in various parts of the country chose to stay where they are, despite the rapid transmission of the virus, and at the risk of contracting the virus, to continue to earn a living for their families.

With all these, the need for a permanent and institutionalized social safety net for displaced workers and their families is given all the more urgency and importance. Disasters, war, armed conflict, crises, epidemics/outbreaks, pandemic, public health emergencies, and economic shocks are triggers of hardship and displacement, not to mention income loss brought about by ill-health, disability, work-related accidents or injuries, unemployment, work displacements due to business closure, retrenchment, rightsizing, redundancy, technological advances, and other analogous causes. Assistance to get them back on their feet with dignity, other than relief goods and food at the evacuation centers, or bringing them home for free from overseas without addressing income insecurity, has to be strengthened and enhanced.

This bill seeks to institutionalize the Department of Labor and Employment’s *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers* (TUPAD) or the emergency employment program as a social safety net program for the workers. It (i) authorizes the DOLE to *motu proprio* implement employment projects in cases of massive displacements, (ii) clarifies the covered worker-beneficiaries, which includes both formal and informal workers affected by the triggers mentioned above, (iii) ensures the payment of 100% of the prevailing minimum wage rate for non-agricultural workers in the area of project implementation, and (iv) providing penalty for

acts such as getting commissions, job sharing, listing ghost beneficiaries, padding, among others.

The immediate enactment of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "E. C. Villanueva", with a long horizontal flourish extending to the right.

HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA

A handwritten signature in black ink, appearing to read "Domingo C. Rivera", with a large, stylized initial "D" and a horizontal flourish.

HON. DOMINGO C. RIVERA

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FOR THE PURPOSE THE *TULONG PANGHANAPBUHAY SA ATING*
***DISADVANTAGE/DISPLACED WORKERS (TUPAD) PROGRAM* OF THE**
DEPARTMENT OF LABOR AND EMPLOYMENT, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES

*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 "TUPAD Act."
2

3 **SEC. 2. Declaration of Policies.** – The State shall promote a just and
4 dynamic social order that will ensure the prosperity and independence of the
5 nation and free the people from poverty through policies that provide adequate
6 social services, promote full employment, a rising standard of living, and an
7 improved quality of life for all.
8

9 It shall improve the quality of life of all Filipino workers through active labor
10 market policies promoting and facilitating employment generation, human
11 resource development and by providing displaced and/or vulnerable workers a
12 social safety net from the effects of disasters, epidemics/outbreaks,
13 pandemics, public health emergencies, war, armed conflict, crises, economic
14 shocks or income loss brought about by ill-health, disability, work-related
15 injury, unemployment, work displacements, and other related contingencies.
16

17 **SEC. 3. Coverage.** – This Act shall cover all displaced and/or vulnerable
18 workers affected by disasters, epidemics/outbreaks, pandemics, public health

1 emergencies, war, armed conflict, crises, economic shocks or income loss
2 brought about by ill-health, disability, work-related accidents or injuries,
3 unemployment, work displacements due to business closure, retrenchment,
4 rightsizing, redundancy, technological advances, and other analogous causes.

5
6 **SEC. 4. Definition of Terms.** – As used in this Act:

- 7
8 a) **Accredited Co-Partner** refers to the program partner, which may be a
9 peoples' or workers' organization, union, association, federation,
10 cooperative, business association, church-based organization,
11 educational institution, or private foundation, that has been accredited by
12 the Department of Labor and Employment (DOLE) to implement TUPAD
13 programs and projects using government or public funds;
14
15 b) **Beneficiary** refers to individuals or group of individuals who are qualified
16 recipients of assistance under TUPAD;
17
18 c) **Disaster** refers to a serious disruption of the functioning of a community
19 or a society involving widespread human, material, economic or
20 environmental losses and impacts, which exceeds the ability of the
21 affected community or society to cope using its own resources, as
22 defined in Republic Act No. 10121, otherwise known as the Philippine
23 Disaster Risk Reduction and Management Act of 2010;
24
25 d) **DOLE or Department** refers to the Department of Labor and
26 Employment;
27
28 e) **Displaced workers** refer to workers in the formal and informal economy
29 or self-employed, whether overseas or local, who became unemployed,
30 underemployed, or have lost their livelihood due to disasters,
31 epidemics/outbreaks, pandemics, public health emergencies, war, armed
32 conflict, crises, economic shocks, or income loss brought about by ill-
33 health, disability, work-related accidents or injuries, business closure,
34 retrenchment, rightsizing, redundancy, technological advances, and other
35 analogous adverse events as may be determined by the DOLE;
36
37 f) **Massive displacement** refers to large-scale displacement of workers in
38 the formal and informal sectors brought about by disasters,
39 epidemics/outbreaks, pandemics, public health emergencies, war, armed
40 conflict crises, or economic shocks, among others, resulting in serious
41 disruption of means of livelihood;
42
43 g) **Micro-insurance** refers to a scheme that provides specific insurance and
44 similar products and services that meet the needs of the low-income

sector for risk protection and relief against distress, misfortune, and other contingent events;

h) **Self-employed** refers to individuals who create their own earnings and opportunities in the form of business, contract work whether overseas or local, or freelance activities;

i) **Sub-professionals** refer to individuals who hold first level position under the Revised Administrative Code of 1987, which includes the clerical, trades, crafts, and custodial service positions requiring less than four (4) years of collegiate studies;

j) **TESDA** refers to the Technical Education and Skills Development Authority;

k) **TUPAD Program** is a safety net wage employment assistance program for displaced and/or vulnerable workers also known as the *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers Program*, and herein interchangeably referred to as TUPAD or Program.

l) **Underemployed workers** refer to employed persons who express the desire to have additional hours of work in their present job or an additional job, or have a new job with longer working hours;

m) **Vulnerable workers** refer to minimum wage earners, working poor, or marginalized workers, as defined below, whether in an employer-employee relationship in the public or private sector, or self-employed including the Overseas Filipino Workers (OFWs), and whose families depend solely on their wages or compensation income for their minimum basic needs, such as food, health, education, housing and other essential amenities of life.

i. **Minimum wage earners** refer to workers in the private sector who are paid the statutory minimum wage, or to employees in the public sector with compensation income of not more than the statutory minimum wage in the non-agricultural sector where he/she is assigned as defined under Republic Act No. 10963 otherwise known as the TRAIN law;

ii. **Working poor** refers to individuals and/or groups 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;

- iii. **Marginalized workers** refer to workers who have not benefitted from education, health, employment, and other opportunities by reasons of poverty, geographical inaccessibility, culture, gender, among others, and to workers who are less likely to have formal work arrangements, and are more likely to lack decent working conditions, adequate social security, and whose employment is characterized by inadequate earnings, low productivity, and difficult conditions of work that undermine their fundamental rights;
- n) **Wage employment** refers to the act of generating one's income from an employer-employee relationship.

Article II

**Wage Employment Assistance Program
for Displaced and/or Vulnerable Workers or TUPAD Program**

SEC. 5. Wage Employment Assistance Program for Displaced and/or Vulnerable Workers or TUPAD Program. – The TUPAD Program is a social safety net designed to assist displaced and/or vulnerable workers and their families, and get them back on their feet by providing them wage employment if they fall on hard times due to disasters, epidemics, war, armed conflict, crises, economic shocks or income loss brought about by ill-health, disability, work-related accidents or injuries, unemployment, work displacements due to business closure, retrenchment, rightsizing, redundancy, technological advances, and other analogous causes. For this purpose, the TUPAD Program being implemented by the DOLE providing emergency employment for displaced or disadvantaged workers is hereby institutionalized.

SEC. 6. Lead Agency and Convergence with Related Government Assistance Program. – The Department shall be the lead agency in the implementation of the TUPAD Program and shall proactively administer directly, *motu proprio*, wage employment projects, in coordination or collaboration with relevant government agencies, in the event of massive displacement of workers resulting in serious disruption of means of livelihood.

The Department shall be responsible in the administration, sourcing, assessment and approval of all project proposals for appropriate funding using TUPAD funds. It shall integrate and collaborate with other government agencies, business and labor groups, and civil society groups in implementing similar or related programs and services for efficient and effective whole-of-nation approach in the delivery of social safety nets.

SEC. 7. Eligible Projects for TUPAD; No Counterpart Funding Requirement. – All employment projects, to be eligible for funding under TUPAD, shall be under any of the listed eligible projects below. The

Department shall set the period of work of approved employment project depending on the nature and duration of the work to be performed, but in no case shall the project duration be less than ten (10) days, nor to exceed ninety (90) days, as provided herein:

Eligible Projects	Maximum No. of Work Days
(a) Light works, such as street sweeping and cleaning of public facilities.	15
(b) Social community projects such as de-clogging of canals, debris clearing/segregation and materials recovery, stockpiling and clearing at the aftermath of calamity or disaster.	45
(c) Social community projects such as minor repair and maintenance of common public facilities such as schools and health centers.	60
(d) Government projects requiring improvement of government facilities and infrastructures such as health centers, irrigation canals, roads, evacuation centers, school buildings, and the like.	90
(e) Economic community projects such as maintenance and/or rehabilitation of farm-to-market roads, bridges, post-harvest facilities, public markets, and common public facilities such as production and display centers, fish ports, etc.	
(f) Agro-forestry and eco-agriculture farming which include tree-planting, seedling preparation, re-forestation and crop growing.	
(g) Field works, such as conduct of survey and profiling, in partnership with other government offices.	

No counterpart funding shall be required in the implementation of the project from the Local Government Units (LGUs) or any of DOLE's accredited program partners. However, they shall provide technical assistance, which could be in the form of identification of projects, profiling of beneficiaries, procurement, monitoring, and facilitating access of services from other agencies.

TUPAD projects involving 46-90 days period of work shall be implemented in partnership and/or complementation with agencies implementing public projects, such as the Department of Public Works and Highways (DPWH), the Department of Environment and Natural Resources (DENR), Local Government Units, as well as private sector entities willing to engage in public projects. Said offices/program partners shall provide the required materials,

1 tools, and equipment including office equipment, as warranted by the nature of
2 work.

3
4 **SEC. 8. Qualified Beneficiaries.** – All displaced workers and/or vulnerable
5 workers are qualified beneficiaries under this Act; *Provided*, that the Secretary
6 of Labor, may, in proper instances, also approve programs under the TUPAD
7 Program that will include the underemployed, including sub-professionals
8 involved in structured work in support of office operations or those engaged in
9 arts, crafts, manual and clerical work, as beneficiaries under this Act.

10
11 The Secretary of DOLE shall set standards on the TUPAD beneficiaries,
12 including the allowable number of beneficiaries per household, and the
13 number of projects under the Program a qualified beneficiary may participate
14 in, and such other relevant matters for the effective implementation of this Act,
15 with a view to helping the most number of beneficiaries.

16
17 **SEC. 9. Modes of Implementation of the TUPAD Program.** – The TUPAD
18 Program shall be implemented by the DOLE Regional Offices through any of
19 the following modes:

- 20
21 a) **Accredited Co-Partner (ACP).** Under this mode, the ACP shall be the
22 Department's partner or conduit in the implementation of the program,
23 provided they are registered with any registering body of the government
24 and accredited by DOLE as ACP under the TUPAD Program. The
25 following shall qualify as ACP:
- 26
27 i. Peoples' organization;
 - 28
29 ii. Private sector unions, federations or workers' associations, as
30 defined in Book V of the Omnibus Rules and Regulations
31 Implementing the Labor Code of the Philippines;
 - 32
33 iii. Cooperatives;
 - 34
35 iv. Church-based organizations;
 - 36
37 v. Private educational institutions;
 - 38
39 vi. Private foundations; and
 - 40
41 vii. Government agencies and instrumentalities, including National
42 Government Agencies, Local Government Units and Government
43 Owned and Controlled Corporations;
 - 44

- 1 b) **Direct Administration.** Under this, the administration and
2 implementation of the TUPAD Program shall be undertaken directly by
3 the Department's regional, provincial and/or field offices.
4

5 **SEC. 10. Accreditation of Co-Partners (ACP).** – DOLE shall accredit the
6 co-partners in the implementation of the TUPAD Program, and for this
7 purpose, shall set the guidelines for the accreditation process.
8

9 Government agencies, including local government units (LGUs) and state
10 university and colleges (SUCs), shall automatically be TUPAD program
11 partners, without need of accreditation, upon execution of a TUPAD
12 Partnership Memorandum of Agreement clearly outlining the responsibilities
13 and deliverables of each party under the program.
14

15 **SEC. 11. Employment Project Implementation Requirements.** – All
16 programs under the TUPAD Program shall observe the following:
17

- 18 a) Strict compliance with the Occupational Safety and Health Standards
19 provided under Republic Act No. 11058 and other related laws and
20 regulations;
21
- 22 b) Provision of necessary equipment for beneficiaries needed to effectively
23 and safely participate in a project under the Program;
24
- 25 c) Enrollment of every beneficiary to a group micro-insurance to be included
26 in the total project cost;
27
- 28 d) Issuance of an identification card or document for every beneficiary
29 participating in a project under the Program;
30
- 31 e) Assistance to beneficiaries who have participated in the Program of skills
32 training or upgrading towards self-employment or wage employment. For
33 this purpose, the Department and TESDA shall ensure the
34 implementation and enforcement of this provision;
35
- 36 f) Mechanisms to ensure that the Department and/or its accredited co-
37 partners monitor the implementation of every employment project under
38 the TUPAD Program; and
39
- 40 g) Submission of proper documentary requirements for the release and
41 liquidation of funds for every employment project under the TUPAD
42 Program subject to relevant accounting and auditing rules and
43 regulations.
44

1 **SEC. 12. Wages and Compensation of Beneficiaries; Prohibited**
2 **Practices.** – The wages and compensation of the beneficiaries shall not be
3 less than 100% of the prevailing private sector minimum wage rate set by the
4 Regional Wages and Productivity Board (RTWPB) for non-agricultural workers
5 in the area or locality where the project will be implemented.
6

7 To ensure compliance with this provision, the Department shall establish
8 mechanisms for strict implementation providing safeguards and a listing of
9 prohibited activities such as cuts for commission, job sharing, ghost
10 beneficiaries, and padding of beneficiaries, among others.
11

12 Any violation of this provision shall result in the blacklisting of the accredited
13 co-partner, including the payment of the amount involved, with legal interest,
14 without prejudice to the filing of criminal cases. If the accredited co-partner is
15 an LGU or SUC, the LGU or SUC shall be immediately address such
16 deficiency and/or error, without prejudice to applicable rules and regulations of
17 the Commission on Audit, and the filing civil, criminal or administration actions.
18 In case of direct administration, the responsible DOLE personnel shall be
19 subjected to administrative investigation, without prejudice to the filing of
20 appropriate civil or criminal case.
21

22 **SEC. 13. Project Funding.** – Approved employment project proposals shall
23 be funded under the TUPAD Program fund under the budget of the DOLE.
24

25 The Department shall be primarily responsible for managing the funds for the
26 implementation of the Program.
27

28 **SEC. 14. Authority to Receive and Administer Donations for TUPAD**
29 **Program.** – The Department is hereby authorized under this Act to receive
30 donations from government and non-government organizations and to
31 administer the same strictly and exclusively for the beneficiaries and qualified
32 applicants of the TUPAD Program, subject to relevant accounting and auditing
33 rules and regulations.
34

35 **SEC. 15. Monitoring, Reporting and Evaluation of the TUPAD Program.**
36 – The Department shall establish a standardized monitoring and reporting
37 system to properly document every approved project under the Program.
38

39 It shall also submit to Congress and make available to the public, an annual
40 accomplishment report and utilization of the funds earmarked for the
41 implementation of the TUPAD Program. The annual report shall include the
42 pertinent details of every project under the Program, the mode of
43 implementation, number of beneficiaries, donations from private and other
44 organizations, expenditures, number of beneficiaries who acquired
45 employment after their participation in the Program, and other pertinent

1 information as may be necessary. An impact evaluation shall be conducted
2 from time to time, but not later than every three years.

3
4 **Article III**
5 **Miscellaneous Provisions**
6

7 **SEC. 16. Appropriations.** – The funds for the initial implementation of this
8 Act shall be sourced from the current budget of the Department for the
9 implementation of the TUPAD Program. Thereafter, the amount necessary for
10 its continued implementation shall be included in the annual General
11 Appropriations Act; provided, that such appropriation shall take into
12 consideration an administration fee of not more than 5%.

13
14 **SEC. 17. Implementing Rules and Regulations.** – Within ninety (90) days
15 from the effectivity of this Act, DOLE shall, in consultation with TESDA,
16 Department of Trade and Industry, and other relevant government agencies
17 and stakeholders, issue the necessary rules and regulations for the effective
18 implementation of this Act.
19

20 **SEC. 18. Separability Clause.** – Any portion or provision of this Act that is
21 declared unconstitutional or invalid shall not have the effect of nullifying other
22 portions or provisions hereof as long as such remaining portions can still
23 subsist and be given effect in their entirety.
24

25 **SEC. 19. Repealing Clause.** – All laws, ordinances, rules, regulations, other
26 issuances or parts thereof, which are inconsistent with this Act, are hereby
27 repealed or modified accordingly. Nothing in this Act shall result in the
28 diminution of the benefits and/or assistance given to overseas Filipinos and
29 migrant workers as provided in other laws, ordinances, rules, regulations and
30 issuances.
31

32 **SEC. 20. Effectivity.** – This Act shall take effect fifteen (15) days after its
33 publication in the *Official Gazette* or in two (2) newspapers of general
34 circulation.
35

36 **Approved,**