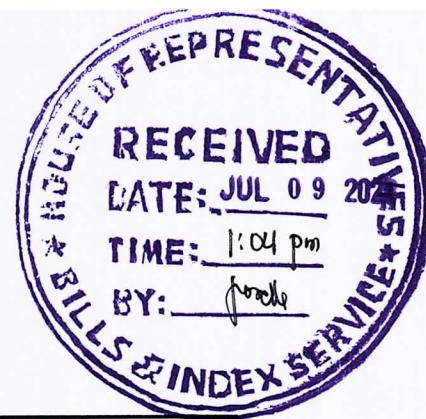


HOUSE OF REPRESENTATIVES

House Bill No. 7077



Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

The TUPAD or *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers* is a community-based package of assistance that provides for a short-term emergency employment program for displaced, underemployed and seasonal workers. It is a program that acts as a social safety net to assist displaced or vulnerable workers in the informal economy and get them back on their feet by providing them wage employment to mitigate the impact of calamities, disasters, and epidemics on their livelihoods.

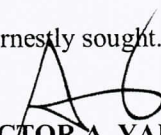
The COVID-19 pandemic has caused great economic turmoil to all Filipinos and especially to those who have little to no security of tenure in employment. As of April 2020, the Philippine Statistics Authority (PSA) reports that the country's unemployment rate has jumped to a record of 17.7% or 7.3 million people jobless due to the lockdowns imposed from the pandemic.¹ The government therefore is tasked to enact and implement innovative labor policies in order to create economic opportunities for all Filipinos affected by the pandemic.

As the country moves into the "new normal", the Department of Labor and Employment (DOLE) implements the TUPAD program as a post-COVID intervention measure to help informal sector workers recover from economic displacement and loss of income due to the enhanced community quarantine (ECQ). It is estimated that close to a million workers in the informal economy will benefit from the government's emergency employment program.² In fact, the DOLE is extending the period of the TUPAD program from ten (10) days to three (3) to six (6) months in order to alleviate the growing economic concerns of disadvantaged and displaced workers.³

Furthermore, to respond to the urgent needs of the growing number of unemployed and displaced workers' current crisis, several proposed legislations⁴ have prioritized and provided a substantial amount for the budget of the TUPAD program in recognition to its beneficial effects.

Thus, it is incumbent upon the State to alleviate the plight of all disadvantaged and displaced workers in the time of crisis by providing the necessary economic and labor opportunities as soon as possible. Under this bill, the TUPAD program is institutionalized whereby the DOLE is authorized to implement, *motu proprio* employment projects in cases of massive displacements, defines the eligibility of the beneficiaries qualified in the program, provides for the modes in implementing the program, and ensures the payment of at least the minimum wage rate for non-agricultural workers in the area of project implementation.

In view of the foregoing, immediate passage of this bill is earnestly sought.


VICTOR A. YAP

Representative, 2nd District of Tarlac

¹ Retrieved from <https://news.abs-cbn.com/business/06/05/20/unemployment-soars-in-lockdown-quarter-total-73-million-jobless-psa> on June 28, 2020.

² Retrieved from <https://news.mb.com.ph/2020/05/10/does-tupad-program-to-aid-close-to-1-m-informal-economy-workers/> on June 28, 2020.

³ Retrieved from <https://ptvnews.ph/dole-prepares-for-tupad-extension/> on June 28, 2020.

⁴ Filed in the 18th Congress: House Bill No. 6815 (25 Billion), HB 6953 (18 Billion) and Senate Bill No. 1564 (15 Billion).

HOUSE OF REPRESENTATIVES

House Bill No. 7077

Introduced by Representative Victor A. Yap

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

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 dynamic social order
4 that will ensure the prosperity and independence of the nation and the people from poverty through
5 policies and adequate social services, promote full employment, a rising standard of living, and an
6 improved quality of life for all.
7

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

15 **SEC. 3. *Coverage.*** - This Act shall cover all displaced and/or vulnerable workers affected
16 by disasters, epidemics/outbreaks, pandemics, public health emergencies, war, armed conflict,
17 crises, economic shocks or income loss brought about by ill-health, disability, work-related
18 accidents or injuries, unemployment, work displacements due to business closure, retrenchment,
19 rightsizing, redundancy technological advances, and other analogous causes.
20

21 **SEC. 4. *Definition of Terms.***-As used in this Act:

- 22
23 a) Accredited Co-Partner refers to the program partner, which may be a peoples’ or
24 workers’ organization, union, association, federation, cooperative, business
25 association, church-based organization, educational institution, or private foundation,
26 that has been accredited by the Department of Labor and Employment (DOLE) to
27 implement TUPAD programs and projects using government or public funds;
28 b) Beneficiary refers to individuals or group of individuals who are qualified recipients
29 of assistance under TUPAD;
30 c) Disaster refers to a serious disruption of the functioning of a community or a society
31 involving widespread human, material, economic or environmental losses and
32 impacts, which exceeds the ability of the affected community or society to cope

- 1 using its own resources, as defined in Republic Act No. 10121, otherwise known as
2 the Philippine Disaster Risk Reduction and Management Act of 2010;
- 3 d) Displaced workers refer to workers in the formal and informal economy or self-
4 employed, whether overseas or local, who became unemployed, underemployed, or
5 have lost their livelihood due to disasters, epidemics/outbreaks, pandemics, public
6 health emergencies, war, armed conflict, crises, economic shocks, or income loss
7 brought about by ill-health, disability, work-related accidents or injuries, business
8 closure, retrenchment, rightsizing, redundancy, technological advances, and other
9 analogous adverse events as may be determined by the DOLE;
- 10 e) Massive displacement refers to large-scale displacement of workers in the normal
11 and informal sectors brought about by disasters, epidemics/outbreaks, pandemics,
12 public health emergencies, war, armed conflict, crises, or economic shocks, among
13 others, resulting in serious disruption of means of livelihood;
- 14 f) Micro-insurance refers to a scheme that provides specific insurance and similar
15 products and services that meet the needs of the low-income sector for risk
16 protection and relief against distress, misfortune, and other contingent events;
- 17 g) Self-employed refers to individuals who create their own earnings and opportunities
18 in the form of business, contract work whether overseas or local or freelance
19 activities;
- 20 h) Sub-professionals refer to individuals who hold first level position under the Revised
21 Administrative Code of 1987, which includes the clerical, trades, crafts and custodial
22 service positions requiring less than four (4) years of collegiate studies;
- 23 i) TUPAD Program is a safety net wage employment assistance program for displaced
24 and/or vulnerable workers also known as the *Tulong Panghanapbuhay sa Ating*
25 *Disadvantaged/Displaced Workers Program* and herein interchangeably referred to
26 as TUPAD or Program.
- 27 j) Underemployed workers refer to employed persons who express the desire to have
28 additional hours of work in their present job or an additional job, or have a new job
29 with longer working hours;
- 30 k) Vulnerable workers refer to minimum wage earners, working poor, or marginalized
31 workers, as defined below, whether in an employer-employee relationship in the
32 public or private sector, or self-employed including the Overseas Filipino Workers
33 (OFWs), and whose families depend solely on their wages or compensation income
34 for their minimum basic needs, such as food, health, education, housing and other
35 essential amenities of life.
- 36 i. Minimum wage earners refer to workers in the private sector who are paid
37 the statutory minimum wage, or to employees in the public sector with
38 compensation income of not more than the statutory minimum wage in the
39 non-agricultural sector where he/she is assigned as defined under Republic
40 Act No. 10963, otherwise known as the Tax Reform for Acceleration and
41 Inclusion (TRAIN) Law;
- 42 ii. Working poor refers to individuals and/or groups whose income fall below
43 the poverty threshold as defined by the National Economic and Development
44 Authority (NEDA) and/or cannot afford in a sustained manner to provide
45 their minimum basic needs of food, health, education housing and other
46 essential amenities of life;
- 47 iii. Marginalized workers refer to workers who have not benefitted from
48 education, health, employment, and other opportunities by reasons of
49 poverty, geographical inaccessibility, culture, gender, among others, and to
50 workers who are less likely to have formal work arrangements, and are more
51 likely to lack decent working conditions, adequate social security, and whose
52 employment is characterized by inadequate earnings, low productivity, and
53 difficult conditions of work that undermine their fundamental rights;
- 54 l) Wage employment refers to the act of generating one's income from an employer-
55 employee relationship.
- 56

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 DOLE 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 DOLE 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 DOLE 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 cleaning/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.	90
(f) Agro-Forestry and eco-agriculture farming which include tree-planting, seedling preparation, re-forestation and crop growing.	90
(g) Field works, such as conduct of survey and profiling, in partnership with other government offices	90

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), Department of Environment and Natural Resources (DENR), LGUs, as well as the private sector to engage in public projects. Said offices/program partners shall provide the required materials, tools, and equipment including office equipment, as warranted by the nature of work.

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

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

SEC. 9. *Modes of Implementation of the TUPAD Program.* - The TUPAD Program shall be implemented by the DOLE Regional Offices through any of the following modes:

a) **Accredited Co-Partner (ACP).** Under this mode, the ACP shall be the Department's partner or conduit in the implementation of the program, provided they are registered with any registering body of the government and accredited by DOLE as ACP under the TUPAD Program. The following shall qualify as ACP:

- i. Peoples' organization;
- ii. Private sector unions, federations or workers' associations, as defined in Book V of the Omnibus Rules and Regulations Implementing the Labor Code of the Philippines;
- iii. Cooperatives;
- iv. Church-based organizations;
- v. Private educational institutions;
- vi. Private foundations; and
- vii. Government agencies and instrumentalities, including National Government Agencies, Local Government Units and Government Owned and Controlled Corporations;

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

SEC. 10. *Accreditation of Co-Partners (ACP).* - DOLE shall accredit the copartners in the implementation of the TUPAD Program, and for this purpose shall set the guidelines for the accreditation process.

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

1 **SEC. 11. *Employment Project Implementation Requirements.*** – All programs under the
2 TUPAD Program shall observe the following:

- 3
4 a) Strict compliance with the Occupational Safety and Health Standards provided under
5 Republic Act No. 11058 and other related laws and regulations;
6 b) Provision of necessary equipment for beneficiaries needed to effectively and safely
7 participate in a project under the Program;
8 c) Enrollment of every beneficiary to a group micro-insurance to be included in the total
9 project cost;
10 d) Issuance of an identification card or document for every beneficiary participating in a
11 project under the Program;
12 e) Assistance to beneficiaries who have participated in the Program of skills training or
13 upgrading towards self-employment or wage employment. For this purpose, the DOLE
14 and Technical Education and Skills Development Authority (TESDA) shall ensure the
15 implementation and enforcement of this provision;
16 f) Mechanisms to ensure that the DOLE and/or its accredited co-partners monitor the
17 implementation of every employment project under the TUPAD Program; and
18 g) Submission of proper documentary requirements for the release and liquidation of funds
19 for every employment project under the TUPAD Program subject to relevant accounting
20 and auditing rules and regulations.
21

22 **SEC. 12. *Wages and Compensation of Beneficiaries; Prohibited Practices.*** - The wages
23 and compensation of the beneficiaries shall not be less than 100% of the prevailing private sector
24 minimum wage rate set by the Regional Tripartite Wages and Productivity Board (RTWPB) for
25 non-agricultural workers in the area or locality where the project will be implemented.
26

27 Any violation of this provision shall result in the blacklisting of the accredited co-partner,
28 including the payment of the amount involved, with legal interest, without criminal cases. If the
29 accredited co-partner is an LGU or SUC, the LGU or SUC shall immediately address such
30 deficiency and/or error without prejudice to applicable rules and regulations of the Commission on
31 Audit and the filing civil, criminal or administration actions. In case of direct administration, the
32 responsible DOLE personnel shall be subjected to administrative investigation without prejudice to
33 the filing of appropriate civil or criminal case.
34

35 **SEC. 13. *Project Funding.*** - Approved employment project proposals shall be funded under
36 the TUPAD Program fund under the budget of the DOLE.
37

38 The DOLE shall be primarily responsible for managing the funds for the implementation of
39 the Program.
40

41 **SEC. 14. *Authority to Receive and Administer Donations for TUPAD Program.*** - The
42 DOLE is hereby authorized under this Act to receive donations from government and non-
43 government organizations and to administer the same strictly and exclusively for the beneficiaries
44 and qualified applicants of the TUPAD Program, subject to relevant accounting and auditing rules
45 and regulations.
46

47 **SEC. 15. *Monitoring, Reporting and Evaluation of the TUPAD Program.*** - The DOLE
48 shall establish a standardized monitoring and reporting system to properly document every
49 approved project under the Program.
50

51 It shall also submit to Congress and make available to the public, an annual accomplishment
52 report and utilization of the funds earmarked for the implementation of the TUPAD Program. The
53 annual report shall include the pertinent details of every project under the Program, the mode of
54 implementation, number of beneficiaries, donations from private and other organizations,
55 expenditures, number of beneficiaries who acquired employment after their participation in the
56 Program, and other pertinent information as may be necessary. An impact evaluation shall be
57 conducted from time to time, but not later than every three years.

Article III
Miscellaneous Provisions

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

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

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

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

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

Approved,