



HOUSE OF REPRESENTATIVES

House Bill No. 839

Introduced by Representative Christian Tell 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. 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.

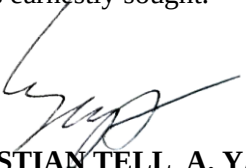
As the country moves into the “new normal”, the Department of Labor and Employment (DOLE) implements the TUPAD program as a post-COVID intervention measure to help informal sector workers recover from economic displacement and loss of income due to the enhanced community quarantine (ECQ). It is estimated that close to a million workers in the informal economy will benefit from the government’s emergency employment program. 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.

Furthermore, to respond to the urgent needs of the growing number of unemployed and displaced workers current crisis, several proposed legislations 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.

This legislation aims to institutionalized the TUPAD program whereby the DOLE is authorized to implement, motu proprio employment projects in cases of massive displacements, define the eligibility of the beneficiaries qualified in the program, provide for the modes in implementing the program, and ensure the payment of at least the minimum wage rate for non-agricultural workers in the area of project implementation.

In view of the foregoing reasons, the approval of the bill is earnestly sought.


CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 839

Introduced by Representative Christian Tell A. Yap

AN ACT
PROVIDING FOR A WAGE EMPLOYMENT ASSISTANCE PROGRAM FOR DISPLACED
AND/OR VULNERABLEWORKERS 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:

SECTION 1. *Short Title.* - This Act shall be known as the “TUPAD Act.”

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

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

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

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

- a) Accredited Co-Partner refers to the program partner, which may be a peoples’ or workers’ organization, union, association, federation, cooperative, business association, church-based organization, educational institution, or private foundation, that has been accredited by the Department of Labor and Employment (DOLE) to implement TUPAD programs and projects using government or public funds;
- b) Beneficiary refers to individuals or group of individuals who are qualified recipients of assistance under TUPAD;
- c) Disaster refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources, as defined in Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010;

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

14
15 **SEC. 6. Lead Agency and Convergence with Related Government Assistance Program.** - The
16 DOLE shall be the lead agency in the implementation of the TUPAD Program and shall proactively
17 administer directly, *motu proprio*, wage employment projects, in coordination or collaboration with
18 relevant government agencies, in the event of massive displacement of workers resulting in serious
19 disruption of means of livelihood.

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

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27 **SEC. 7. Eligible Projects for TUPAD; No Counterpart Funding Requirement.** - All
28 employment projects, to be eligible for funding under TUPAD, shall be under any of the listed eligible
29 projects below. The DOLE shall set the period of work of approved employment project depending on
30 the nature and duration of the work to be performed, but in no case shall the project duration be less
31 than ten (10) days, nor to exceed ninety (90) days, as provided herein:
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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:

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- 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 and
14 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 for
19 every employment project under the TUPAD Program subject to relevant accounting and
20 auditing rules and regulations.
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22 **SEC. 12. *Wages and Compensation of Beneficiaries; Prohibited Practices.*** - The wages and
23 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 non-
25 agricultural workers in the area or locality where the project will be implemented.

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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 deficiency
30 and/or error without prejudice to applicable rules and regulations of the Commission on Audit and the
31 filing civil, criminal or administration actions. In case of direct administration, the responsible DOLE
32 personnel shall be subjected to administrative investigation without prejudice to the filing of
33 appropriate civil or criminal case.

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

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

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

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

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

57

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,