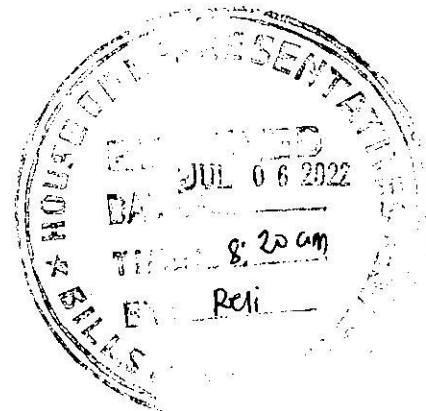




HOUSE OF REPRESENTATIVES

House Bill No. **1351**

Introduced by Representative Christian Tell A. Yap

EXPLANATORY NOTE

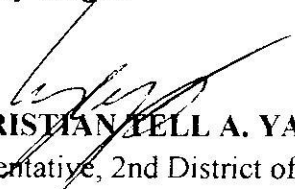
The Philippines, as one of the countries in the so-called Circum-Pacific Belt or Pacific Ring of Fire, is one of the world's most disaster-prone countries. Every year, according to the Philippines Atmospheric, Geophysical, and Astronomical Services Administration (PAGASA), 20 typhoons strike the country. This puts not only Filipinos' lives in peril, but also their job security. According to the Asian Development Bank (ADB), over 80% of the Philippine economy is prone to natural disasters affecting over 76.6 million Filipinos. This undeniably can result to economic crisis, loss of employment or livelihood, and poverty in general.

In 2016, the Department of Labor and Employment (DOLE) in partnership with the International Labor Organization (ILO) has initiated the provision of immediate livelihood assistance to workers and families affected by typhoons through emergency employment programs. This has helped Filipinos affected by natural calamities to survive in this critical period through wages and employment benefits. However, such programs are limiting to mere mitigation of the effects of current calamities notwithstanding the constant risk to disasters our country is exposed to.

Thus, pursuant to the mandate of the State to afford full protection of labor employment for all amidst their vulnerability to disasters, this proposed legislation aims to institutionalize these emergency employment programs into a National Employment Assistance Program

This bill aims to formulate, establish and implement adequate programs and mechanisms to safeguard the livelihood of affected Filipinos vulnerable to disasters will be put in place through the Creation of National Employment Assistance Program Employment.

For the foregoing reasons, the approval of this bill is earnestly sought.


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

HOUSE OF REPRESENTATIVES

House Bill No. 1351

Introduced by Representative Christian Tell A. Yap

AN ACT
PROVIDING FOR A NATIONAL EMPLOYMENT ASSISTANCE PROGRAM AND
APPROPRIATING FUNDS THEREFOR

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 “National Employment Assistance Program Act”.

SEC. 2. *Declaration of Policy.* It is a declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. Towards this end, the State shall provide Filipinos with opportunities for just and sufficient means of livelihood. The State shall likewise initiate meaningful employment assistance programs to qualified individuals of poor, disadvantaged or displaced households duly identified by the appropriate national agencies.

SEC. 3. *National Employment Assistance Program.* – There is hereby created a National Employment Assistance Program (NEAP), which shall provide temporary employment to qualified individuals who are poor, disadvantaged/displaced or seasonal workers who volunteer to work for a minimum of ten (10) days but not more than (90) days in a calendar year wherein the minimum and maximum period of engagement can cover a single activity or multiple activities spread out over the course of a calendar year: *Provided,* that qualified individuals may include subprofessionals.

Qualified individuals are not subject to the terms and conditions of regular employment and as such, shall not be deemed to have an employer-employee relationship with

1 the Department of Labor and Employment (DOLE), or any agency or institution who utilizes
2 their services with respect to the Program.

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

4 (a) "*Displaced worker*" refers to a worker in the formal and informal sectors who
5 became unemployed, underemployed, or have lost livelihood as a result of closure
6 of establishment, economic crisis, retrenchment, termination, natural
7 disaster/calamities;

8 (b) "*Poor* " refers to individuals and families whose income fall below the poverty
9 threshold as defined by the government and/or cannot afford in a sustained
10 manner to provide their minimum basic needs of food, health, education, housing
11 and other essential amenities of life, or those who have been identified as poor by
12 the National Household Targeting System for Poverty Reduction (NHTS-PR);

13 (c) "*Qualified individual*" refers to willing and able Filipino citizens who are at
14 least fifteen (15) years of age. *Provided*, That individuals between the ages of
15 fifteen (15) and eighteen (18) may only qualify by first obtaining consent from
16 their parent/s and/or legal guardian, and can only be employed in non-hazardous
17 work environments in accordance with the Labor Code; and

18 (d) "*Seasonal worker*" refers to a worker who performs work or service that is only
19 for a specific period of time or season of the year.

20
21 **SEC. 5. *Qualifications for Availment of Employment Assistance.*** The DOLE shall
22 take the lead in the overall implementation of the NEAP.

23 The DOLE and the Department of Social Welfare and Development (DSWD), in
24 close coordination with other government agencies concerned, as well as the identified
25 communities, may conduct a preliminary joint assessment of all poor, disadvantaged/displaced
26 individuals, including seasonal workers who signify interest in undertaking work in order to
27 determine eligibility and inclusion to the NEAP. The assessment shall also take into consideration
28 the inherent knowledge, skills, capacities, and capabilities of potential qualified participants so as
29 to properly determine the type and nature of projects that are most suited to them and their
30 respective communities.

31 The DOLE shall facilitate basic knowledge and skills orientation and capacity
32 building trainings and seminars as deemed necessary towards project development for qualified

1 participants. The local government units (LGUs) and program partners concerned may make
2 available for use any tools and equipment necessary for project development to the qualified
3 individuals.

4 **SEC. 6. *Types of Works and Activities under the Program.*** Employment activities
5 for this purpose shall be designed to mobilize eligible individuals, families and communities to
6 finish a project within a given time period. These projects may include, but are not limited, to the
7 following:

8 (a) Development, rebuilding/rehabilitation of agri-based livelihood assets damaged,
9 destroyed or lost due to natural disasters, such as desilting of irrigation canals,
10 development of paddy dikes, and rehabilitation of water impounding dams;

11 (b) Development or rehabilitation of common service facilities, which are being
12 shared and used by poor families as production or consolidation centers like post-
13 harvest facilities, public markets, display centers, and fish ports;

14 (c) Development or rehabilitation of physical assets to open up access to areas
15 necessary to transport rural products, such as construction of farm-to-market roads
16 and bridges;

17 (d) Protection of natural and productive assets through mitigation and disaster risk
18 reduction measures, such as mangrove planting and rehabilitation, tree planting,
19 seedling preparation, re-forestation and similar activities; and

20 (e) Social community projects, such as repair, maintenance, and/or improvement of
21 common public facilities and infrastructure such as schools and health centers, debris
22 clearing, declogging of canals, debris segregation and materials recovery, stockpiling
23 and clearing.

24 The DOLE shall provide an updated list of projects that may be undertaken as
25 well as the projects not covered under this Act. This list shall be readily made available to
26 potentially qualified individuals who have expressed their desire to participate in the NEAP.

27 **SEC. 7. *Rate of Assistance.*** Every person qualified under this Program shall be
28 entitled to receive compensation for each day of work at the prevailing minimum wage set by the
29 Regional Tripartite Wages and Productivity Board (RTWPB) concerned. LGUs may also provide
30 for additional allowances to the beneficiaries in order to cover for other expenses such as
31 transportation and food.

32 **SEC. 8. *Appropriations.*** - The Secretary of Labor and Employment shall include
33 in the DOLE'S programs the implementation of this Act, the initial funding of which shall be

1 charged against the current year's appropriations of the DOLE. Thereafter, the amount necessary
2 for its continued implementation shall be included in the annual General Appropriations Act.

3 In addition, the DOLE may accept donations, contributions or grants from foreign
4 and local persons, institutions and governments, among others, for the implementation of the
5 NEAP.

6 **SEC. 9. *Implementing Rules and Regulations.*** - Within ninety (90) days after the
7 approval of this Act, the Secretary of the DOLE and DSWD shall issue the necessary rules and
8 regulations for the effective implementation of this Act.

9 **SEC. 10. *Separability Clause.*** - Should any provision of this Act be found
10 unconstitutional by a court of law, such provision shall be severed from the remainder of this Act,
11 and such action shall not affect the enforceability of the remaining provisions of this Act.

12 **SEC. 11. *Repealing Clause.*** - All laws, decrees, letters of instruction, resolutions,
13 orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed,
14 modified or amended accordingly.

15 **SEC. 12. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
16 publication in the Official Gazette or any national newspaper of general circulation.

17 *Approved,*

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