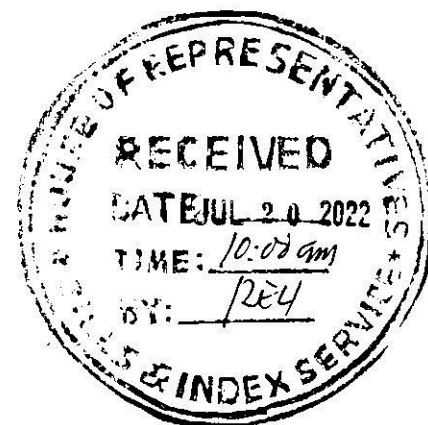


NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES

H.B. No. 2177

Introduced by Representative Ralph G. Recto

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

EXPLANATORY NOTE

One out of every five Filipinos is considered poor. As reported by the Philippine Statistics Authority, the poverty incidence among Filipino individuals in the first semester of 2021 was estimated at 23.7 percent¹. Our current population is roughly 110 million, this means that over 26.14 million Filipinos live in poverty.

Poverty is more than the lack of income and resources to ensure a sustainable livelihood. Its manifestations include hunger and malnutrition, limited access to education and other basic services, social discrimination and exclusion as well as the lack of participation in decision-making². High poverty incidence spells a host of other problems such as petty crimes, disease, illiteracy, drug abuse, dysfunctional families and other social problems, thus, poverty reduction results in solutions for a number of other problems as well.

The reduction of poverty is at the heart of the development agenda both nationally and globally. This has always been reflected in the projects and programs of every administration, and included in the worldwide commitment towards the Sustainable Development Goals. On the part of the previous administration, we have

¹ Proportion of Poor Filipinos Registered at 23.7 Percent in the First Semester of 2021
<https://psa.gov.ph/poverty-press-releases/nid/165535>

² Sustainable Development Goals, www.un.org

the vision incorporated in the *Ambisyon 2040*, which envisions a Philippines in 2040 where no Filipino is poor, no Filipino is ever hungry and Filipino families live in comfortable homes with the desired amenities and secure tenure³.

In the ADB's report on Poverty in the Philippines, one of the identified main causes of poverty in the country is recurrent shocks and exposure to risks such as economic crisis, conflicts, natural disasters,⁴ and "environmental poverty." The subsequent loss of employment is the most common outcome resulting from these causes. In turn, the loss of employment and loss of income pushes those already at risk into poverty, and the poor more deeply mired in poverty.

We live at a time when the global community is still recovering from the aftershocks of the COVID-19 pandemic. The economic impact of the health crisis is especially felt by the vulnerable sectors of our society. As reported by the World Bank⁴, COVID-19 has taken a heavy toll on rural livelihoods. Disaster-prone communities experience more difficulties in coping with COVID-19 restrictions and its severe economic impact.

The Poverty Assessment⁵ report by the World Bank recommends managing disaster risks and protecting the vulnerable as a policy direction. The government has several programs in line with this. The Department of Labor and Employment has the Adjustment Measures Program (AMP) and the *Tulong Panghanapbuhay para sa Ating Disadvantaged/Displaced Workers* (TUPAD). These programs provide for the temporary employment of the people in afflicted areas or situations. The most notable ones to date are the AMPs done by the government in response to the *K to 12 Integration*, *Boracay Rehabilitation Closure* and the *COVID-19 Adjustment Measures Program* (CAMP).

This bill aims to institutionalize these emergency employment programs into the National Employment Assistance Program(NEAP). With the institutionalization of

³ Ambisyon Natin 2040. www.neda.gov.ph

⁴ <https://blogs.worldbank.org/eastasiapacific/how-covid-19-impacted-vulnerable-communities-philippines>

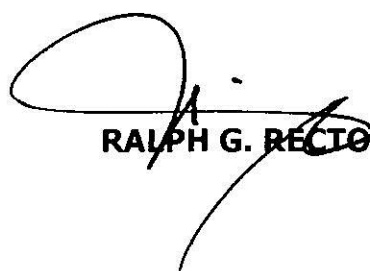
⁵ Making growth work for the poor : A Poverty Assessment for the Philippines. <https://www.worldbank.org>

these programs there would be no need to convene special task forces that would formulate and implement the government's plan of action for similar recurring incidents as the mechanisms and funding for these programs are already in place. Hence, government response would be swift and more efficient.

Due to the geographic location of the Philippines, our country has a high risk of experiencing natural disasters. An average of 20 typhoons enter the Philippine Area of Responsibility (PAR) every year. At least 60% of the country's total land area is exposed to multiple hazards, and 74% of the population is vulnerable to their impact⁶. In a study by the Duke University Global Health Institute, it was found that the probability of a pandemic with similar impact to COVID-19 is about 2% in any year. This means that someone born in the year 2000 would have about a 38% chance of experiencing one by now. And that probability is growing, hence, there is a need to adjust perceptions of pandemic risks and expectations for preparedness.⁷

The institutionalization of a national emergency employment program would mitigate the negative impacts of these disastrous events as well as contribute to the poverty reduction efforts of the government.

In light of the foregoing, the approval of this bill is earnestly sought.



RALPH G. RECTO

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⁶ Global Facility for Disaster Reduction and Recovery, <https://www.gfdrr.org/en/philippines>
⁷ <https://globalhealth.duke.edu/news/statistics-say-large-pandemics-are-more-likely-we-thought>

Note: This version of the bill is essentially the Committee Report Version reported out by the Committee on Social Justice, Welfare and Rural Development in the 17th Congress, which was authored and sponsored by Senator Leila M. De Lima, and including some proposed additions to the measure by this representation.

HOUSE OF REPRESENTATIVES

H.B. No. 2177

Introduced by Representative Ralph G. Recto

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:

1 Section 1. *Short Title.* – This Act shall be known as the “National Employment
2 Assistance Program Act”.

3 Sec. 2. *Declaration of Policy.* – It is a declared policy of the State to promote a
4 just and 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 social
6 services, promote full employment, a rising standard of living, and an improved quality
7 of life for all. Towards this end, the State shall provide Filipinos with opportunities for
8 just and sufficient means of livelihood. The State shall likewise initiate meaningful
9 employment assistance programs to qualified individuals of poor, disadvantaged or
10 displaced households duly identified by the appropriate national agencies.

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

1 Qualified individuals are not subject to the terms and conditions of regular
2 employment and as such, shall not be deemed to have an employer-employee
3 relationship with the Department of Labor and Employment (DOLE), or any agency or
4 institution who utilizes their services with respect to the Program.

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

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

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

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

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

24 *Sec. 5. Qualifications for Availment of Employment Assistance. –* The DOLE
25 shall take the lead in the overall implementation of the NEAP.

26 The DOLE may conduct a preliminary assessment of all poor,
27 disadvantaged/displaced individuals, including seasonal workers who signify interest
28 in undertaking work in order to determine eligibility and inclusion in the NEAP. The
29 assessment shall also take into consideration the inherent knowledge, skills,
30 capacities, and capabilities of potential qualified participants so as to properly
31 determine the type and nature of projects that are most suited to them and their
32 respective communities.

1 The DOLE shall facilitate basic knowledge and skills orientation and capacity-
2 building trainings and seminars as deemed necessary towards project development
3 for qualified participants. The local government units (LGUs) and program partners
4 concerned may make available for use any tools and equipment necessary for project
5 development to the qualified individuals.

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

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

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

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

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

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

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

31 *Sec. 7. Rate of Assistance.* – Every person qualified under this Program shall
32 be entitled to receive compensation for each day of work at the prevailing minimum

1 wage set by the Regional Tripartite Wages and Productivity Board (RTWPB)
2 concerned. LGUs may also provide for additional allowances to the beneficiaries in
3 order to cover for other expenses such as transportation and food.

4 *Sec. 8. Appropriations.* – The Secretary of Labor and Employment shall include
5 in the DOLE’S programs the implementation of this Act, the initial funding of which
6 shall be charged against the current year’s appropriations of the DOLE. Thereafter,
7 the amount necessary for its continued implementation shall be included in the annual
8 General Appropriations Act.

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

12 *Sec. 9. Implementing Rules and Regulations.* – Within ninety (90) days after
13 the approval of this Act, the Secretary of the DOLE shall issue the necessary rules and
14 regulations for the effective implementation of this Act.

15 *Sec. 10. Separability Clause.* – Should any provision of this Act be found
16 unconstitutional by a court of law, such provision shall be severed from the remainder
17 of this Act, and such action shall not affect the enforceability of the remaining
18 provisions of this Act.

19 *Sec. 11. Repealing Clause.* – All laws, decrees, letters of instruction, resolutions,
20 orders or parts thereof which are inconsistent with the provisions of this Act are hereby
21 repealed, modified or amended accordingly.

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

Approved,