

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL No. **11310**



Introduced by Representative CAMILLE A. VILLAR

AN ACT INSTITUTIONALIZING THE TULONG PANGHANAPBUHAY SA ATING DISADVANTAGED DISPLACED WORKERS (TUPAD) PROGRAM OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Explanatory Note

The 1987 Philippine Constitution provides that the State shall 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.¹ Likewise, the State shall promote social justice in all phases of national development.²

The Tulong Panghanapbuhay Sa Ating Disadvantaged Displaced Workers (TUPAD) Program of the Department of Labor and Employment (DOLE) is a community-based package of assistance that provides emergency employment for displaced workers, underemployed and seasonal workers for a minimum period of 10 days, but not exceeding to 30 days, depending on the nature of work to be performed per DOLE's guidelines.

The TUPAD Program has been successful in alleviating the conditions of displaced workers, underemployed and seasonal workers over the past years. This bill seeks to institutionalize and expand the coverage of the TUPAD Program to

¹ Section 9, Article II, 1987 Philippine Constitution

² Section 10, Article II, 1987 Philippine Constitution

enable the program to benefit more workers who are unemployed or underemployed for specified reasons.

As such, I join my colleagues in requesting for the approval of this proposed measure.

Camille Villar
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DEPARTMENT OF LABOR AND EMPLOYMENT, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Section 1. *Short Title.* – This Act shall be known as the “*Tulong Panghanapbuhay Sa Ating Disadvantaged Displaced Workers (TUPAD) Act.*”

Sec. 2. *Declaration of Policy.* – The State shall 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.

The State shall improve the quality of life of all Filipino workers through active labor market policies, promotion of employment opportunities and employment facilitation, human resource development, and the provision to displaced, marginalized, and/or vulnerable workers a transitional or temporary social safety net from economic shocks brought about by disasters, public health emergencies, war, armed conflict, economic crises, and other related contingencies, and/or experiencing loss of livelihood or income due to disability, work-related accidents or injuries, unemployment, or work displacements.

Sec. 3. *Coverage.* - This Act shall cover all displaced, marginalized, and/or vulnerable workers affected by disasters, public health emergencies, war, armed conflict, economic crises, and other related contingencies, and/or experiencing loss of livelihood, or income loss due to ill-health, disability, work-related accidents or injuries, unemployment, or work displacements because of authorized or unauthorized causes of termination of employment, technological advances, policy-related disruptions, and other analogous causes.

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

- a) Accredited Co-Partner or ACP - refers to the program partner that has been accredited by the Department of Labor and Employment (DOLE) to implement TUPAD projects using government or public funds. The ACP may be a peoples' or workers' organization, legitimate labor organization, cooperative, business association, church-based organization, educational institution, including Technical Education and Skills Development Authority (TESDA)-accredited technical vocational training institutions and State Universities and Colleges (SUCs), nongovernment organization, private foundation, or a government agency or instrumentality, including National Government Agencies (NGAs), Local Government Units (LGUs) and Government-Owned and Controlled Corporation (GOCCs);
- b) Beneficiary - refers to individuals or group of individuals who are qualified recipients of assistance under the TUPAD Program;
- c) Displaced workers - refer to persons involuntarily terminated due to authorized or unauthorized causes of termination as provided under the Labor Code of the Philippines, technological advances, policy-related disruptions, and other analogous causes. It also refers to Overseas Filipino Workers who have been involuntarily separated from their jobs overseas;
- d) Marginalized workers - refer to workers deprived of education, health, employment, and other opportunities by reasons of poverty, geographical inaccessibility, culture, and 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;
- e) Self-employed - refers to persons who operate their own businesses or trades and do not employ paid workers in the conduct of their economic activities, including workers who work purely on commission basis and who may not have regular working hours;

- f) Sub-professionals - refer to individuals in the private sector involved in structured work in support of office operations or those engaged in arts, crafts, and manual or clerical work;
- g) TUPAD Program - a temporary wage employment assistance program for displaced, marginalized, and/or vulnerable workers, also known as the Tulong Panghanapbuhay sa Ating Disadvantaged Displaced Workers Program, and herein interchangeably referred to as TUPAD Program;
- h) 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 to have a new job with longer working hours;
- i) Vulnerable workers - refer to workers, local and overseas, including minimum wage earners, working poor, and marginalized workers, who are confronted by ex-ante risk that if currently non-poor will fall below the poverty line, or if currently poor, will remain mired in poverty, or exposed to adverse shocks; and
- j) Workers - refer to workers in the formal and informal economy or self-employed, whether overseas or local.

Sec. 5. *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 be responsible in the administration, sourcing, assessment, and approval of all project proposals for funding for the implementation of the TUPAD Program.

The DOLE shall integrate and collaborate with other government agencies, LGUs, business and labor groups, and civil society groups in implementing similar or related programs and services for an efficient and effective whole-of-nation approach in the delivery of social safety nets.

Sec. 6. *Eligible Projects for TUPAD; Counterpart Funding Requirement.* - Eligible employment projects that may be included under the TUPAD Program shall include, but not be limited to, social community projects, economic projects, field works such as conduct of survey and profiling in partnership with government offices, agro-forestry community projects that promote green jobs, and provision of assistance to LGUs in the delivery of essential services. The DOLE, in coordination with relevant government agencies, LGUs, ACPs, and other relevant stakeholders, shall formulate and implement projects under the TUPAD Program that complements or utilizes the skill set of all categories of workers classified under the Philippine Standard Occupational Classification.

The DOLE shall also set the duration of work for each project under the Program, with due regard to the nature of the work to be performed; Provided, That except as authorized by the Secretary of Labor and Employment in exceptional circumstances, the duration of each project under the TUPAD Program shall not be less than ten (10) days, nor exceed ninety (30) days.

Consistent with applicable government auditing rules and regulations, ACPs and LGUs shall provide a counterpart funding of 20% of the total cost of the project. The funding may be in the form of labor, land for the project site, facilities, and equipment, among others, to be used in the project. The LGUs and ACPs may also 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.

Sec. 7. *Qualified Beneficiaries.* -All displaced workers, marginalized, and/or vulnerable workers shall be qualified as beneficiaries under this Act; Provided, That the Secretary of Labor and Employment may, under appropriate circumstances, approve TUPAD projects that will include the underemployed and/or sub-professionals as beneficiaries under this Act.

The Secretary of DOLE shall set standards regarding the TUPAD beneficiaries, including the allowable number of beneficiaries per household, the number of projects under the TUPAD 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. 8. *Modes of Implementation of the TUPAD Program.* - The TUPAD Program shall be implemented by DOLE Regional Offices through any of the following modes:

- a) With an ACP - Under this mode, the ACP shall be the DOLE'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 an ACP; Provided, That Government agencies, LGUs, TESDA, and SUCs, shall automatically be TUPAD program partners, without need of accreditation; or
- b) DOLE Direct Administration - Under this mode, the administration and implementation of the TUPAD Program shall be undertaken directly by the DOLE's regional, provincial and/or field offices. In the event of massive displacement of workers resulting in serious disruption of means of livelihood, direct administration of wage employment projects shall be

undertaken proactively by DOLE motu proprio, in collaboration with relevant government agencies and/or LGUs.

Sec. 9. *Wages and Compensation of Beneficiaries.* - The wages and compensation of the beneficiaries shall not be less than 100% of the highest prevailing minimum wage rate set by the Regional Tripartite Wages and Productivity Board (RTWPB) in the region where the project will be implemented. The beneficiaries shall be enrolled in a group micro-insurance and shall be provided with the appropriate training, safety tools and proper equipment. The DOLE shall use automated banking facilities, money remittance providers, and electronic/digital wallets as primary mode of wage disbursement for the beneficiaries of this Act. Under exceptional circumstances, such as TUPAD projects in geographically isolated and disadvantaged areas, or non-operation of wage disbursement mechanisms due to public emergencies, including war, armed conflict, epidemics/outbreaks or public health emergencies, the Secretary of Labor and Employment may authorize direct cash pay-out to TUPAD beneficiaries.

Sec. 10. *Prohibited Practices.* - The DOLE shall establish mechanisms to ensure compliance with the provisions of this Act. It shall provide a list of prohibited activities, such as, but not limited to, cuts for commission, job sharing, ghost beneficiaries, duplicate beneficiaries, and padding of beneficiaries.

Any violation of this provision shall result in the blacklisting of the ACP, including the reimbursement of the amount involved, with legal interest, without prejudice to the filing of criminal and other related cases. If the ACP is an LGU or SUC, the LGU or SUC shall immediately address such deficiency and/or error, without prejudice to applicable rules and regulations of the Commission on Audit (COA), and the filing of civil, criminal or administrative actions against erring officials and government employees. In case of direct administration, the responsible DOLE personnel shall be subjected to administrative investigation, without prejudice to the filing of appropriate civil, criminal or administrative case.

Sec. 11. *Authority to Receive and Administer Donations for TUPAD Program.* - The DOLE is hereby authorized under this Act to receive donations from government and non-government organizations and to administer the same strictly and exclusively for the beneficiaries of the TUPAD Program, subject to relevant accounting and auditing rules and regulations.

Sec. 12. *Monitoring, Reporting and Evaluation of the TUPAD Program.* - The DOLE shall establish a standardized monitoring, evaluation and reporting system to properly document every approved project under the TUPAD Program.

It shall also submit to Congress, and make available to the public, an annual accomplishment report and utilization of the funds earmarked for the implementation of the TUPAD Program. The annual report shall include the pertinent details of every project under the TUPAD Program, the mode of implementation, number of beneficiaries, donations from private and other organizations, expenditures, number of beneficiaries who acquired employment after their participation in the TUPAD Program, and other pertinent information as may be necessary. An impact evaluation shall be conducted from time to time, but not later than every three (3) years.

Sec. 13. *Grievance Mechanisms.* - The DOLE shall establish grievance mechanisms for the filing or reporting of complaints, grievances, or violations provided in this Act and other related laws arising from the implementation of the TUPAD Program. For this purpose, the Department shall ensure that all beneficiaries and stakeholders of the TUPAD Program have access to these grievance mechanisms.

Sec. 14. *Appropriations.* - The funds for the initial implementation of this Act shall be sourced from the current budget of the DOLE. 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 cost of not more than 5%, subject to periodic review and appropriate recommendation for adjustment, whenever necessary. For this purpose, the DOLE shall issue the appropriate guidelines on the utilization and management of the administration cost.

Sec. 15. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, the DOLE shall, in consultation with TESDA, DPWH, DENR, DILG, SUCs, Union of Local Authorities of the Philippines, National Anti-Poverty Commission (NAPC), and other relevant government agencies and other stakeholders, issue the necessary rules and regulations for the effective implementation of this Act.

Sec. 16. *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 or provisions can still subsist and be given effect in their entirety.

Sec. 17. *Repealing Clause.* - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

Sec. 18. *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,