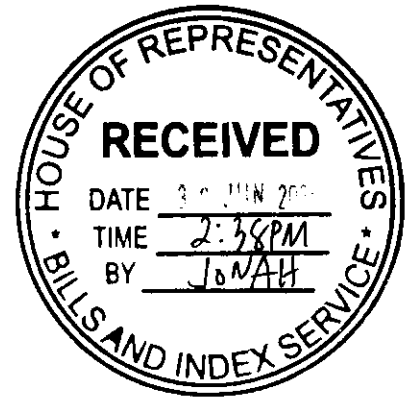




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 606

Introduced by Representative **ANTONINO B. ROMAN III**

EXPLANATORY NOTE

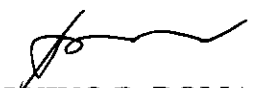
The 1987 Constitution underscores the importance of social justice, labor rights, equitable resource distribution, and social welfare as core policy principles. These values form the constitutional backbone of laws and programs designed to protect vulnerable sectors, promote fairness, and guarantee access to essential services.

In the Philippines, government social service programs—such as the Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD), Assistance to Individuals in Crisis Situations (AICS), Ayuda sa Kapos ang Kita Program (AKAP), and Medical Assistance for Indigent Patients (MAIP)—play a vital role in supporting marginalized communities. These programs aim to provide direct, life-changing assistance to Filipino families facing poverty, joblessness, and inadequate healthcare.

When implemented effectively, these initiatives uplift the lives of vulnerable Filipinos by ensuring that aid reaches those who need it most. However, the unauthorized taking or diversion of funds intended for beneficiaries directly undermines this goal. It not only deprives rightful recipients of their support but also erodes public trust, fosters corruption, and undermines the government's commitment to inclusive and sustainable development.

To stop such abuse, stiffer penalties must be imposed on those who misappropriate funds from these programs. Stronger sanctions will deter wrongdoing, safeguard public resources, and uphold the integrity of social welfare initiatives.

By criminalizing and penalizing the unauthorized taking or diversion of aid, we reinforce transparency, demand accountability, and protect the dignity and rights of Filipino families. In doing so, we help build a more just, trustworthy, and compassionate government—one that delivers on its promise of inclusive growth for all.


ANTONINO B. ROMAN III



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House Bill No. 606

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AN ACT
PENALIZING THE UNAUTHORIZED TAKING OR
DIVERSION OF FUNDS FROM BENEFICIARIES OF GOVERNMENT
SOCIAL SERVICE PROGRAMS, IMPOSING STIFFER PENALTIES
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 “**Kontra-Kickback sa Ayuda Act.**”

SECTION 2. Declaration of Policy. - It is the policy of the State to protect the integrity of government social welfare programs and ensure that intended beneficiaries receive the full amount of assistance due to them. Any act by a person—particularly a government official—of taking, withholding, or demanding a portion of such assistance undermines public trust and shall be penalized with utmost severity. Likewise, it is state policy to promote social justice in all phases of national development by promoting a just and dynamic social order that ensures the prosperity and independence of the nation and frees the people from poverty.

SECTION 3. Definition of Terms. - For purposes of this Act:

- a) “Ayuda” refers to financial, material, or in-kind assistance provided by the government or authorized agencies to individuals or families in need, particularly during emergencies, disasters, or periods of difficulty. It is designed to support the basic needs of vulnerable populations and promote social welfare through government-funded initiatives such as, but not limited to, Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD), Assistance to Individuals in Crisis Situations (AICS), Ayuda sa Kapos ang Kita Program (AKAP), Medical Assistance for Indigent Patients (MAIP) and similar assistance programs;
- b) “Beneficiaries” refer to individuals who are duly listed and qualified to receive aid under said programs;

- c) “Kickback” refers to any portion of aid or monetary assistance taken from a beneficiary, either directly or indirectly, with or without their consent, whether demanded before or after the release of aid;
- d) “Official” refers to any government official or employee, or a person acting in collusion with them, who influences or facilitates the inclusion of a beneficiary in exchange for monetary or other gain;
- e) “Social service programs” refer to publicly funded and administered initiatives designed to provide support and assistance to individuals and families in need. These programs are created and operated by local or national government agencies to promote the general welfare, reduce poverty, and ensure access to basic human needs such as food, shelter, healthcare, and education; and
- f) “Law enforcement agencies” refer to government institutions responsible for maintaining peace and order, enforcing laws, preventing and investigating crimes, and ensuring public safety across the country.

SECTION 4. Prohibited Acts. - It shall be unlawful for any person to:

- a) Take, demand, solicit, or receive any portion of the financial aid or assistance intended for beneficiaries;
- b) Conspire or collude with others to commit the same;
- c) Facilitate or cause the inclusion of a beneficiary in any social service program in exchange for a commission, fee, or share in the proceeds; and
- d) Act as an agent, collector, or intermediary who imposes or enforces unauthorized deductions from government aid.

SECTION 5. Penalties. - Any person found guilty of committing any of the prohibited acts shall suffer the following penalties:

- a) For private individuals: Imprisonment of six (6) to twelve (12) years and a fine of not less than double the amount unlawfully taken, but not less than ₱100,000.

If the private individual is a beneficiary of the social service program, he/she shall be disqualified from the program.

- b) For government officials or employees:
 - i. Imprisonment of six (6) to twelve (12) years and a fine of not less than double the amount unlawfully taken, but not less than ₱100,000;
 - ii. Perpetual absolute disqualification from holding public office; and
 - iii. Forfeiture of all retirement benefits.

If the offender is a member of a syndicate, *i.e.*, a group of three (3) or more persons conspiring or confederating with one another, or if the offense involves three (3) or more beneficiaries, the penalty shall be imposed in its maximum period.

SECTION 6. Administrative Penalty. - Apart from criminal liability, the acts herein punished shall carry corresponding administrative sanctions that may be imposed by the disciplining authority.

SECTION 7. Responsibility of Relevant Agencies. - The relevant agency, such as, but not limited to, the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and Department of Labor and Employment (DOLE), shall implement rigorous monitoring systems, including regular and random audits of funds allocated for social service programs, and establish an online reporting system for complaints or reports related to fund misuse.

SECTION 8. Whistleblower Protection. - Any beneficiary or individual who reports the commission of any act prohibited under this Act shall be entitled to protection from retaliation, including anonymity and security assistance where warranted. The same individual shall likewise be entitled to the benefits of Republic Act No. 6981 or the "Witness Protection, Security and Benefit Act."

SECTION 9. Relation to Other Laws. - This Act shall be without prejudice to the filing of cases under the Revised Penal Code, the Anti-Graft and Corrupt Practices Act (R.A. 3019), and other applicable laws.

SECTION 10. Implementing Rules and Regulations. - Within one hundred twenty (120) days from the effectivity of this Act, the DSWD, the DOH, the DOLE, and other agencies with social service programs shall, in coordination with the Department of Interior and Local Government (DILG), Department of Justice (DOJ), Philippine National Police (PNP), National Bureau of Investigation (NBI), and the Criminal Investigation and Detection Group (CIDG), formulate and issue the rules and regulations to fully implement the provisions of this Act: *Provided*, That the absence of the implementing rules and regulations shall not affect the effectivity of this Act.

SECTION 11. Funding. - The amount necessary to carry out the implementation of this Act shall be charged against the current year's appropriation for the DSWD, DOH, DOLE, and other agencies with social service programs, and for national law enforcement agencies under the DILG and DOJ, namely, the PNP, NBI, and CIDG.

SECTION 12. Separability Clause. - If any part or provision of this Act be held invalid or unconstitutional, the other parts or provisions that are not affected shall remain in full force and effect.

SECTION 13. Repealing Clause. - All laws, decrees, or rules inconsistent with this Act are repealed or modified accordingly.

SECTION 14. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,