

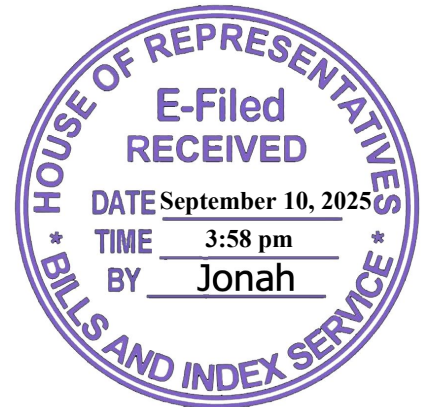


Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS

First Regular Session

House Bill No. 4515



Introduced by Representative Jernie Jett V. Nisay

EXPLANATORY NOTE

Displacement of workers due to disasters, pandemics, economic crises, armed conflict, technological disruption, or business closures continues to threaten the livelihood of millions of Filipinos, especially those in the informal economy and the most vulnerable sectors. While the Department of Labor and Employment's (DOLE) Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD) Program has provided emergency employment opportunities for many, its implementation has relied mainly on policy issuances, making it prone to funding constraints, irregular coverage, and inconsistent delivery.

This bill seeks to institutionalize the TUPAD Program into law, ensuring a sustainable, transparent, and accountable wage employment assistance program for displaced and vulnerable workers. It defines clear coverage, establishes project implementation standards, protects beneficiaries' wages, strengthens convergence with local and national agencies, and provides safeguards against misuse.

By codifying TUPAD, this Act will not only offer temporary employment but also help affected workers regain their livelihood, develop their skills, and transition back to stable employment—thereby contributing to inclusive economic recovery and resilience.

In view of the foregoing, the swift passage of this measure is earnestly sought.


REP. JERNIE JETT V. NISAY
Pusong Pinoy Partylist



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AN ACT
PROVIDING FOR A WAGE EMPLOYMENT ASSISTANCE
PROGRAM FOR DISPLACED AND/OR VULNERABLE WORKERS INSTITUTIONALIZING
FOR THE PURPOSE THE TULONG PANGHANAPBUHAY SA ATING
DISADVANTAGED/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”.

Section. 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 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.

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 disadvantaged 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.

Section. 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-

1 related accidents or injuries, unemployment, work displacements due to business closure,
2 retrenchment, rightsizing, redundancy technological advances, and other analogous causes.

3
4 **Section 4. Definition of Terms.** – As used in this Act:

- 5 (a) “*Accredited Co-Partner*” refers to the program partner, which may be a peoples’
6 or workers organization, union, association, federation, cooperative, business
7 association, church-based organization, educational institution, or private
8 foundation, that has been accredited by the Department of Labor and
9 Employment (DOLE) to implement TUPAD programs and projects using
10 government or public funds.
- 11 (b) “*Beneficiary*” refers to individuals or group of individuals who are qualified
12 recipients of assistance under TUPAD;
- 13 (c) “*Disaster*” refers to a serious disruption of the functioning of a community or a
14 society involving widespread human, material, economic or environmental
15 losses and impacts, which exceeds the ability of the affected community or
16 society to cope using its own resources, as defined in Republic Act No. 10121
17 otherwise known as the Philippine Disaster Risk Reduction and Management
18 Act of 2010;
- 19 (d) “*DOLE or Department*” refers to the Department of Labor and Employment;
- 20 (e) “*Displaced workers*” refer to workers in the formal and informal economy or self-
21 employed, whether overseas or local, who became unemployed,
22 underemployed, or have lost their livelihood due to disasters,
23 epidemics/outbreaks, pandemics, public health emergencies, war, armed
24 conflict, crises, economic shocks, or income loss brought about by ill- health,
25 disability, work-related accidents or injuries, business closure, retrenchment,
26 rightsizing, redundancy, technological advances, and other analogous adverse
27 events as may be determined by the DOLE;
- 28 (f) “*Massive displacement*” refers to large-scale displacement of workers in the
29 formal and informal sectors brought about by disasters, epidemics/outbreaks,
30 pandemics, public health emergencies, war, armed conflict crises, or economic
31 shocks, among others, resulting in serious disruption of means of livelihood;
- 32 (g) “*Micro-insurance*” refers to a scheme that provides specific insurance and similar
33 products and services that meet the needs of the low-income sector for risk
34 protection and relief against distress, misfortune, and other contingent events;
- 35 (h) “*Self-employed*” refers to individuals who create their own earnings and
36 opportunities in the form of business, contract work, whether overseas or local,
37 or freelance activities;

- 1 (i) “*Sub-professionals*” refer to individuals who hold first level positions under the
2 Revised Administrative Code of 1987, which includes the clerical, trades, crafts,
3 and custodial service positions requiring less than four (4) years of collegiate
4 studies;
- 5 (j) “*TESDA*” refers to the Technical Education and Skills Development Authority;
- 6 (k) “*TUPAD Program*” is a safety net wage employment assistance program for
7 displaced and/or vulnerable workers also known as the *Tulong*
8 *Panghanapbuhay sa Ating Disadvantaged / Displaced Workers Program*, and
9 herein interchangeably referred to as TUPAD or Program;
- 10 (l) “*Underemployed workers*” refer to employed persons who express the desire to
11 have additional hours of work in their present job or an additional job, or have a
12 new job with longer working hours;
- 13 (m) “*Vulnerable workers*” refer to minimum wage earners, working poor, or
14 marginalized workers, as defined below, whether in an employer-employee
15 relationship in the public or private sector, or self-employed including the
16 Overseas Filipino Workers (OFWs), and whose families depend solely on their
17 wages or compensation income for their minimum basic needs, such as food,
18 health, education, housing, and other essential amenities of life;
- 19 (i) **Minimum wage earners** refer to workers in the private sector who are
20 paid the statutory minimum wage, or to employees in the public sector
21 with compensation income of not more than the statutory minimum wage
22 in the non-agricultural sector where he/she is assigned as defined under
23 Republic Act No. 10963 otherwise known as the TRAIN law;
- 24 (ii) **Working poor** refers to individuals and/or groups whose income fall
25 below the poverty threshold as defined by the National Economic and
26 Development Authority (NEDA) and/or cannot afford in a sustained
27 manner to provide their minimum basic needs of food, health, education,
28 housing, and other essential amenities of life;
- 29 (iii) **Marginalized workers** refer to workers who have not benefitted from
30 education, health, employment, and other opportunities by reasons of
31 poverty, geographical inaccessibility, culture, gender, among others, and
32 to workers who are less likely to have formal work arrangements, and are
33 more likely to lack decent working conditions, adequate social security,
34 and whose employment is characterized by inadequate earnings, low
35 productivity, and difficult conditions of work that undermine their
36 fundamental rights;
- 37

1 (n) “*Wage employment*” refers to the act of generating one’s income from an
2 employer-employee relationship.
3

4 **Article II**

5 **Wage Employment Assistance Program** 6 **for Displaced and/or Vulnerable Workers or TUPAD Program** 7

8 **Section 5. *Wage Employment Assistance Program for Displaced and/or***
9 ***Vulnerable Workers or TUPAD Program.*** – The TUPAD Program is a social safety net
10 designed to assist displaced and/or vulnerable workers and their families, and get them back
11 on their feet by providing them wage employment if they fall on hard times due to disasters,
12 epidemics, war, armed conflict, crises, economic shocks or income loss brought about by ill-
13 health, disability, work-related accidents or injuries, unemployment, work displacements due to
14 business closure, retrenchment, rightsizing, redundancy, technological advances, and other
15 analogous causes. For this purpose, the TUPAD Program being implemented by the DOLE
16 providing emergency employment for displaced or disadvantaged workers is hereby
17 institutionalized.
18

19 **Section 6. *Lead Agency and Convergence with Related Government Assistance***
20 ***Program.*** – The Department of Labor and Employment (DOLE) shall be the lead agency in the
21 implementation of the TUPAD Program and shall proactively administer directly, motu proprio,
22 wage employment projects, in coordination or collaboration with relevant government agencies,
23 in the event of massive displacement of workers resulting in serious disruption of means of
24 livelihood.
25

26 The Department shall be responsible in the administration, sourcing, assessment, and
27 approval of all project proposals for appropriate funding using TUPAD funds. It shall integrate
28 and collaborate with other government agencies, business and labor groups, and civil society
29 groups in implementing similar or related programs and services for efficient and effective
30 whole-of-nation approach in the delivery of social safety nets.
31

32 **Section 7. *Eligible Projects for TUPAD; No Counterpart Funding Requirement.*** –
33 All employment projects, to be eligible for funding under TUPAD, shall be under any of the listed
34 eligible projects below. The Department shall set the period of work of approved employment
35 project depending on the nature and duration of the work to be performed, but in no case shall
36 the project duration be less than ten (10) days, nor to exceed ninety (90) days, as provided
37 herein:

1 No counterpart funding shall be required in the implementation of the project from the
2 Local Government Units (LGUs) or any of DOLE'S accredited program partners. However, they
3 shall provide technical assistance, which could be in the form of identification of projects,
4 profiling of beneficiaries, procurement, monitoring, and facilitating access of services from other
5 agencies.

6
7 TUPAD projects involving 46-90-day period of work shall be implemented in partnership
8 and/or complementation with agencies implementing public projects, such as the Department
9 of Public Works and Highways (DPWH), the Department of Environment and Natural
10 Resources (DENR), Local Government Units (LGUs), as well as private sector entities to
11 engage in public projects. Said offices/program partners shall provide the required materials,
12 tools, and equipment including office equipment, as warranted by the nature of work.

13
14 **Section 8. Qualified Beneficiaries.** – All displaced workers and/or vulnerable workers
15 are qualified beneficiaries under this Act; *Provided*, that the Secretary of Labor, may, in proper
16 instances, also approve programs under the TUPAD Program that will include the
17 underemployed, including sub-professionals involved in structured work in support of office
18 operations or those engaged in arts, crafts, manual, and clerical work, as beneficiaries under
19 this Act.

20
21 The Secretary of DOLE shall set standards on the TUPAD beneficiaries, including the
22 allowable number of beneficiaries per household, the number of projects under the Program a
23 qualified beneficiary may participate in, and such other relevant matters for the effective
24 implementation of this Act, with a view to helping the most number of beneficiaries.

25
26 **Section 9. Modes of Implementation of the TUPAD Program.** – The TUPAD
27 Program shall be implemented by the DOLE Regional Offices through any of the
28 following modes:

29
30 (a) **Accredited Co-Partner (ACP).** Under this mode, the ACP shall be the
31 Department's partner or conduit in the implementation of the program; *Provided*,
32 that they are registered with any registering body of the government and
33 accredited by DOLE as ACP under the TUPAD Program.

34
35 The following shall qualify as ACP:

36 (i) People's 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.

Section 10. Accreditation of Co-Partners (ACP). – The DOLE shall accredit the co-partners in the implementation of the TUPAD Program, and for this purpose, shall set the guidelines for the accreditation process.

Government agencies, including local government units (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.

Section 11. Employment Project Implementation Requirements. – All programs under the TUPAD Program shall observe the following:

- (a) Strict compliance with the Occupational Safety and Health Standards provided under Republic Act No. 11058 and other related laws and regulations;
- (b) Provision of necessary equipment for beneficiaries needed to participate in project effectively and safely under the Program;
- (c) Enrollment of every beneficiary to a group micro-insurance to be included in the total project cost;
- (d) Issuance of an identification card or document for every beneficiary participating in a project under the Program;
- (e) Assistance to beneficiaries who have participated in the Program of skills training or upgrading towards self-employment or wage employment. For this purpose,

1 the Department and TESDA shall ensure the implementation and enforcement
2 of this provision;

3 (f) Mechanisms to ensure that the Department and/or its accredited co- partners
4 monitor the implementation of every employment project under the TUPAD
5 Program; and

6 (g) Submission of proper documentary requirements for the release and liquidation
7 of funds for every employment project under the TUPAD Program subject to
8 relevant accounting and auditing rules and regulations.

9
10 **Section 12. *Wages and Compensation of Beneficiaries*** – The wages and
11 compensation of the beneficiaries shall not be less than 100% of the prevailing private sector
12 minimum wage rate set by the Regional Tripartite Wages and Productivity Board (RTWPB) for
13 non-agricultural workers in the area or locality where the project will be implemented.

14
15 **Section 13. *Unlawful Acts.*** – It shall be unlawful for any individual or Accredited Co-
16 Partner to commit the following acts:

17 (i) Defraud the government by issuing or presenting falsified or misleading
18 documents, or using false pretenses or other fraudulent acts to acquire funding
19 provided under this Act;

20 (ii) Coerce, invite, encourage or assist persons to seek assistance from the
21 Department for purposes of acquiring from the beneficiary a portion of the assistance,
22 before or after the receipt of assistance;

23 (iii) Mislead an individual or group to join, pay or cooperate with a group falsely
24 representing itself as an Accredited Co-Partner, or falsely promising priority in the
25 processing of assistance.

26
27 Any violation of this provision shall result in the blacklisting of the accredited co-partner,
28 and the return of the amount involved with legal interest, without prejudice to the filing of
29 appropriate criminal cases under Act No. 3815, otherwise known as the Revised Penal Code,
30 and other pertinent laws.

31
32 **Section 14. *Project Funding.*** – Approved employment project proposals shall be
33 funded under the TUPAD Program fund under the budget of the DOLE.

34
35 The Department shall be primarily responsible for managing the funds for the
36 implementation of the Program.

37

1 **Section 15. Authority to Receive and Administer Donations for TUPAD Program.**

2 – The Department is hereby authorized under this Act to receive donations from government
3 and non-government organizations and to administer the same strictly and exclusively for the
4 beneficiaries and qualified applicants of the TUPAD Program, subject to relevant accounting
5 and auditing rules and regulations.

6
7 **Section 16. Monitoring, Reporting and Evaluation of the TUPAD Program.**

8 – The Department shall establish a standardized monitoring and reporting system to
9 properly document every approved project under the Program.

10
11 It shall also submit to Congress and make available to the public, an annual
12 accomplishment report and utilization of the funds earmarked for the implementation of the
13 TUPAD Program. The annual report shall include the pertinent details of every project under
14 the Program, the mode of implementation, number of beneficiaries, donations from private and
15 other organizations, expenditures, number of beneficiaries who acquired employment after their
16 participation in the Program, and other pertinent information as may be necessary. An impact
17 evaluation shall be conducted from time to time, but not later than every three years.

18
19 **Article III**

20 **Miscellaneous Provisions**

21
22 **Section 17. Appropriations.** – The funds for the initial implementation of this Act shall
23 be sourced from the current budget of the Department for the implementation of the TUPAD
24 Program. Thereafter, the amount necessary for its continued implementation shall be included
25 in the annual General Appropriations Act; Provided, that such appropriation shall take into
26 consideration an administration fee of not more than 5%.

27
28 **Section 18. Implementing Rules and Regulations** – Within ninety (90) days from the
29 effectivity of this Act, the DOLE shall, in consultation with TESDA, Department of Trade and
30 Industry, and other relevant government agencies and stakeholders, issue the necessary rules
31 and regulations for the effective implementation of this Act.

32
33 **Section 19. Separability Clause.** – Any portion or provision of this Act that is declared
34 unconstitutional or invalid shall not have the effect of nullifying other portions or provisions
35 hereof as long as such remaining portions can still subsist and be given effect in their entirety.

1 **Section 20. *Repealing Clause.*** – All laws, ordinances, rules, regulations, other
2 issuances, or parts thereof, which are inconsistent with this Act, are hereby repealed or modified
3 accordingly. Nothing in this Act shall result in the diminution of the benefits and/or assistance
4 given to overseas Filipinos and migrant workers as provided in other laws, ordinances, rules,
5 regulations, and issuances.

6
7 **Section 21. *Effectivity.*** – This Act shall take effect fifteen (15) days after its complete
8 publication in at least (2) newspapers of general circulation or in the *Official Gazette*.

9
10 *Approved,*