

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Constitution Hills, Quezon City

**TWENTIETH CONGRESS**  
*First Regular Session*

**HOUSE BILL NO. 5076**



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Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

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**EXPLANATORY NOTE**

The 1987 Philippine Constitution recognizes labor as a primary social and economic force and mandates the State to protect workers, promote full employment, and ensure just and humane working conditions (*Article II, Section 18; Article XIII, Sections 3 and 9*).

The **Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD) Program** provides temporary wage employment and social support to displaced, marginalized, underemployed, and vulnerable workers affected by disasters, economic shocks, public health emergencies, armed conflicts, and other disruptions.

This bill institutionalizes TUPAD under the Department of Labor and Employment (DOLE) to ensure that affected workers can access immediate livelihood, fair compensation, insurance, and training. It also strengthens government coordination with local governments and accredited partners and establishes monitoring and grievance mechanisms for transparency and accountability.

By institutionalizing TUPAD, the State upholds its constitutional duty to protect the welfare of Filipino workers, reduce poverty, and provide a reliable social safety net for those most in need.

A corresponding Senate bill has been filed which ensures parallel legislative action and facilitates timely enactment into law.

  
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**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**

*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.*"

**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 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), non-government 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* – individuals or groups qualified under the TUPAD Program.

c) Displaced workers - refer to persons involuntarily terminated due to authorized 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** - refer 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** – refers to individuals in the private sector performing 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 or Program;

g) **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;

h) **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 both formal and informal sectors, or self-employed, whether local or overseas.

**Sec. 5. Lead Agency and Convergence.** – 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 and Counterpart Funding Requirement.** Eligible employment projects that may be included under the Program, shall include, but not be limited to, social community projects, economic projects, fieldworks 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 Philippines 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 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 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 AGP 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 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 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 Program. The annual report shall include the pertinent details of every project under the 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 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 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 for the implementation of the TUPAD Program. 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 increase, 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, 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 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.**