



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5091



Introduced by REPRESENTATIVE CHEENO MIGUEL D. ALMARIO

EXPLANATORY NOTE

On January 24, 2024, an inquiry conducted by the Senate of the Philippines was able to uncover an alleged Ayuda Kickback Scheme which was happening in Davao Del Norte. During the said inquiry, several witnesses testified that some local government units from the said area were blatantly and openly taking a cut or kickback from the government financial aid that the beneficiaries were due to receive.¹

A witness testified that a government staff from a local government unit (LGU) in Davao Del Norte took Nine Thousand Pesos (P9,000.00) from the supposed Ten Thousand Pesos (P10,000.00) educational assistance. Another witness said that other government financial aid such as the Government Internship Program (GIP) was not safe from the kickback scheme of the said LGU. The beneficiaries were allegedly escorted to a certain money remittance center where a representative of the LGU would take Nine Thousand Pesos (P9,000.00) from the supposed Twelve Thousand Pesos (P12,000.00) financial aid.

The beneficiaries of government financial aid programs are no doubt already struggling to make ends meet. The mere thought that someone would even take advantage of them in their most vulnerable state is appalling. This bills seeks to safeguard the most vulnerable members of society by penalizing those who exploit

¹ Ilang LGU sa Davao del Norte, iniimbestigahan kaugnay sa umano'y pagkaltas sa ayuda GMA Integrated News.
https://www.youtube.com/watch?v=ByHPP_DDmrk.

and abuse those who are already marginalized. A stronger and more specialized law shall be take effect which is more responsive to this new corruption scheme.

Hence, the approval of this bill is earnestly sought.



CHEENO MIGUEL D. ALMARIO
Representative
2nd District, Davao Oriental



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5091

Introduced by **REPRESENTATIVE CHEENO MIGUEL D. ALMARIO**

AN ACT
PENALIZING THE WITHHOLDING OR TAKING OF GOVERNMENT
FINANCIAL AID FROM BENEFICIARIES OF 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 “Bantay Ayuda Act of 2025”

SECTION 2. State Policy. – It is the policy of the State to 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 ensure that the delivery of its most vital government financial aid shall be wholly and expeditiously received by the qualified beneficiaries in order to help break the cycle of 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. For a person to ask for or take a kickback from the beneficiary over the ayuda he is about to receive or was able to receive.
- b. Conspire or collude with others to commit the same;
- c. Facilitate or cause the inclusion of a beneficiary in any social service program 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 P100,000.

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 P100,000;
 - 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,