



HOUSE OF REPRESENTATIVES

H. No. 5811

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BY REPRESENTATIVES DEL MAR, MARCOLETA, SY-ALVARADO, ALEJANO, FORTUNO, MERCADO, LOBREGAT, ANTONIO, ABAYON, TAN (A), PRIMICIAS-AGABAS, SAVELLANO, SUANSING (E.), ABELLANOSA, ACHARON, ADIONG, ABU, ACOP, CORTUNA, GARCIA (G.), GORRICETA, ESCUDERO, EVARDONE, GARIN (R.), GOMEZ, GULLAS, ALMONTE, AMATONG, CASTRO (F.H.), CAMINERO, ATIENZA, BONDOC, CAGAS, CALIXTO-RUBIANO, CHIPECO, MANALO, OAMINAL, RELAMPAGOS, ROMUALDO, SACDALAN, MELLANA, QUMBO, RODRIGUEZ (M.), ROQUE (R.), SALIMBANGON, RAMIREZ-SATO, LEE, TURABIN-HATAMAN, ZAMORA (M.C.), DEFENSOR, OLIVAREZ, TEJADA, UY (J.), YAP (A.), ACOSTA-ALBA, GARIN (S.), RODRIGUEZ (I.), TREÑAS, YU, AUMENTADO, HOFER, PANCHO, ERICE, MIRASOL, BATAOIL, TINIO, DALIPE, CALDERON, DURANO, CORTES, PANGANIBAN, AKBAR, FERNANDO, MARTINEZ, SALO, MENDING, PIMENTEL, REVILLA, ACOSTA, PALMA, SUANSING (H.), BAUTISTA-BANDIGAN, PAPANDAYAN, DIMAPORO (M.K.), MATUGAS, MONTORO, ORTEGA (P.), BOLILIA, NIETO, AGGABAO, VILLAFUERTE, PINEDA, LACSON, HERRERA-DY, SALON, VELOSO, UNGAB, MADRONA, CUARESMA, TEVES, SIAO, MACEDA, DE VENECIA, TUPAS, MANGAOANG, ROMERO, MALAPITAN, GASATAYA, CASTRO (F.L.), EUSEBIO, PANOTES, SILVERIO, ZUBIRI, SARMIENTO (E.M.), ANGARA-CASTILLO, DE VERA, ROBES, BIAZON, GO (A.C.), LANETE, ARAGONES, ARCILLAS, ARENAS, BRAVO (A.), CANAMA, CASILAO, DE JESUS, DIMAPORO (A.), GO (M.), GONZALEZ, MARQUEZ, VARGAS-ALFONSO, VELASCO-CATERA, NAVA, UYBARRETA, LAZATIN, LOPEZ (M.L.), GARCIA (J.E.), ROMAN, BELARO, DEL ROSARIO, NOGRALES (K.A.), CUA, LAGMAN, BORDADO, FARIÑAS, CRISOLOGO, GONZALES (A.D.), NOEL, TY, GONZALES (A.P.), ALONTE, LOPEZ (B.), ORTEGA (V.N.), ROA-PUNO, GARBIN, AND ABUEG, PER COMMITTEE REPORT NO. 293

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AN ACT PROVIDING FOR A MAGNA CARTA OF THE POOR

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

1 SECTION 1. *Title.* – This Act shall be known as the “Magna Carta of the  
2 Poor”.

3 SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to  
4 uplift the standard of living and quality of life of the poor and provide them  
5 with sustained opportunities for growth and development. It shall adopt an  
6 area-based, sectoral, and focused intervention to poverty alleviation where  
7 every poor Filipino family must be empowered to meet the minimum basic  
8 needs, through the partnership of the government and the basic sectors. It is  
9 likewise vital that the State complies with its international obligations to end  
10 poverty in all its forms, ensure and promote health and well-being of all.

11 To attain the foregoing policy:

12 (a) The government shall prioritize investments in anti-poverty programs  
13 to enable the poor to fully participate in the country’s growth and  
14 development;

15 (b) All departments, agencies and instrumentalities of the government  
16 shall provide full access of its services to the poor;

17 (c) The government shall strengthen interventions to address the genuine  
18 concerns of the poor and shall institutionalize long-term strategies and  
19 solutions for the empowerment of the poor; and

20 (d) Government strategies shall enhance and promote the capabilities and  
21 competencies of the basic sectors, the nongovernment organizations (NGOs)  
22 and people’s organizations (POs), as development partners of the government  
23 for the effective delivery and implementation of a wide range of anti-poverty  
24 programs and basic services.

25

1 SEC. 3. *Definition of Terms.* – As used in this Act:

2 (a) *Basic sectors* refer to the disadvantaged sectors of Philippine society  
3 including farmer-peasants, artisanal fisherfolk, workers in the formal sector  
4 including migrant workers, workers in the informal sector, indigenous peoples  
5 and cultural communities, women, persons with disability, senior citizens,  
6 victims of calamities/natural and human-induced disasters, youth and students,  
7 children, urban poor and members of cooperatives;

8 (b) *Development partners* refer to NGOs, POs and private corporations  
9 which are engaged in programs and activities aimed at alleviating the  
10 condition of the poor;

11 (c) *Hazardous/danger zones* refer to areas which, when occupied for  
12 residential or business purposes, pose a danger to the life and safety of the  
13 occupants or of the general public;

14 (d) *Nongovernment organizations (NGOs)* refer to duly registered  
15 nonstock, nonprofit organizations focusing on the upliftment of the basic  
16 sectors of society by providing advocacy, training, community organizing,  
17 research, access to resources, protection of the environment and conservation  
18 of natural resources, and other similar activities;

19 (e) *People's organizations (POs)* refer to self-help groups belonging to  
20 the basic sectors composed of members having a common bond of interest,  
21 who voluntarily join together to achieve a lawful common social or economic  
22 end;

23 (f) *Poor* refers to individuals or families whose income falls below the  
24 poverty threshold as defined by the National Economic and Development  
25 Authority (NEDA) and/or cannot afford in a sustained manner to provide their  
26 minimum basic needs of food, health, education, housing, or other essential  
27 amenities of life; and

1 (g) *National Poverty Reduction Plan* refers to the aggregation and  
2 consolidation of all Regional and Local Poverty Reduction Action Plans  
3 towards the formulation of the national plan.

4 SEC. 4. *Scope of the Fundamental Rights of the Poor.* – The  
5 government shall establish a system of progressive realization or  
6 implementation to provide the requirements, conditions, and opportunities for  
7 the full enjoyment of the following rights of the poor which are essential  
8 requirements towards poverty alleviation:

9 (a) *Right to Adequate Food* is the right of individuals or families to have  
10 physical and economic access to adequate and healthy food, or the means to  
11 procure it. The Department of Social Welfare and Development (DSWD), the  
12 Department of Agriculture (DA), and other implementing agencies concerned,  
13 shall:

14 (1) Undertake necessary actions to mitigate and alleviate hunger  
15 especially in times of natural or human-induced disasters;

16 (2) Fully implement and maintain supplementary feeding programs in  
17 day care centers and schools;

18 (3) Ensure the availability, accessibility, and sustainability of food  
19 supplies in a quantity and quality sufficient to meet the dietary needs of poor  
20 individuals and families; and

21 (4) Proactively engage the poor in activities intended to promote their  
22 food self-sufficiency and strengthen their access to resources and means to  
23 ensure food security.

24 (b) *Right to Decent Work* is the right to the opportunity to obtain decent  
25 and productive employment, in conditions of freedom, equity, security, and  
26 human dignity. The Department of Labor and Employment (DOLE) and other  
27 implementing agencies concerned shall:

28 (1) Ensure that the poor shall have access to information regarding  
29 employment openings in private enterprises and in government programs and

1 projects especially regarding available emergency employment opportunities  
 2 for families displaced by natural or human-induced disasters or relocated from  
 3 hazardous/danger zones;

4 (2) Ensure the compliance of private contractors and subcontractors  
 5 doing national and local public works projects funded by either the national  
 6 government or any local government unit (LGU), to fill in thirty percent (30%)  
 7 of the skilled labor requirements by qualified workers who come from the poor  
 8 sector and who are residents of the LGUs where these projects are undertaken:  
 9 *Provided*, That where the number of available resources is less than the  
 10 required percentage provided therein, said requirements shall be based on the  
 11 maximum number of locally available labor resources and shall be certified  
 12 by the municipal, city, provincial or district engineer as sufficient compliance  
 13 with the labor requirements under this Act;

14 (3) Promote livelihood among the poor where implementing agencies  
 15 shall provide technical and administrative support to help the poor establish  
 16 their livelihood enterprise using loans obtained from them;

17 (4) Ensure compliance with core labor standards, address the job and  
 18 skills mismatch, and enhance human capital through education and training;  
 19 and

20 (5) Provide an environment for more inclusive tripartism to achieve more  
 21 broad-based representation of interests and make decision-making highly  
 22 participatory through social dialogue at the firm and industry levels.

23 (c) *Right to Free, Relevant, and Quality Education* is the right to attain  
 24 the full development of the human person.

25 The Department of Education (DepED), the Commission on Higher  
 26 Education (CHED) and the Technical Education and Skills Development  
 27 Authority (TESDA), in coordination with development partners concerned,  
 28 shall:

1 (1) Maintain a system of free public education in the kindergarten,  
 2 elementary and high school levels;

3 (2) Make higher education accessible to all poor individuals and families.  
 4 They shall expand the programs of providing socialized college education to  
 5 the poor, including the student loans or study-now-pay-later plans, in  
 6 state/local universities and colleges: *Provided*, That the students qualify and  
 7 maintain good academic standing; and

8 (3) Ensure access to quality technical/vocational education and training  
 9 through scholarships, subsidies and financial assistance to ensure access to  
 10 decent and productive employment subject to compliance to qualification  
 11 requirements and availability of funds.

12 (d) *Right to Adequate Housing* is the right to have a decent, affordable,  
 13 safe and culturally appropriate place to live in, with dignity, security of tenure,  
 14 in peace, with access to basic services, facilities, and livelihood.

15 The Housing and Urban Development Coordinating Council (HUDCC)  
 16 and other implementing agencies concerned shall:

17 (1) Prioritize the implementation of the socialized housing program with  
 18 identified appropriate subsidies;

19 (2) Immediately construct and provide housing facilities for families  
 20 living in identified hazardous/danger zones and in areas affected by  
 21 disasters/calamities where the housing needs of the poor are urgent;

22 (3) Create an enabling environment that will assist the poor gain access  
 23 to security of tenure with the least financial burden; and

24 (4) Provide a system consisting of simple requirements and procedures,  
 25 and expeditious processing and approval especially for community-based  
 26 socialized housing/people's proposals.

27 (e) *Right to the Highest Attainable Standard of Mental and Physical*  
 28 *Health* is the right to have equitable access to a variety of facilities, goods,  
 29 services and conditions necessary for the realization of the highest attainable

1 standard of health. The Department of Health (DOH) and other implementing  
2 agencies concerned shall:

3 (1) Ensure equitable access to a system of good quality health care and  
4 protection that is also available, accessible, and acceptable to the poor;

5 (2) Provide for comprehensive, universal, culture-sensitive, and  
6 gender-responsible health services and programs which include: (i) maternal  
7 and child health care and nutrition; (ii) access to ethical, legal, medically safe  
8 and effective reproductive health services and supplies; (iii) promotion of  
9 breastfeeding; (iv) prevention and management of reproductive tract  
10 infections, sexually transmitted diseases, HIV and AIDS; (v) provide  
11 immunization against the major infectious diseases occurring in the  
12 community; and (vi) prevention, treatment and control of epidemic and  
13 endemic diseases;

14 (3) Reduce the financial burden of health care and protection on the poor  
15 through a socialized health insurance program with the end view of totally  
16 eliminating out-of-pocket expenses; and

17 (4) Provide health-related education and information to the community.

18 *SEC. 5. Non-Diminution of the Rights of the Poor.* – All other rights of  
19 the poor provided under existing laws shall remain in full force and effect.  
20 Nothing herein shall be construed in a manner that will diminish the  
21 enjoyment of such rights by the poor who shall have the right to avail of  
22 greater rights offered by existing laws, including those granted under this Act.

23 *SEC. 6. Social Protection.* – The government shall implement a  
24 sustainable mechanism to build an effective social protection system to ensure  
25 the protection of the poor from any risk or contingency. The system shall  
26 include social insurance, safety nets, social welfare, and labor market  
27 interventions, which are affordable and accessible. This social protection shall  
28 likewise be pursued in and during bilateral and multilateral negotiations,

1 including arrangements to be entered into with international financial  
2 institutions.

3 *SEC. 7. System for Targeting of Beneficiaries.* – The NEDA shall design  
4 and establish a single system of classification to be used for targeting  
5 beneficiaries of the government's poverty alleviation programs and projects to  
6 ensure that such programs reach the intended beneficiaries. The DSWD, in  
7 coordination with the NEDA, shall identify and target the beneficiaries.

8 *SEC. 8. The National Poverty Reduction Plan (NPRP) and Enhanced*  
9 *Coordination and Convergence Among Government Agencies.* – All  
10 government agencies shall formulate, within one hundred (100) days from the  
11 issuance of the rules and regulations to implement this Act, a comprehensive  
12 and convergent plan to set the thresholds to be achieved by the government for  
13 each of the recognized rights of the poor. This plan shall consider the regional  
14 and local development plans of provinces, cities, and municipalities. The  
15 National Anti-Poverty Commission (NAPC), with the technical assistance of  
16 the NEDA, shall be tasked to compile and harmonize these plans. The  
17 Department of Budget and Management (DBM) shall likewise review the  
18 NPRP for inclusion in the budget of the implementing agencies.

19 *SEC. 9. Participation of Basic Sectors and of the Local Government*  
20 *Units (LGUs).* – The NAPC shall ensure that the basic sectors and the LGUs  
21 are engaged in the formulation and in the implementation of the NPRP. The  
22 Department of the Interior and Local Government (DILG) shall monitor the  
23 compliance of LGUs in aligning their respective development, investment, and  
24 poverty reduction plans with the NPRP, and in implementing the same.

25 *SEC. 10. Funding Requirements.* – The funding for the poverty  
26 alleviation programs and projects implemented under this Act shall be sourced  
27 from the existing appropriations as authorized under the General  
28 Appropriations Act of the different departments and agencies implementing  
29 these programs including those enumerated below:

1 (a) DSWD – Pantawid Pamilyang Pilipino Program (4Ps), Sustainable  
 2 Livelihood Program (SLP), and Kapit-Bisig Laban sa Kahirapan-  
 3 Comprehensive and Integrated Delivery of Social Services National  
 4 Community Driven Development Program (KALAHI-CIDSS NCDDP);

5 (b) DOLE – Special Program for Employment of Students (SPES) and  
 6 Tulong Panghanapbuhay sa Ating Disadvantaged Workers (TUPAD) Project;

7 (c) TESDA – Skills Training, Private Education Student Financial  
 8 Assistance (PESFA) and the Training for Work Scholarship Program (TWSP);

9 (d) DepED – Alternative Learning System (ALS), Government  
 10 Assistance to Students and Teachers in Private Education (GASTPE);

11 (e) CHED – Student Financial Assistance Program (STUFAP);

12 (f) NHA – Socialized housing program;

13 (g) DOH – Basic health care services;

14 (h) PhilHealth – Expanded Primary Care Package for the Poor; and

15 (i) Social Housing Finance Corporation (SHFC) – Community Mortgage  
 16 Program.

17 Allocations for the implementation of these programs and projects shall  
 18 be given preferential consideration in the funding allocation of the agency  
 19 budget.

20 Any additional funds to the existing appropriations of the pro-poor  
 21 programs in the different departments and agencies shall be included in the  
 22 General Appropriations Act.

23 SEC. 11. *Private Sector Participation.* – The private sector is highly  
 24 encouraged to be an active partner in the financing and implementation of  
 25 poverty alleviation programs and projects. The government agencies  
 26 implementing these programs shall be authorized to accredit development  
 27 partners, who may accept donations, aids or grants, in cash or in kind, from  
 28 duly accredited sources, to meet the demands of and uphold the basic rights of  
 29 the poor to adequate food, decent work, relevant and quality education,

1 adequate housing, and the highest attainable standard of mental and physical  
 2 health. Acceptance and use of such donations, aids or grants shall be  
 3 transparent and subject to government applicable regulations.

4 The government shall recognize top performing development partners.

5 SEC. 12. *Tax Exemptions.* – Any donation, contribution and grant which  
 6 may be made to the sponsored program shall be exempt from the donor's tax  
 7 and shall be considered as allowable deduction from the gross income in the  
 8 computation of the income tax of the donor in accordance with the specific  
 9 provisions of the National Priority Plan (NPP) under Section 34 (H)(2) of the  
 10 National Internal Revenue Code of 1997, as amended.

11 The implementers of the socialized housing resettlement program shall  
 12 enjoy the incentives stated in Section 20 of Republic Act No. 7279, otherwise  
 13 known as the "Urban Development and Housing Act of 1992".

14 SEC. 13. *Implementation Through a System of Progressive Realization.* –  
 15 Nothing in this Act shall be construed in any manner as requiring the  
 16 government to undertake the immediate implementation of all poverty  
 17 alleviation programs. The government shall set programmatic standards to be  
 18 achieved over time depending upon the availability of necessary resources and  
 19 in consideration of economic resource constraints.

20 SEC. 14. *Compliance Report.* – The NAPC shall be tasked to oversee and  
 21 monitor compliance with this Act. Within six (6) months from the effectivity  
 22 of this Act and every six (6) months thereafter, all implementing departments  
 23 and agencies shall submit a report to the NAPC on their respective compliance  
 24 with the provisions of this Act which, in turn, shall submit a compliance report  
 25 to the House Committee on Poverty Alleviation and to the Senate Committee  
 26 on Social Justice, Welfare and Rural Development.

27 SEC. 15. *Implementing Rules.* – Within six (6) months from the effectivity  
 28 of this Act, the NAPC shall, in coordination with government departments and

1 agencies, with the participation of LGUs and the basic sectors, promulgate  
2 rules and regulations to carry out the provisions of this Act.

3 SEC. 16. *Separability Clause.* – If, for any reason, any section or  
4 provision of this Act is declared unconstitutional or invalid, the other sections  
5 or provisions which are not affected shall continue to be in full force and  
6 effect.

7 SEC. 17. *Repealing Clause.* – All laws, decrees, executive orders,  
8 proclamations, rules and regulations or parts thereof inconsistent herewith are  
9 repealed, amended, or modified accordingly.

10 SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after  
11 its publication in the *Official Gazette* or in a newspaper of general circulation

Approved,

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