



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

Twentieth Congress
First Regular Session

HOUSE BILL NO. 2985



Introduced by Representatives Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

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

EXPLANATORY NOTE

In a calendar year, the Philippines encounters numerous types of natural disasters caused by various elements. In recent years, infectious diseases and climate change have also been added to the list of challenges that Filipinos must hurdle in their day-to-day lives. These incidents not only wreak havoc on our immediate environment causing floods, fires, or earthquakes but also greatly affect our way of life. It creates additional pressure on the living conditions of the ordinary Filipino who do not always have the capacity to absorb the economic shocks caused by these incidents.

This bill seeks to institutionalize the current *Tulong Panghanapbuhay sa Ating Disadvantaged / Displaced Workers Program* (TUPAD) to provide support

for Filipinos who are still transitioning from economic shocks caused by disasters or economic crises by providing them wage employment. This 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, and other analogous causes

Through this bill, it is hoped that the State will be able to fulfill its constitutional mandate 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.

In view of the foregoing, approval of this bill is earnestly sought.



YEDDA MARIE K. ROMUALDEZ



ANDREW JULIAN K. ROMUALDEZ



JUDE A. ACIDRE



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Be it enacted by the Senate and the House of the 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-related accidents or injuries, unemployment, work displacements due to business closure, retrenchment, rightsizing, redundancy technological advances, and other analogous causes.

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

(a) “*Accredited Co-Partner*” refers to the program partner, which may be a peoples’ or workers organization, union, association, federation, cooperative, business association, church-based organization, educational institution, or private foundation, that has been accredited by the

- Department of Labor and Employment (DOLE) to implement TUPAD programs and projects using government or public funds;
- (b) “*Beneficiary*” refers to individuals or group of individuals who are qualified recipients of assistance under TUPAD;
- (c) “*Disaster*” refers to a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources, as defined in Republic Act No. 10121 otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010;
- (d) “*DOLE or Department*” refers to the Department of Labor and Employment;
- (e) “*Displaced workers*” refer to workers in the formal and informal economy or self-employed, whether overseas or local, who became unemployed, underemployed, or have lost their livelihood due to disasters, epidemics/outbreaks, pandemics, public health emergencies, war, armed conflict, crises, economic shocks, or income loss brought about by ill-health, disability, work-related accidents or injuries, business closure, retrenchment, rightsizing, redundancy, technological advances, and other analogous adverse events as may be determined by the DOLE;

- (f) “*Massive displacement*” refers to large-scale displacement of workers in the formal and informal sectors brought about by disasters, epidemics/outbreaks, pandemics, public health emergencies, war, armed conflict crises, or economic shocks, among others, resulting in serious disruption of means of livelihood;
- (g) “*Micro-insurance*” refers to a scheme that provides specific insurance and similar products and services that meet the needs of the low-income sector for risk protection and relief against distress, misfortune, and other contingent events;
- (h) “*Self-employed*” refers to individuals who create their own earnings and opportunities in the form of business, contract work, whether overseas or local, or freelance activities;
- (i) “*Sub-professionals*” refer to individuals who hold first level positions under the Revised Administrative Code of 1987, which includes the clerical, trades, crafts, and custodial service positions requiring less than four (4) years of collegiate studies;
- (j) “*TESDA*” refers to the Technical Education and Skills Development Authority;
- (k) “*TUPAD Program*” is a safety net wage employment assistance program for displaced 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;

- (l) “*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 have a new job with longer working hours;

- (m) “*Vulnerable workers*” refer to minimum wage earners, working poor, or marginalized workers, as defined below, whether in an employer-employee relationship in the public or private sector, or self-employed including the Overseas Filipino Workers (OFWs), and whose families depend solely on their wages or compensation income for their minimum basic needs, such as food, health, education, housing, and other essential amenities of life;
 - (i) **Minimum wage earners** refer to workers in the private sector who are paid the statutory minimum wage, or to employees in the public sector with compensation income of not more than the statutory minimum wage in the non-agricultural sector where he/she is assigned as defined under Republic Act No. 10963 otherwise known as the TRAIN law;

 - (ii) **Working poor** refers to individuals and/or groups whose income fall below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or cannot afford in a sustained manner to provide their minimum basic needs

of food, health, education, housing, and other essential amenities of life;

- (iii) **Marginalized workers** refer to workers who have not benefitted from education, health, employment, and other opportunities by reasons of poverty, geographical inaccessibility, culture, 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;

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

Article II

Wage Employment Assistance Program for Displaced and/or Vulnerable Workers or TUPAD Program

Section 5. *Wage Employment Assistance Program for Displaced and/or Vulnerable Workers or TUPAD Program.* – The TUPAD Program is a social safety net designed to assist displaced and/or vulnerable workers and their families, and get them back on their feet by providing them wage employment if they fall on hard times due to disasters, epidemics, war, armed conflict, crises, economic shocks or income loss brought about by ill-health, disability, work-related accidents or

injuries, unemployment, work displacements due to business closure, retrenchment, rightsizing, redundancy, technological advances, and other analogous causes. For this purpose, the TUPAD Program being implemented by the DOLE providing emergency employment for displaced or disadvantaged workers is hereby institutionalized.

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

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

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

Eligible Projects	Maximum No. of Working Days
(a) Light works, such as street sweeping and cleaning of public facilities.	15
(b) Social community projects such as de-clogging of canals, debris clearing/segregation and materials recovery, stockpiling and clearing at the aftermath of calamity or disaster.	45
(c) Social community projects such as minor repair and maintenance of common public facilities such as schools and health centers.	60
(d) Government projects requiring improvement of government facilities and infrastructures such as health centers, irrigation canals, roads, evacuation centers, school buildings, and the like	90
(e) Economic community projects such as maintenance and/or rehabilitation of farm-to-market roads, bridges, post-harvest facilities, public markets, and common public facilities such as production and display centers, fish ports, etc.	
(f) Agro-Forestry and eco-agriculture farming which include tree-planting, seedling preparation, re-forestation and crop growing.	
(g) Field works, such as conduct of survey and profiling, in partnership with other government offices.	

No counterpart funding shall be required in the implementation of the project from the Local Government Units (LGUs) or any of DOLE’S accredited program partners. However, they shall 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.

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

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

The Secretary of DOLE shall set standards on 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.

Section 9. *Modes of Implementation of the TUPAD Program.* - The TUPAD Program shall be implemented by the DOLE Regional Offices through any of the following modes:

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

The following shall qualify as ACP:

- (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 a 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, the Department and TESDA shall ensure the implementation and enforcement of this provision;
- (f) Mechanisms to ensure that the Department and/or its accredited co-partners monitor the implementation of every employment project under the TUPAD Program; and
- (g) Submission of proper documentary requirements for the release and liquidation of funds for every employment project under the TUPAD Program subject to relevant accounting and auditing rules and regulations.

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

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

- (i) Defraud the government by issuing or presenting falsified or misleading documents, or using false pretenses or other fraudulent acts to acquire funding provided under this Act;
- (ii) Coerce, invite, encourage or assist persons to seek assistance from the Department for purposes of acquiring from the beneficiary a portion of the assistance, before or after the receipt of assistance;
- (iii) Mislead an individual or group to join, pay or cooperate with a group falsely representing itself as an Accredited Co-Partner, or falsely promising priority in the processing of assistance.

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

If the accredited co-partner 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, and the filing of civil, criminal or administration actions. In case of direct administration, the responsible DOLE personnel shall be subjected to administrative investigation, without prejudice to the filing of appropriate civil or criminal cases.

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

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

Section 15. *Authority to Receive and Administer Donations for TUPAD Program.* – The Department 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 and qualified applicants of the TUPAD Program, subject to relevant accounting and auditing rules and regulations.

Section 16. *Monitoring, Reporting and Evaluation of the TUPAD Program.* – The Department shall establish a standardized monitoring 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 TUPAD 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 years.

Article III
Miscellaneous Provisions

Section 17. *Appropriations.* – The funds for the initial implementation of this Act shall be sourced from the current budget of the Department 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 fee of not more than 5%.

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

Section 19. *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.

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

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

Approved,