



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4155



Introduced by CIBAC Party-List Representative
EDUARDO "BRO. EDDIE" C. VILLANUEVA

EXPLANATORY NOTE

The year 2020 rolled out with disruptive events unfolding in succession, beginning with the Alert Level 4 in Iraq announced by the Department of Foreign Affairs (DFA) on January 8, 2020 due to heightening of tension between the United States and Iran in the Middle East. A few days after, on January 12, 2020, Taal Volcano had a phreatic eruption affecting thousands of families and causing millions-worth of damages. Before the month ended, on January 30, 2020, the first case of novel coronavirus disease (COVID-19) was confirmed in the country, resulting in the imposition of travel bans to and from China, Hong Kong, and Macau, Taiwan, and to some areas in South Korea.

In all these events, what stands out is the fact that these events have widely affected the livelihood of Filipino workers and their families. More so the vulnerable workers, such as the minimum wage earners, the working poor and the marginalized workers. As noted by the Asian Development Bank, the pandemic alone affected 1.7 million jobs up to January 2021, and employment in the informal sector rose by about 435,000 in the country during this period.¹ With respect to the situation in the Middle East, some of our OFWs opted to take their chances in Iraq, rather than be repatriated because "they and their families will starve to death herein the country." On the other hand, the Taal volcano phreatic eruption resulted in the stoppage of operations of factories in the area, and the evacuation of hundreds of affected workers in evacuation centers. The dismal situation of these affected workers was even exacerbated by the COVID-19 pandemic, which caused local manufacturing operations to slow down and the consequent adoption of temporary layoffs, job rotations and forced leaves in various companies, who are mostly dependent on Chinese factories for electronics, wearables and automotive OEMs and other raw materials. Meanwhile, overseas Filipino workers in various parts of the globe were also not spared, with thousands of workers repatriated at the height of the pandemic, and thousands more would-be overseas workers stranded in the country due to border closures.

¹ Asian Development Bank, Philippines' COVID-19 Employment Challenge: Labor Market Programs to the Rescue, available at <https://blogs.adb.org/blog/philippines-covid-19-employment-challenge-labor-market-programs-to-rescue> (last accessed June 24, 2022)

All these emphasized the need for a permanent and institutionalized social safety net for displaced, marginalized, and vulnerable workers and their families. Disasters, war, armed conflict, crises, epidemics/outbreaks, pandemic, public health emergencies, and economic shocks are triggers of hardship and displacement, not to mention 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, policy-related disruptions and other analogous causes. Assistance to get them back on their feet with dignity, other than relief goods and food at the evacuation centers, or bringing them home for free from overseas without addressing income insecurity, must be strengthened and enhanced.

It is in this light that this bill seeks to institutionalize the Department of Labor and Employment's *Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers (TUPAD)* or the emergency employment program as a social safety net program for the workers. The bill contains the following provisions:

- 1) Authorizes the DOLE to *motu proprio* implement employment projects in cases of massive displacements;
- 2) Clarifies the covered worker-beneficiaries, which includes both formal and informal workers affected by the triggers mentioned above;
- 3) Ensures the payment of 100% of the prevailing minimum wage rate for non-agricultural workers in the area of project implementation; and
- 4) Providing penalty for acts, such as getting commissions, job sharing, listing ghost beneficiaries, padding, among others.

Thus, the immediate passage of this bill is earnestly sought.


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AN ACT
PROVIDING FOR A WAGE EMPLOYMENT ASSISTANCE PROGRAM FOR
DISPLACED, MARGINALIZED, AND/OR VULNERABLE WORKERS,
INSTITUTIONALIZING FOR THIS 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:

Article I
General Provisions

SECTION 1. Short Title. - This Act shall be known as the “**TUPAD Act.**”

SEC. 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.

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

1 livelihood, or income loss due to ill-health, disability, work-related accidents or injuries,
2 unemployment, or work displacements because of authorized causes of termination
3 of employment, technological advances, policy-related disruptions, and other
4 analogous causes.

5
6 **SEC. 4. Definition of Terms.** – As used in this Act:
7

- 8 a) **Accredited Co-Partner** or ACP refers to the program partner that has
9 been accredited by the Department of Labor and Employment (DOLE) to
10 implement TUPAD projects using government or public funds. The ACP
11 may be a peoples' or workers' organization, legitimate labor organization,
12 cooperative, business association, church-based organization, educational
13 institution, including Technical Education and Skills Development Authority
14 (TESDA)-accredited technical-vocational training institutions and State
15 Universities and Colleges (SUCs), non-government organization, private
16 foundation, or a government agency or instrumentality, including National
17 Government Agencies (NGAs), Local Government Units (LGUs) and
18 Government-Owned and Controlled Corporations (GOCCs);
19
- 20 b) **Beneficiary** refers to individuals or group of individuals who are qualified
21 recipients of assistance under the TUPAD Program;
22
- 23 c) **Department** or DOLE refers to the Department of Labor and Employment;
24
- 25 d) **Displaced workers** refer to persons involuntarily terminated due to
26 authorized causes of termination as provided under the Labor Code of the
27 Philippines, technological advances, policy-related disruptions, and other
28 analogous causes. It also refers to Overseas Filipino Workers who have
29 been involuntarily separated from their jobs overseas.
30
- 31 e) **Marginalized workers** refer to workers deprived of education, health,
32 employment, and other opportunities by reasons of poverty, geographical
33 inaccessibility, culture, and gender, among others, and to workers who are
34 less likely to have formal work arrangements, and are more likely to lack
35 decent working conditions, adequate social security, and whose
36 employment is characterized by inadequate earnings, low productivity, and
37 difficult conditions of work that undermine their fundamental rights;
38
- 39 f) **Self-employed** refers to persons who operate their own businesses or
40 trades and do not employ paid workers in the conduct of their economic
41 activities, including workers who work purely on commission basis and who
42 may not have regular working hours;
43
- 44 g) **Sub-professionals** as used in this Act refer to individuals in the private
45 sector involved in structured work in support of office operations or those
46 engaged in arts, crafts, and manual or clerical work;
47
- 48 h) **TESDA** refers to the Technical Education and Skills Development
49 Authority;

- 1
- 2 i) **TUPAD Program** is a temporary wage employment assistance program
- 3 for displaced, marginalized, and/or vulnerable workers, also known as the
- 4 Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers
- 5 Program, and herein interchangeably referred to as TUPAD or Program;
- 6
- 7 j) **Underemployed workers** refer to employed persons who express the
- 8 desire to have additional hours of work in their present job, or an additional
- 9 job, or to have a new job with longer working hours;
- 10
- 11 k) **Vulnerable workers** refer to workers, local and overseas, including
- 12 minimum wage earners, working poor, and marginalized workers, who are
- 13 confronted by *ex-ante* risk that if currently non-poor will fall below the
- 14 poverty line, or if currently poor, will remain mired in poverty, or exposed to
- 15 adverse shocks; and
- 16
- 17 l) **Workers** as used in this Act refer to workers in the formal and informal
- 18 economy or self-employed, whether overseas or local.
- 19
- 20

21 **Article II**

22 **Wage Employment Assistance Program for Displaced,**

23 **Marginalized, and/or Vulnerable Workers or TUPAD Program**

24

25 **SEC. 5. Lead Agency and Convergence with Related Government**

26 **Assistance Program.** – The DOLE shall be the lead agency in the implementation of

27 the TUPAD Program and shall be responsible in the administration, sourcing,

28 assessment, and approval of all project proposals for funding from the appropriated

29 funds for the implementation of the TUPAD Program.

30

31 The Department shall integrate and collaborate with other government

32 agencies, LGUs, business and labor groups, and civil society groups in implementing

33 similar or related programs and services for an efficient and effective whole-of-nation

34 approach in the delivery of social safety nets.

35

36 **SEC. 6. Eligible Projects for TUPAD; Counterpart Funding Requirement.** –

37 Eligible employment projects that may be included under the Program shall include,

38 but not be limited to, social community projects, economic projects, field works such

39 as conduct of survey and profiling in partnership with government offices, agro-forestry

40 community projects that promote green jobs, and provision of assistance to LGUs in

41 the delivery of essential services. The Department, in coordination with relevant

42 government agencies, LGUs, ACPs, and other relevant stakeholders, shall formulate

43 and implement projects under the TUPAD Program that complements or utilizes the

44 skill set of all categories of workers classified under the Philippines Standard

45 Occupational Classification.

46

47 The Department shall also set the duration of work for each project under the

48 Program, with due regard to the nature of the work to be performed; Provided, That

49 except as authorized by the Secretary of Labor and Employment in exceptional

50 circumstances, the duration of each project under the TUPAD Program shall not be

1 less than ten (10) days, nor exceed ninety (90) days.

2
3 Consistent with applicable government auditing rules and regulations, ACPs
4 and LGUs shall provide a counterpart funding of 20% of the total cost of the project.
5 The funding may be in the form of labor, land for the project site, facilities, and
6 equipment, among others, to be used in the project. The LGUs and ACPs may also
7 provide technical assistance, which could be in the form of identification of projects,
8 profiling of beneficiaries, procurement, monitoring, and facilitating access of services
9 from other agencies.

10
11 **SEC. 7. Qualified Beneficiaries.** – All displaced workers, marginalized, and/or
12 vulnerable workers shall be qualified as beneficiaries under this Act; Provided, That
13 the Secretary of Labor and Employment may, under appropriate circumstances,
14 approve TUPAD projects that will include the underemployed and/or sub-professionals
15 as beneficiaries under this Act.

16
17 The Secretary of DOLE shall set standards on the TUPAD beneficiaries,
18 including the allowable number of beneficiaries per household, the number of projects
19 under the Program a qualified beneficiary may participate in, and such other relevant
20 matters for the effective implementation of this Act, with a view to helping the most
21 number of beneficiaries.

22
23 **SEC. 8. Modes of Implementation of the TUPAD Program.** – The TUPAD
24 Program shall be implemented by DOLE Regional Offices through any of the following
25 modes:

- 26
27 a) With an Accredited Co-Partner (ACP). Under this mode, the ACP shall be
28 the Department's partner or conduit in the implementation of the program,
29 provided they are registered with any registering body of the government
30 and accredited by DOLE as an ACP; Provided, That Government agencies,
31 LGUs, TESDA, and SUCs, shall automatically be TUPAD program
32 partners, without need of accreditation; or
33
34 b) DOLE Direct Administration. Under this mode, the administration and
35 implementation of the TUPAD Program shall be undertaken directly by the
36 Department's regional, provincial and/or field offices. In the event of
37 massive displacement of workers resulting in serious disruption of means
38 of livelihood, direct administration of wage employment projects shall be
39 undertaken proactively by DOLE *motu proprio*, in collaboration with
40 relevant government agencies and/or LGUs.

41
42 **SEC. 9. Wages and Compensation of Beneficiaries.** – The wages and
43 compensation of the beneficiaries shall not be less than 100% of the highest prevailing
44 minimum wage rate set by the Regional Wages and Productivity Board (RTWPB) in
45 the region where the project will be implemented. The beneficiaries shall be enrolled
46 in a group micro- insurance and shall be provided with the appropriate training, safety
47 tools and proper equipment.

48
49 The Department shall use automated banking facilities, money remittance
50 providers, and electronic/digital wallets as primary mode of wage disbursement for the

1 beneficiaries of this Act. Under exceptional circumstances, such as TUPAD projects
2 in geographically isolated and disadvantaged areas, or non-operation of wage
3 disbursement mechanisms due to public emergencies, including war, armed conflict,
4 epidemics/outbreaks or public health emergencies, the Secretary of Labor and
5 Employment may authorize direct cash pay-out to TUPAD beneficiaries.
6

7 **SEC. 10. Prohibited Practices.** – The Department shall establish mechanisms
8 to ensure compliance with the provisions of this Act. It shall provide a list of prohibited
9 activities, such as, but not limited to, cuts for commission, job sharing, ghost
10 beneficiaries, duplicate beneficiaries, and padding of beneficiaries.
11

12 Any violation of this provision shall result in the blacklisting of the ACP, including
13 the reimbursement of the amount involved, with legal interest, without prejudice to the
14 filing of criminal and other related cases. If the ACP is an LGU or SUC, the LGU or
15 SUC shall immediately address such deficiency and/or error, without prejudice to
16 applicable rules and regulations of the Commission on Audit (COA), and the filing of
17 civil, criminal or administrative actions against erring officials and government
18 employees. In case of direct administration, the responsible DOLE personnel shall be
19 subjected to administrative investigation, without prejudice to the filing of appropriate
20 civil, criminal or administrative case.
21

22 **SEC. 11. Authority to Receive and Administer Donations for TUPAD**
23 **Program.** – The Department is hereby authorized under this Act to receive donations
24 from government and non-government organizations and to administer the same
25 strictly and exclusively for the beneficiaries of the TUPAD Program, subject to relevant
26 accounting and auditing rules and regulations.
27

28 **SECTION 12. Monitoring, Reporting and Evaluation of the TUPAD**
29 **Program.** – The Department shall establish a standardized monitoring, evaluation and
30 reporting system to properly document every approved project under the Program.
31

32 It shall also submit to Congress, and make available to the public, an annual
33 accomplishment report and utilization of the funds earmarked for the implementation
34 of the Program. The annual report shall include the pertinent details of every project
35 under the Program, the mode of implementation, number of beneficiaries, donations
36 from private and other organizations, expenditures, number of beneficiaries who
37 acquired employment after their participation in the Program, and other pertinent
38 information as may be necessary. An impact evaluation shall be conducted from time
39 to time, but not later than every three years.
40

41 **SEC. 13. Grievance Mechanisms.** – The Department shall establish grievance
42 mechanisms for the filing or reporting of complaints, grievances, or violations provided
43 in this Act and other related laws arising from the implementation of the TUPAD
44 Program. For this purpose, the Department shall ensure that all beneficiaries and
45 stakeholders of the Program have access to these grievance mechanisms.
46
47

48 **Article III**
49 **Miscellaneous Provisions**
50

1 **SEC. 14. Appropriations.** – The funds for the initial implementation of this Act
2 shall be sourced from the current budget of the Department for the implementation of
3 the TUPAD Program. Thereafter, the amount necessary for its continued
4 implementation shall be included in the annual General Appropriations Act; *Provided,*
5 That such appropriation shall take into consideration an administration cost of not
6 more than 5%, subject to periodic review and appropriate recommendation for
7 increase, whenever necessary. For this purpose, the Department shall issue the
8 appropriate guidelines on the utilization and management of the administration cost.
9

10 **SEC. 15. Implementing Rules and Regulations.** – Within ninety (90) days
11 from the effectivity of this Act, the DOLE shall, in consultation with TESDA, DPWH,
12 DENR, DILG, Union of Local Authorities of the Philippines, National Anti-Poverty
13 Commission (NAPC), and other relevant government agencies and other
14 stakeholders, issue the necessary rules and regulations for the effective
15 implementation of this Act.
16

17 **SEC. 16. Separability Clause.** – Any portion or provision of this Act that is
18 declared unconstitutional or invalid shall not have the effect of nullifying other portions
19 or provisions hereof as long as such remaining portions can still subsist and be given
20 effect in their entirety.
21

22 **SEC. 17. Repealing Clause.** – All laws, ordinances, rules, regulations, other
23 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed
24 or modified accordingly. Nothing in this Act shall result in the diminution of the benefits
25 and/or assistance given to overseas Filipinos and migrant workers as provided in other
26 laws, ordinances, rules, regulations, and issuances.
27

28 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its
29 publication in the Official Gazette or in two (2) newspapers of general circulation.
30

31 *Approved,*