

S. No. 2121
H. No. 5811

Republic of the Philippines
Congress of the Philippines
Metro Manila
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Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand eighteen.

[REPUBLIC ACT No. 11291]

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:

SECTION 1. Title. - This Act shall be known as the "Magna Carta of the Poor".

SEC. 2. Declaration of Policy. - It is the declared policy of the State to uplift the standard of living and quality of life of the poor and provide them with sustained opportunities for growth and development. It shall adopt an area-based, sectoral, and focused intervention to poverty alleviation where every poor Filipino must be empowered to meet the minimum basic needs through the partnership of the government and the basic sectors.

It is likewise vital that the State complies with its international obligations to end poverty in all its forms, ensure and promote the health and well-being of all.

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To attain the foregoing policy:

(a) Investments in anti-poverty programs to enable the poor to fully participate in the country's growth and development shall be among the top priorities of the State;

(b) Full access to government services shall be provided to the poor by departments, agencies and instrumentalities of the government;

(c) Interventions to address the genuine concerns of the poor will be strengthened, and long-term strategies and solutions for the empowerment of the poor will be institutionalized; and

(d) Enhancement and promotion of capabilities and competencies of the basic sectors, the nongovernment organizations (NGOs), the people's organizations (POs), and other development partners for the effective delivery and implementation of a wide range of anti-poverty programs and basic services through government strategies and collaboration with development partners.

SEC. 3. Definition of Terms. - For purposes of this Act, the following terms are hereby defined:

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

(b) Development Partners shall refer to NGOs, POs and private organizations and corporations that are engaged in programs and activities aimed at alleviating the condition of the poor;

(c) Hazardous/Danger Zones shall refer to areas which, when occupied for residential or business purposes, pose a danger to the life and safety of the occupants or of the general public;

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

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

(f) Poor shall refer to individuals or families whose income falls below the poverty threshold as defined by the National Economic and Development Authority (NEDA) and/or who cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing, or other essential amenities of life, as defined under Republic Act No. 8425, otherwise known as the "Social Reform and Poverty Alleviation Act". In determining who constitute the poor, the Multidimensional Poverty Index determined by the Philippine Statistics Authority (PSA) shall be considered;

(g) National Poverty Reduction Plan shall refer to the aggregation and consolidation of sectoral and local plans through a bottom-up approach, from the Local Poverty Reduction Action Plan towards the formulation of the national plan; and

(h) Progressive Realization shall refer to a process of implementation which will be paced according to the availability of funds and which adjusts to the exigencies of the times.

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

(a) Right to Adequate Food is the right of individuals or families to have physical and economic access to adequate

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and healthy food, or the means to procure it. The Department of Social Welfare and Development (DSWD), the Department of Agriculture (DA), and other implementing agencies concerned shall:

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

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

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

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

(b) Right to Decent Work is the right to the opportunity to obtain decent and productive employment, in conditions of freedom, equity, gender equality, security, and human dignity.

The Department of Labor and Employment (DOLE) and other implementing agencies concerned shall:

(1) Ensure that the poor shall have access to information regarding employment openings in private enterprises and in government programs and projects especially regarding available employment opportunities for families displaced by calamities/natural and human-induced disasters or relocated from hazardous/danger zones;

(2) Ensure the compliance of private contractors and subcontractors doing national and local public work projects, funded by either the national government or any local government unit (LGU), to fill in thirty percent (30%) of the skilled labor requirements by qualified workers who come from the poor sector and who are residents of the LGUs where these projects are undertaken. Provided, That where the number of available resources is less than the required percentage provided therein, said requirements shall be based on the maximum number of locally available labor resources and

5 shall be certified by the municipal, city, provincial or district engineer as sufficient compliance with the labor requirements under this Act;

(3) Promote livelihood among the poor where implementing agencies shall provide technical and administrative support to help the poor establish their livelihood enterprise;

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

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

(c) Right to Relevant and Quality Education is the right to attain the full development of the human person. The Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), in coordination with development partners concerned, shall:

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

(2) Make higher education accessible to all poor individuals and families. They shall expand the programs of providing free or socialized college education to the poor, including student loans or study-now-pay-later plans, in state/local universities and colleges, which may be made subject to reasonable academic requirements; and

(3) Ensure access to quality technical-vocational education and training through scholarships, subsidies and financial assistance to ensure access to decent and productive employment, subject to compliance to qualification requirements.

(d) Right to Adequate Housing is the right to have a decent, affordable, safe and culturally appropriate place to live in, with dignity, security of tenure in accordance with Republic

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Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992", in peace, with access to basic services, facilities, and livelihood. The Housing and Urban Development Coordinating Council (HUDCC) and other implementing agencies concerned shall:

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

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

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

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

(c) Right to the Highest Attainable Standard of Health is the right to have equitable access to a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. The Department of Health (DOH) and other implementing agencies concerned shall:

(1) Ensure equitable access to a system of good quality health care and protection that is also available, and accessible to the poor, in keeping with reasonable standards;

(2) Provide for comprehensive, universal, culture-sensitive, nondiscriminatory and gender-responsive health services and programs, which include: (i) maternal and child health care and nutrition; (ii) access to ethical, legal, medically safe and effective reproductive health services and supplies; (iii) promotion of breastfeeding; (iv) prevention and management of reproductive tract infections, sexually transmitted diseases, including Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS); (v) provision of immunization against major infectious diseases occurring in

the community; and (vi) prevention, treatment and control of epidemic and endemic diseases;

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

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

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

SEC. 6. Social Protection. - The government shall implement a sustainable mechanism to build an effective social protection system to ensure the access of the poor to protection from any risk or contingency. The system shall include social insurance, safety nets, social services, and labor market interventions, which shall be made affordable and accessible. This social protection shall likewise be pursued in and during bilateral and multilateral negotiations, including arrangements to be entered into with international financial institutions.

SEC. 7. System for Targeting of Beneficiaries. - The NEDA shall maintain and periodically review, in consultation with PSA, a single system of classification to be used for targeting beneficiaries of the government's poverty alleviation programs and projects to ensure that such programs reach the intended beneficiaries.

DSWD, in coordination with NEDA and the National Anti-Poverty Commission (NAPC), shall identify the target beneficiaries.

SEC. 8. The National Poverty Reduction Plan (NPRP) and Enhanced Coordination and Convergence among Government Agencies. - All government agencies shall

8 formulate, within one hundred (100) days from the issuance of the rules and regulations to implement this Act, a comprehensive and convergent plan to set the thresholds to be achieved by the government for each of the recognized rights of the poor. This plan shall consider development plans of provinces, cities, and municipalities. NAPC, with the technical assistance of NEDA, shall be tasked to compile and harmonize these plans. The Department of Budget and Management (DBM) shall likewise review the NPRP for inclusion in the budget of implementing agencies.

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

SEC. 10. Funding Requirements. - The funding for the poverty alleviation programs and projects implemented under this Act shall be sourced from the existing appropriations as authorized under the General Appropriations Act (GAA) of the different departments and agencies implementing these programs including those enumerated below:

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

(b) DOLE - Special Program for Employment of Students (SPES) and Tulog Panghanapbuhay sa Ating Disadvantaged Workers "TUPAD" Project;

(c) TESDA - Skills Training, Private Education Student Financial Assistance (PESFA) and the Training for Work Scholarship Program (TWSF);

(d) DepEd - Alternative Learning System (ALS) and Government Assistance to Students and Teachers in Private Education (GASTPE);

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(e) CHED - Student Financial Assistance Program (STUFAP);

(f) National Housing Authority (NHA) - Socialized housing program;

(g) DOH - Basic health care services;

(h) Philippine Health Insurance Corporation (PhilHealth) - Expanded Primary Care Package for the Poor and Senior Citizens; and

(i) Social Housing Finance Corporation (SHFC) - Community Mortgage Program for qualified organized informal settlers.

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

Any additional funds to the existing appropriations of the pro-poor programs in the different departments and agencies shall be included in the GAA.

SEC. 11. Private Sector Participation. - The private sector shall be highly encouraged to be an active partner in the financing and implementation of poverty alleviation programs and projects. The government agencies implementing these programs shall be authorized to accredit development partners, which may accept donations, aids or grants, in cash or in kind, from duly accredited sources, to meet the demands of and uphold the basic rights of the poor to adequate food, decent work, relevant and quality education, adequate housing, and the highest attainable standard of health. Acceptance and use of such donations, aids or grants shall be transparent and subject to applicable government regulations.

SEC. 12. Tax Exemptions. - Any donation, contribution and grant which may be made to the programs implemented under the NPRP shall be exempt from the donor's tax in accordance with the specific provisions of the National Internal Revenue Code of 1997, as amended by Republic Act No. 10963 or the "Tax Reform for Acceleration and Inclusion".

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The implementers of the socialized housing resettlement program shall enjoy the incentives stated in Section 20 of Republic Act No. 7279, otherwise known as the "Urban Development and Housing Act of 1992", subject to the new guidelines under Republic Act No. 10884 or the "Balanced Housing Development Program Amendments".

SEC. 13. Implementation through a System of Progressive Realization. - The implementation of this Act is through the Principle of Progressive Realization: Provided, That the President and Congress have the prerogative to allocate funds to all poverty alleviation programs as they may deem necessary through the GAA. Nothing in this Act shall be construed in any manner as requiring the government to undertake the immediate implementation of all poverty alleviation programs.

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

SEC. 15. Implementing Rules and Regulations. - Within six (6) months from the effectivity of this Act, the NAPC shall, in coordination with the government departments and agencies, with the participation of the LGUs and the basic sectors, promulgate rules and regulations to carry out the provisions of this Act.

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

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

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

Approved,

Gloria Macapagal-Arroyo
Speaker of the House of Representatives
Vicente C. Sotto III
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2121 on January 29, 2019 and adopted by the House of Representatives as an amendment to House Bill No. 5811 on January 30, 2019.

Dante Roberto P. Maling
Acting Secretary General
House of Representatives

Myra Marie D. Villarica
Secretary of the Senate

Approved: APR 12 2019

Rodrigo Roa Duterte
President of the Philippines

