

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 2291



Introduced by CIBAC Party-List Representative
Eduardo "Bro. Eddie" C. Villanueva

**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**

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, Hongkong, 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 lay-offs, 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.

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

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).

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.


EDUARDO "BRO. EDDIE" C. VILLANUEVA

13 policies that provide adequate social services, promote full employment,
14 a rising standard of living, and an improved quality of life for all.

15

16 The State shall improve the quality of life of all Filipino workers
17 through active labor market policies, promotion of employment
18 opportunities and employment facilitation, human resource development,
19 and the provision to displaced, marginalized, and/or vulnerable workers a
20 transitional or temporary social safety net from economic shocks brought
21 about by disasters, public health emergencies, war, armed conflict,
22 economic crises, and other related contingencies, and/or experiencing
23 loss of livelihood or income due to disability, work-related accidents or
24 injuries, unemployment, or work displacements.

25

26 **SECTION 3. Coverage.** – This Act shall cover all displaced,
27 marginalized, and/or vulnerable workers affected by disasters, public
28 health emergencies, war, armed conflict, economic crises, and other
29 related contingencies, and/or experiencing loss of livelihood, or income
30 loss due to ill-health, disability, work-related accidents or injuries,
31 unemployment, or work displacements because of authorized causes of
32 termination of employment, technological advances, policy-related
33 disruptions, and other analogous causes.

34

35 **SECTION 4. Definition of Terms.** – As used in this Act:

36

37 a) *Accredited Co-Partner* or ACP refers to the program partner that has
38 been accredited by the Department of Labor and Employment
39 (DOLE) to implement TUPAD projects using government or public
40 funds. The ACP may be a peoples' or workers' organization,
41 legitimate labor organization, cooperative, business association,
42 church-based organization, educational institution, including
43 Technical Education and Skills Development Authority (TESDA)-
44 accredited technical-vocational training institutions and State
45 Universities and Colleges (SUCs), non-government organization,
46 private foundation, or a government agency or instrumentality,
47 including National Government Agencies (NGAs), Local Government
48 Units (LGUs) and Government-Owned and Controlled Corporations
49 (GOCCs);

- 50
- 51 b) *Beneficiary* refers to individuals or group of individuals who are
52 qualified recipients of assistance under the TUPAD Program;
53
- 54 c) *Department* or DOLE refers to the Department of Labor and
55 Employment;
56
- 57 d) *Displaced workers* refer to persons involuntarily terminated due to
58 authorized causes of termination as provided under the Labor Code
59 of the Philippines, technological advances, policy-related disruptions,
60 and other analogous causes. It also refers to Overseas Filipino
61 Workers who have been involuntarily separated from their jobs
62 overseas.
63
- 64 e) *Marginalized workers* refer to workers deprived of education, health,
65 employment, and other opportunities by reasons of poverty,
66 geographical inaccessibility, culture, and gender, among others, and
67 to workers who are less likely to have formal work arrangements, and
68 are more likely to lack decent working conditions, adequate social
69 security, and whose employment is characterized by inadequate
70 earnings, low productivity, and difficult conditions of work that
71 undermine their fundamental rights;
72
- 73 f) *Self-employed* refers to persons who operate their own businesses
74 or trades and do not employ paid workers in the conduct of their
75 economic activities, including workers who work purely on
76 commission basis and who may not have regular working hours;
77
- 78 g) *Sub-professionals* as used in this Act refer to individuals in the private
79 sector involved in structured work in support of office operations or
80 those engaged in arts, crafts, and manual or clerical work;
81
- 82 h) *TESDA* refers to the Technical Education and Skills Development
83 Authority;
84
- 85 i) *TUPAD Program* is a temporary wage employment assistance
86 program for displaced, marginalized, and/or vulnerable workers, also

87 known as the Tulong Panghanapbuhay sa Ating
88 Disadvantaged/Displaced Workers Program, and herein
89 interchangeably referred to as TUPAD or Program;
90

91 j) *Underemployed workers* refer to employed persons who express the
92 desire to have additional hours of work in their present job, or an
93 additional job, or to have a new job with longer working hours;
94

95 k) *Vulnerable workers* refer to workers, local and overseas, including
96 minimum wage earners, working poor, and marginalized workers,
97 who are confronted by *ex-ante* risk that if currently non-poor will fall
98 below the poverty line, or if currently poor, will remain mired in
99 poverty, or exposed to adverse shocks; and
100

101 l) *Workers* as used in this Act refer to workers in the formal and informal
102 economy or self-employed, whether overseas or local.
103

104 Article II

105 Wage Employment Assistance Program

106 for Displaced, Marginalized, and/or Vulnerable Workers or TUPAD 107 Program 108

109 **SECTION 5. Lead Agency and Convergence with Related**
110 **Government Assistance Program.** – The DOLE shall be the lead
111 agency in the implementation of the TUPAD Program and shall be
112 responsible in the administration, sourcing, assessment, and approval of
113 all project proposals for funding from the appropriated funds for the
114 implementation of the TUPAD Program.
115

116 The Department shall integrate and collaborate with other
117 government agencies, LGUs, business and labor groups, and civil society
118 groups in implementing similar or related programs and services for an
119 efficient and effective whole-of-nation approach in the delivery of social
120 safety nets.
121

122 **SECTION 6. Eligible Projects for TUPAD; Counterpart Funding**
123 **Requirement.** – Eligible employment projects that may be included under

124 the Program shall include, but not be limited to, social community projects,
125 economic projects, field works such as conduct of survey and profiling in
126 partnership with government offices, agro-forestry community projects
127 that promote green jobs, and provision of assistance to LGUs in the
128 delivery of essential services. The Department, in coordination with
129 relevant government agencies, LGUs, ACPs, and other relevant
130 stakeholders, shall formulate and implement projects under the TUPAD
131 Program that complements or utilizes the skill set of all categories of
132 workers classified under the Philippines Standard Occupational
133 Classification.

134

135 The Department shall also set the duration of work for each project
136 under the Program, with due regard to the nature of the work to be
137 performed; *Provided*, That except as authorized by the Secretary of Labor
138 and Employment in exceptional circumstances, the duration of each
139 project under the TUPAD Program shall not be less than ten (10) days,
140 nor exceed ninety (90) days.

141

142 Consistent with applicable government auditing rules and
143 regulations, ACPs and LGUs shall provide a counterpart funding of 20%
144 of the total cost of the project. The funding may be in the form of labor,
145 land for the project site, facilities, and equipment, among others, to be
146 used in the project. The LGUs and ACPs may also provide technical
147 assistance, which could be in the form of identification of projects, profiling
148 of beneficiaries, procurement, monitoring, and facilitating access of
149 services from other agencies.

150

151 **SECTION 7. Qualified Beneficiaries.** – All displaced workers,
152 marginalized, and/or vulnerable workers shall be qualified as beneficiaries
153 under this Act; *Provided*, That the Secretary of Labor and Employment
154 may, under appropriate circumstances, approve TUPAD projects that will
155 include the underemployed and/or sub-professionals as beneficiaries
156 under this Act.

157

158 The Secretary of DOLE shall set standards on the TUPAD
159 beneficiaries, including the allowable number of beneficiaries per
160 household, the number of projects under the Program a qualified

161 beneficiary may participate in, and such other relevant matters for the
162 effective implementation of this Act, with a view to helping the most
163 number of beneficiaries.

164

165 **SECTION 8. Modes of Implementation of the TUPAD Program. –**

166 The TUPAD Program shall be implemented by DOLE Regional Offices
167 through any of the following modes:

168

169 a) With an Accredited Co-Partner (ACP). Under this mode, the ACP
170 shall be the Department’s partner or conduit in the implementation of
171 the program, provided they are registered with any registering body
172 of the government and accredited by DOLE as an ACP; *Provided,*
173 That Government agencies, LGUs, TESDA, and SUCs, shall
174 automatically be TUPAD program partners, without need of
175 accreditation; or

176

177 b) DOLE Direct Administration. Under this mode, the administration and
178 implementation of the TUPAD Program shall be undertaken directly
179 by the Department’s regional, provincial and/or field offices. In the
180 event of massive displacement of workers resulting in serious
181 disruption of means of livelihood, direct administration of wage
182 employment projects shall be undertaken proactively by DOLE *motu*
183 *proprio*, in collaboration with relevant government agencies and/or
184 LGUs.

185

186 **SECTION 9. Wages and Compensation of Beneficiaries. –** The

187 wages and compensation of the beneficiaries shall not be less than 100%
188 of the highest prevailing minimum wage rate set by the Regional Wages
189 and Productivity Board (RTWPB) in the region where the project will be
190 implemented. The beneficiaries shall be enrolled in a group micro-
191 insurance and shall be provided with the appropriate training, safety tools
192 and proper equipment.

193

194 The Department shall use automated banking facilities, money
195 remittance providers, and electronic/digital wallets as primary mode of
196 wage disbursement for the beneficiaries of this Act. Under exceptional
197 circumstances, such as TUPAD projects in geographically isolated and

198 disadvantaged areas, or non-operation of wage disbursement
199 mechanisms due to public emergencies, including war, armed conflict,
200 epidemics/outbreaks or public health emergencies, the Secretary of Labor
201 and Employment may authorize direct cash pay-out to TUPAD
202 beneficiaries.

203

204 **SECTION 10. Prohibited Practices.** – The Department shall
205 establish mechanisms to ensure compliance with the provisions of this
206 Act. It shall provide a list of prohibited activities, such as, but not limited
207 to, cuts for commission, job sharing, ghost beneficiaries, duplicate
208 beneficiaries, and padding of beneficiaries.

209

210 Any violation of this provision shall result in the blacklisting of the
211 ACP, including the reimbursement of the amount involved, with legal
212 interest, without prejudice to the filing of criminal and other related cases.
213 If the ACP is an LGU or SUC, the LGU or SUC shall immediately address
214 such deficiency and/or error, without prejudice to applicable rules and
215 regulations of the Commission on Audit (COA), and the filing of civil,
216 criminal or administrative actions against erring officials and government
217 employees. In case of direct administration, the responsible DOLE
218 personnel shall be subjected to administrative investigation, without
219 prejudice to the filing of appropriate civil, criminal or administrative case.

220

221 **SECTION 11. Authority to Receive and Administer Donations**
222 **for TUPAD Program.** – The Department is hereby authorized under this
223 Act to receive donations from government and non-government
224 organizations and to administer the same strictly and exclusively for the
225 beneficiaries of the TUPAD Program, subject to relevant accounting and
226 auditing rules and regulations.

227

228 **SECTION 12. Monitoring, Reporting and Evaluation of the**
229 **TUPAD Program.** – The Department shall establish a standardized
230 monitoring, evaluation and reporting system to properly document every
231 approved project under the Program.

232

233 It shall also submit to Congress, and make available to the public,
234 an annual accomplishment report and utilization of the funds earmarked

235 for the implementation of the Program. The annual report shall include the
236 pertinent details of every project under the Program, the mode of
237 implementation, number of beneficiaries, donations from private and other
238 organizations, expenditures, number of beneficiaries who acquired
239 employment after their participation in the Program, and other pertinent
240 information as may be necessary. An impact evaluation shall be
241 conducted from time to time, but not later than every three years.

242

243 **SECTION 13. Grievance Mechanisms.** – The Department shall
244 establish grievance mechanisms for the filing or reporting of complaints,
245 grievances, or violations provided in this Act and other related laws arising
246 from the implementation of the TUPAD Program. For this purpose, the
247 Department shall ensure that all beneficiaries and stakeholders of the
248 Program have access to these grievance mechanisms.

249

250

Article III

251

Miscellaneous Provisions

252

253 **SECTION 14. Appropriations.** – The funds for the initial
254 implementation of this Act shall be sourced from the current budget of the
255 Department for the implementation of the TUPAD Program. Thereafter,
256 the amount necessary for its continued implementation shall be included
257 in the annual General Appropriations Act; *Provided*, That such
258 appropriation shall take into consideration an administration cost of not
259 more than 5%, subject to periodic review and appropriate
260 recommendation for increase, whenever necessary. For this purpose, the
261 Department shall issue the appropriate guidelines on the utilization and
262 management of the administration cost.

263

264 **SECTION 15. Implementing Rules and Regulations.** – Within
265 ninety (90) days from the effectivity of this Act, the DOLE shall, in
266 consultation with TESDA, DPWH, DENR, DILG, Union of Local Authorities
267 of the Philippines, National Anti-Poverty Commission (NAPC), and other
268 relevant government agencies and other stakeholders, issue the
269 necessary rules and regulations for the effective implementation of this
270 Act.

271

272 **SECTION 16. Separability Clause.** – Any portion or provision of
273 this Act that is declared unconstitutional or invalid shall not have the effect
274 of nullifying other portions or provisions hereof as long as such remaining
275 portions can still subsist and be given effect in their entirety.

276
277 **SECTION 17. Repealing Clause.** – All laws, ordinances, rules,
278 regulations, other issuances or parts thereof, which are inconsistent with
279 this Act, are hereby repealed or modified accordingly. Nothing in this Act
280 shall result in the diminution of the benefits and/or assistance given to
281 overseas Filipinos and migrant workers as provided in other laws,
282 ordinances, rules, regulations, and issuances.

283
284 **SECTION 18. Effectivity.** – This Act shall take effect fifteen (15)
285 days after its publication in the Official Gazette or in two (2) newspapers
286 of general circulation.

287
288 **Approved,**