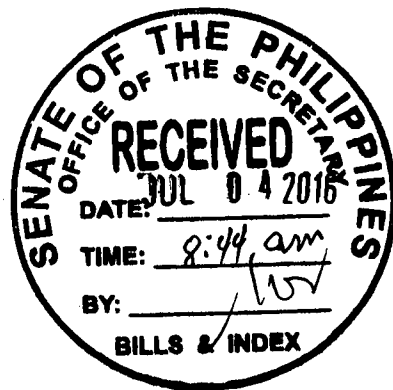


SEVENTEENTH CONGRESS OF )  
THE REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE

S.B. NO. 250

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Introduced by **SENATOR LOREN LEGARDA**

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**AN ACT PROVIDING FOR A MAGNA CARTA OF THE POOR**

Explanatory Note

Despite the country's continued economic progress, majority of Filipinos continue to struggle on a daily basis according to the Philippine Statistics Authority (PSA). Fisher folk and farmers remain the most indigent among the nine basic sectors that include children, the self-employed, unpaid family workers and women. The PSA reported that in the first six months of 2013, the poverty incidence was estimated at 24.9 percent of the population while subsistence, which refers to the numbers of Filipinos living in extreme poverty, was at 10.7 percent.

This bill seeks to adopt an area-based, sectoral, and focused intervention to poverty alleviation. This bill will ensure that each citizen will rightfully receive the minimum basic needs through partnership between the government and its basic sectors. It shall institutionalize long-term strategies and solutions that will give the poor dignity and a better way of life.

Under this measure, the government will prioritize investments and anti-poverty programs to enable the poor to take part in the country's growth and development. All departments, agencies and sectors of the government shall open its services to the poor. All government agencies shall be mandated to formulate its own National Poverty Reduction Plan (NPRP), which consists of all the sectoral and local poverty reduction plans of each barangay, municipality, city and province.

The National Anti-Poverty Commission (NAPC) with the assistance of the National Economic and Development Authority (NEDA) shall be in charge of organizing these plans. The NEDA shall establish a system of classification of the beneficiaries of this program.

The poverty plan will be included in the national budget which will be reviewed by the Department of Budget and Management. The funding will come from various government programs including but not limited to the Pantawid Familyang Pilipino Program (4Ps) and Sustainable Livelihood Program (SLP) of the Department of Social Welfare and Development (DSWD), Special Program for Employment of Students (SPES) and Tulong Panghanapbuhay sa Ating Disadvantaged Workers (TUPAD) Project of the Department of Labor and Employment (DOLE), and Socialized housing programs of the National Housing

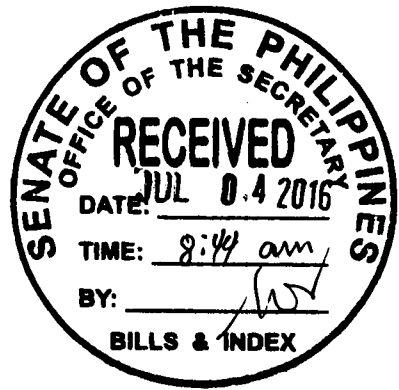
Authority. Deficiencies in funding for the implementation of pro-poor programs by the different departments and agencies will be included in the General Appropriations Act of the year.

The government is expected to implement the provisions of this bill in accordance with a system of progressive realization over a period of time, depending on the availability of resources and economic resource constraints.

In view of the abovementioned reasons, passage of the said measure is hereby recommended.

  
**LOREN LEGARDA**  
Senator

SEVENTEENTH CONGRESS OF )  
THE REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE

S.B. NO. 250

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Introduced by SENATOR LOREN LEGARDA

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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 Poor.”  
2

3 **SEC. 2. Declaration of Policy.** – It is the declared policy of the State to uplift  
4 the standard of living and quality of life of the poor and provide them with  
5 sustained opportunities for growth and development. It shall adopt an area-  
6 based, sectoral, and focused intervention to poverty alleviation where every  
7 poor Filipino family must be empowered to meet their minimum basic needs,  
8 through the partnership of the government and the basic sectors. It is likewise  
9 vital that the State complies with its international obligations to eradicate  
10 extreme poverty and hunger; achieve universal primary education; promote  
11 gender equality and empowerment of women; reduce child mortality; improve  
12 maternal health; combat Human Immunodeficiency Virus/Acquired Immune  
13 Deficiency Syndrome (HIV/AIDS), malaria and other diseases; and ensure  
14 environmental sustainability and development of a global partnership for  
15 development.

16  
17 To attain the foregoing policy:

- 18  
19 (a) The government shall prioritize investments in anti-poverty programs to  
20 enable the poor to fully participate in the country’s growth and  
21 development;  
22  
23 (b) All departments, agencies and instrumentalities of the government shall  
24 provide full access of its services to the poor;  
25  
26 (c) The government shall strengthen interventions to address the genuine  
27 concerns of the poor and shall institutionalize long-term strategies and  
28 solutions for the empowerment of the poor; and  
29  
30 (d) Government strategies shall enhance and promote the capabilities and  
31 competencies of the basic sectors, the nongovernment organizations  
32 (NGOs) and people’s organizations (POs), as development partners of the  
33 government for the effective delivery and implementation of a wide range  
34 of anti-poverty programs and basic services.

1 **SEC. 3. Definition of Terms.** – As used in this Act:  
2

- 3 (a) Basic sectors refer to the disadvantaged sectors of Philippine society  
4 including farmer-peasants, artisanal fisherfolk, workers in the formal  
5 sector including migrant workers, workers in the informal sector,  
6 indigenous peoples and cultural communities, women, persons with  
7 disability, senior citizens, victims of calamities/natural and human-  
8 induced disasters, youth and students, children, the urban poor and  
9 members of cooperative;  
10 (b) Development partners refer to NGOs, POs and private corporations which  
11 are engaged in programs and activities aimed at alleviating the condition  
12 of the poor;  
13 (c) Hazardous/danger zones refer to areas which, when occupied for  
14 residential or business purposes, pose a danger to the life and safety of  
15 the occupants or of the general public;  
16 (d) Nongovernment organizations (NGOs) refer to duly registered nonstock,  
17 nonprofit organizations focusing on the upliftment of the basic sectors of  
18 society by providing advocacy, training, community organizing, research,  
19 access to resources, protection of the environment and conservation of  
20 natural resources and other similar activities;  
21 (e) People's organizations (POs) refer to self-help groups belonging to the  
22 basic sectors composed of members having a common bond of interest  
23 who voluntarily join together to achieve a lawful common social or  
24 economic end;  
25 (f) Poor refers to individuals or families whose income falls below the  
26 poverty threshold as defined by the National Economic and Development  
27 Authority (NEDA) and/or who cannot afford in a sustained manner to  
28 provide their minimum basic needs of food, health, education, housing,  
29 or other essential amenities of life; and  
30 (g) National Poverty Reduction Plan refers to the aggregation and  
31 consolidation of sectoral and local plans through a bottom-up approach,  
32 from the Local Poverty Reduction Action Plan towards the formulation of  
33 the national plan.  
34

35 **SEC. 4. Scope of the Fundamental Rights of the Poor.** – The government  
36 shall establish a system of progressive realization or implementation to provide  
37 the requirements, conditions and opportunities for the full enjoyment of the  
38 following rights of the poor which are essential requirements towards poverty  
39 alleviation:  
40

- 41 (a) The Right to Adequate Food is the right of individuals or families to have  
42 physical and economic access to adequate and healthy food, or the  
43 means to procure it. The Department of Social Welfare and Development  
44 (DSWD), the Department of Agriculture (DA), and other implementing  
45 agencies concerned shall:  
46  
47 (1) Undertake necessary actions to mitigate and alleviate hunger  
48 especially in times of calamities/natural and human-induced  
49 disasters;  
50 (2) Fully implement and maintain supplementary feeding  
51 programs in day care centers and schools;  
52 (3) Ensure the availability, accessibility and sustainability of  
53 food supplies in a quantity and quality sufficient to meet the  
54 dietary needs of poor individuals and families; and

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

5 (b) The Right to Decent Work is the right to the opportunity to obtain decent  
6 and productive employment in conditions of freedom, equity, security  
7 and human dignity. The Department of Labor and Employment (DOLE)  
8 and other implementing agencies concerned shall:  
9

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

16 (2) Ensure the compliance of private contractors and  
17 subcontractors doing national and local public work  
18 projects, funded by either the national government or any  
19 local government unit (LGU), to fill in thirty percent (30%) of  
20 the skilled labor requirements by qualified workers who  
21 come from the poor sector and who are residents of the  
22 LGUs where these projects are undertaken: Provided, That  
23 where the number of available resources is less than the  
24 required percentage provided therein, said requirements  
25 shall be based on the maximum number of locally available  
26 labor resources and shall be certified by the municipal, city,  
27 provincial or district engineer as sufficient compliance with  
28 the labor requirements under this Act;

29 (3) Promote livelihood among the poor. These implementing  
30 agencies shall provide technical and administrative support  
31 to help the poor establish their livelihood enterprise using  
32 loans obtained from them;

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

36 (5) Provide an environment for more inclusive tripartism to  
37 achieve more broad-based representation of interests and  
38 make decision-making highly participatory through social  
39 dialogue at the firm and industry levels.  
40

41 (c) The Right to Relevant and Quality Education is the right to attain  
42 the full development of the human person. The Department of  
43 Education (DepED), the Commission on Higher Education (CHED)  
44 and the Technical Education and Skills Development Authority  
45 (TESDA), in coordination with development partners concerned,  
46 shall:  
47

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

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

1 (3) Ensure access to quality technical/vocational education and  
2 training through scholarships, subsidies and financial assistance  
3 to ensure access to decent and productive employment subject to  
4 compliance to qualification requirements and availability of funds.  
5

6 (d) The Right to Adequate Housing is the right to have a decent, affordable,  
7 safe and culturally appropriate place to live in, with dignity, security of  
8 tenure, in peace, with access to basic services, facilities, and livelihood.  
9 The Housing and Urban Development Coordinating Council (HUDCC)  
10 and other implementing agencies concerned shall:  
11

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

14 (2) Immediately construct and provide housing facilities for  
15 families living in identified hazardous/danger zones where  
16 the housing needs of the poor are urgent;

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

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

25 (e) The Right to the Highest Attainable Standard of Mental and Physical  
26 Health is the right to have equitable access to a variety of facilities,  
27 goods, services and conditions necessary for the realization of the highest  
28 attainable standard of health. The Department of Health (DOH) and other  
29 implementing agencies concerned shall:  
30

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

34 (2) Provide for comprehensive, universal, culture-sensitive, and  
35 gender-responsible health services and programs which  
36 include: (i) maternal and child health care and nutrition; (ii)  
37 access to ethical, legal, medically safe and effective  
38 reproductive health services and supplies; (iii) promotion of  
39 breastfeeding; (iv) prevention and management of  
40 reproductive tract infections, sexually transmitted diseases,  
41 HIV and AIDS; (v) provision of immunization against major  
42 infectious diseases occurring in the community; and (vi)  
43 prevention, treatment and control of epidemic and endemic  
44 diseases;

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

49 (4) Provide health-related education and information to the  
50 community.  
51

52 **SEC. 5. Non-Diminition of the Rights of the Poor.** – All other rights of the  
53 poor provided under existing laws shall remain in full force and effect. Nothing  
54 herein shall be construed in a manner that will diminish the enjoyment of such

1 rights by the poor who shall have the right to avail of greater rights offered by  
2 existing laws, including those granted under this Act.

3  
4 **SEC. 6. Social Protection.** – The government shall build an effective social  
5 protection system to ensure the protection of the poor from any risk or  
6 contingency. The system shall include social insurance, safety nets, social  
7 welfare, and labor market interventions which are affordable and accessible.  
8 This social protection shall likewise be afforded in and during bilateral and  
9 multilateral negotiations, including arrangements to be entered into with  
10 international financial institutions.

11  
12 **SEC. 7. System for Targeting of Beneficiaries.** – The NEDA shall design and  
13 establish a single system of classification to be used for targeting beneficiaries  
14 of the government’s poverty alleviation programs and projects to ensure that  
15 such programs reach the intended beneficiaries.

16  
17 **SEC. 8. The National Poverty Reduction Plan (NPRP) and Enhanced**  
18 **Coordination and Convergence among Government Agencies.** – All  
19 government agencies shall formulate, within one hundred (100) days from the  
20 issuance of the rules and regulations to implement this Act, a comprehensive  
21 and convergent plan to set the thresholds to be achieved by the government for  
22 each of the recognized rights of the poor. This plan shall consider all sectoral  
23 and local poverty reduction plans of each barangay, municipality/city and  
24 province. The National Anti-Poverty Commission (NAPC), with the technical  
25 assistance of the NEDA, shall be tasked to compile and harmonize these plans.  
26 The Department of Budget and Management (DBM) shall likewise review the  
27 NPRP for inclusion in the budget of implementing agencies.

28  
29 **SEC. 9. Participation of the Basic Sectors and of the Local Government**  
30 **Units (LGUs).** – The NAPC shall ensure that the basic sectors and the LGUs are  
31 engaged in the formulation and in the implementation of the NPRP. The  
32 Department of the Interior and Local Government (DILG) shall monitor the  
33 compliance of the LGUs in aligning their respective development, investment,  
34 and poverty reduction plans with the NPRP, and in implementing the same.

35  
36 **SEC. 10. Funding Requirements.** – The funding for the poverty alleviation  
37 programs and projects implemented under this Act shall be sourced from the  
38 existing appropriations as authorized under the General Appropriations Act of  
39 the different departments and agencies implementing these programs including  
40 those enumerated below:

- 41  
42 (a) DSWD – Pantawid Pamilyang Pilipino Program (4Ps) and Sustainable  
43 Livelihood Program (SLP);  
44 (b) DOLE – Special Program for Employment of Students (SPES) and Tulong  
45 Panghanapbuhay sa Ating Disadvantaged Workers “TUPAD” Project;  
46 (c) TESDA – Skills Training, Private Education Student Financial Assistance  
47 (PESFA) and the Training for Work Scholarship Program (TWSP);  
48 (d) DepED – Alternative Learning System (ALS) and Government Assistance  
49 to Students and Teachers in Private Education (GASTPE);  
50 (e) CHED – Student Financial Assistance Program (STUFAP);  
51 (f) NHA – Socialized housing program;  
52 (g) DOH – Basic health care services including potable water system; and  
53 (h) PhilHealth – Expanded Primary Care Package for the Poor.

1 Allocations for the implementation of these programs and projects shall be  
2 given preferential consideration in the funding allocation of the  
3 department/agency budget.  
4

5 Any additional funds to the existing appropriations of the pro-poor programs in  
6 the different departments and agencies shall be included in the General  
7 Appropriations Act of the year following its enactment into law and thereafter.  
8

9 **SEC. 11. Private Sector Participation.** – The private sector is highly  
10 encouraged to be an active partner in the financing and implementation of  
11 poverty alleviation programs and projects. The government agencies  
12 implementing these programs shall be authorized to accredit development  
13 partners, who may accept donations, aids or grants, in cash or in kind, from  
14 duly accredited sources, to meet the demands of and uphold the basic rights of  
15 the poor to adequate food, decent work, relevant and quality education,  
16 adequate housing, and the highest attainable standard of mental and physical  
17 health. Acceptance and use of such donations, aids or grants, shall be  
18 transparent and subject to government applicable regulations. The government  
19 shall recognize top performing development partners.  
20

21 **SEC. 12. Tax Exemptions.** – Any donation, contribution and grant which may  
22 be made to the sponsored program shall be exempt from the donor's tax and  
23 shall be considered as allowable deduction from the gross income in the  
24 computation of the income tax of the donor in accordance with the provisions  
25 of the National Internal Revenue Code of 1997, as amended. The implementers  
26 of the socialized housing resettlement program shall enjoy the incentives stated  
27 in Section 20 of Republic Act No. 7279, otherwise known as the "Urban  
28 Development and Housing Act of 1992".  
29

30 **SEC. 13. Rational Allocation of Funds.** – The DBM shall be principally  
31 responsible for the efficient and rational allocation of available funds to the  
32 different government departments and agencies to support the implementation  
33 of this Act.  
34

35 **SEC. 14. Implementation Through a System of Progressive Realization.** –  
36 Nothing in this Act shall be construed in any manner as requiring the  
37 government to undertake the immediate implementation of all poverty  
38 alleviation programs. The government shall set programmatic standards to be  
39 achieved over time depending upon the availability of necessary resources and  
40 in consideration of economic resource constraints.  
41

42 **SEC. 15. Compliance Report.** – The NAPC shall be tasked to oversee and  
43 monitor compliance with this Act. Within six (6) months from the effectivity of  
44 this Act and every six (6) months thereafter, all implementing departments and  
45 agencies shall submit a report to the NAPC on their respective compliance with  
46 the provisions of this Act which, in turn, shall submit a compliance report to  
47 the House Committee on Poverty Alleviation and to the Senate Committee on  
48 Social Justice, Welfare and Rural Development.  
49

50 **SEC. 16. Implementing Rules and Regulations.** – Within six (6) months from  
51 the effectivity of this Act, the NAPC shall, in coordination with the government  
52 departments and agencies, with the participation of the LGUs and the basic  
53 sectors, promulgate rules and regulations to carry out the provisions of this  
54 Act.  
55



1 **SEC. 17. Separability Clause.** – If, for any reason, any section or provision of  
2 this Act is declared unconstitutional or invalid, the other sections or provisions  
3 which are not affected shall continue to be in full force and effect.

4  
5 **SEC. 18. Repealing Clause.** – All laws, decrees, executive orders,  
6 proclamations, rules and regulations or parts thereof inconsistent herewith are  
7 repealed, amended, or modified accordingly.

8  
9 **SEC. 19. Effectivity.** – This Act shall take effect fifteen (15) days after its  
10 publication in the Official Gazette or in a newspaper of general circulation.

11  
12 Approved,