

**TWENTIETH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

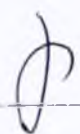
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25 JUL 15 P1:59

SENATE

S.B. No. 638

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Introduced by SEN. WIN GATCHALIAN

AN ACT
PROVIDING INDIGENT JOBSEEKERS DISCOUNTED OR WAIVED FEES AND
CHARGES IN THE ISSUANCE OF CERTAIN PRE-EMPLOYMENT DOCUMENTS
ISSUED BY GOVERNMENT AGENCIES

EXPLANATORY NOTE

Section 3, Article XIII of the 1987 Constitution expressly provides that the State shall afford full protection to labor, and promote full employment and equality of employment opportunities for all. Similarly, Section 9, Article II of the 1987 Constitution deems it a State policy 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 and promote full employment.

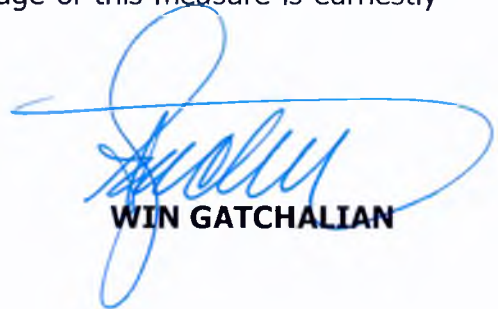
Consistent with the constitutional mandate to promote full employment and equality of gainful work, Republic Act No. 11261 or the "First Time Jobseekers Assistance Act" was signed into law in 2019, providing waived fees and charges for the issuance of pre-employment documents to first-time jobseekers. This law aims to alleviate the financial burden faced by young Filipinos entering the workforce, removing at least some of the hurdles faced by first-time jobseekers.

In addition to first-time jobseekers, however, another sector in need of similar support mechanisms from the government are indigent jobseekers whose access to employment opportunities are already hampered by their inability to shoulder the costs

of securing pre-employment documents from various government agencies. For individuals who have no visible means of income or whose incomes fall below the official poverty threshold, the corresponding fees for the issuance of pre-employment documents, no matter how minimal, are yet additional expenses competing with their basic needs of food, health, education, or housing.

The "*Kabalikat sa Hanapbuhay Act*" aims to provide a more equitable distribution of employment opportunities, with due regard to the specific needs of underprivileged Filipinos seeking gainful employment. Under this proposed measure, indigent jobseekers shall be granted a twenty percent (20%) discount in the payment of fees and charges for various government clearances and certificates requisite for pre-employment application. This bill similarly provides for waiver of fees and charges required to acquire the Transcript of Records, Transfer Credentials, Authenticated Copy of Diploma, and Certificate of Good Moral Character from the State Universities and Colleges, and Local Universities and Colleges of the indigent jobseeker. By waiving fees and charges for the issuance of pre-employment documents to indigent jobseekers, this measure aims to make employment opportunities more accessible to everyone, with the end goal of lowering unemployment in the country, alleviating poverty, and improving the standard of living of all Filipinos.

In view of the foregoing, the immediate passage of this measure is earnestly sought.



WIN GATCHALIAN


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**AN ACT
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AND CHARGES IN THE ISSUANCE OF CERTAIN PRE-EMPLOYMENT
DOCUMENTS ISSUED BY GOVERNMENT AGENCIES**

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

1 **SEC. 1. Title.** – This Act shall be known as the “*Kabalikat sa*
2 *Hanapbuhay Act*”.

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to promote
4 a just and dynamic order that will ensure the prosperity and independence of
5 the nation and free the people from poverty through policies that provide
6 adequate social services, promote full employment, a rising standard of living,
7 and an improved quality of life for all.

8 Further, the State shall strive for a more equitable distribution of
9 opportunities, decent jobs, income, and wealth; a sustained increase in the
10 amount of goods and services produced by the nation for the people, and an
11 expanding productivity as the key to raising the quality of life for all, especially
12 the underprivileged. To this end, the State shall provide indigent jobseekers a
13 twenty percent (20%) discount in the payment of fees and charges or waived
14 fees for certain certificates and clearances issued by government agencies.

1 **SEC. 3. Identification of Beneficiaries.** – As used in this Act, an
2 indigent jobseeker refers to a person who is seeking gainful employment and
3 has no visible means of income or whose income falls below the official poverty
4 threshold, as identified by the Department of Economy, Planning, and
5 Development (DEPDev) and/or cannot afford in a sustained manner to provide
6 their minimum basic needs of food, health, education, housing and other
7 essential amenities of life.

8 The Philippine Statistics Authority (PSA), based on the criteria set under
9 the Community-Based Monitoring System (CBMS) as established under
10 Republic Act No. 11315, otherwise known as the "Community-Based Monitoring
11 System Act", shall validate the list of indigent households in the Listahanan of
12 the Department of Social Welfare and Development (DSWD) to identify indigent
13 individuals. The Local Social Welfare Development Officer (LSWDO) of the
14 city/municipality or any equivalent unit of the municipality where the indigent
15 jobseeker resides is authorized to issue a Certificate of Indigency based on the
16 latest CBMS data, the abovementioned criteria, and established guidelines, as
17 proof of eligibility of jobseekers in availing the privileges provided for under this
18 Act. Such certification shall be free of charge.

19 For purposes of identifying indigent jobseekers, any other unified
20 targeting system duly agreed upon by the Inter-Agency Coordinating and
21 Monitoring Committee may be used in the future.

22 An indigent jobseeker whose household is enrolled under the seven-year
23 period "Pantawid Pamilyang Pilipino Program (4Ps)" shall be automatically
24 considered as indigent and eligible to avail of the privileges under this Act.

25 First time jobseekers who avail of waived government fees and charges
26 in the issuance of pre-employment documents under Republic Act No. 11261
27 or the "First Time Jobseekers Assistance Act" are not covered by this Act.

28 **SEC. 4. Discount on Fees and Charges for Clearances and**
29 **Certificates.** – Indigent jobseekers, whether here or abroad, shall be granted
30 a twenty percent (20%) discount in the payment of fees and charges for the
31 following clearances and certificates requisite for pre-employment application:

- 1 (a) Clearance from the barangay where the jobseeker resides;
- 2 (b) Clearance from the National Bureau of Investigation (NBI);
- 3 (c) National Police Clearance from the Philippine National Police
- 4 (PNP);
- 5 (d) Medical certificate for local employment from any government
- 6 hospital licensed by the Department of Health (DOH), and medical
- 7 certificate for foreign employment from any DOH-accredited
- 8 medical facility for overseas workers and seafarers;
- 9 (e) Certificate of marriage from the Philippine Statistics Authority
- 10 (PSA);
- 11 (f) Certificate of live birth from the PSA;
- 12 (g) National Certificate and Certificate of Competency (COC) from the
- 13 Technical Education and Skills Development Authority (TESDA);
- 14 (h) Certificate of Civil Service Eligibility from the Civil Service
- 15 Commission (CSC); and
- 16 (i) Other documentary requirements issued by the government that
- 17 may be required by employers from indigent jobseekers, as
- 18 determined and approved by the Inter-Agency Coordinating and
- 19 Monitoring Committee established in Section 6 of this Act.

20 Indigent jobseekers may avail of the privilege of discounted fees not
21 more than once every six (6) months from each government agency.

22 **SEC. 5. Waiver of Fees and Charges for Pre-Employment**
23 **Documents.** – The fees and charges required to acquire the Transcript of
24 Records, Transfer Credentials, Authenticated Copy of Diploma, and Certificate
25 of Good Moral Character from the State Universities and Colleges, and Local
26 Universities and Colleges of the jobseeker: *Provided,* That the indigent
27 jobseeker may avail of the privilege of waived fees not more than once every
28 six (6) months.

29 **SEC. 6. Prohibited Acts and Penalties.** – (a) Any public officer or
30 employee who refuses or fails to issue a Certificate of Indigency, or to provide
31 the benefit granted to the indigent jobseeker in violation of Sections 4 and 5 of

1 this Act shall, upon conviction, be subject to a fine of not less than Ten
2 thousand pesos (Php 10,000.00) but not more than Fifty thousand pesos (Php
3 50,000.00). The penalty of temporary disqualification to hold public office for a
4 period of five (5) years shall also be imposed.

5 (b) A jobseeker who misrepresents or falsifies any document to avail of
6 the benefits provided under this Act or abuses the privilege granted herein shall
7 be prosecuted and punished in accordance with prevailing penal laws, and shall
8 suffer perpetual disqualification from availing any of the privileges under this
9 Act.

10 Administrative sanctions may be imposed without prejudice to
11 prosecution under this Act. Prosecution for an offense under this Act shall be
12 without prejudice to any liability for violation of any other existing laws, rules
13 and regulations.

14 **SEC. 7. *Indigent Jobseekers Database.*** – The Public Employment
15 Service Office in coordination with the LSWDO shall establish and maintain a
16 database system containing an updated roster of all indigent jobseekers who
17 availed of the benefits under this Act.

18 The PhilJobnet platform of the Department of Labor and Employment
19 (DOLE) shall serve as the monitoring mechanism to record, monitor and report
20 the availment of the benefits granted to indigent jobseekers.

21 **SEC. 8. *Inter-Agency Coordinating and Monitoring Committee.***
22 – An Inter-Agency Coordinating and Monitoring Committee (“the Committee”)
23 shall be established to coordinate and monitor the implementation of this Act.

24 The Committee shall be composed of the following:

- 25 (a) Secretary of Labor and Employment or their authorized
26 representative, as Chairperson;
- 27 (b) Secretary of Interior and Local Government or their authorized
28 representative, as Vice Chairperson; and
- 29 (c) The following as Members:

- 1 (i) Secretary of Migrant Workers or their authorized
2 representative;
- 3 (ii) National Statistician and Civil Registrar General of the PSA
4 or their authorized representative;
- 5 (iii) Chief of the PNP or their authorized representative;
- 6 (iv) Director of the NBI or their authorized representative;
- 7 (v) Secretary of the DOH or their authorized representative;
- 8 (vi) Chairperson of the CSC or their authorized representative;
- 9 (vii) Chairperson of the Commission on Higher Education
10 (CHED) or their authorized representative;
- 11 (viii) Director-General of TESDA or their authorized
12 representative;
- 13 (ix) Presidents of the Liga ng mga Barangay, League of
14 Municipalities of the Philippines, and League of Cities of
15 the Philippines or their authorized representatives;
- 16 (x) Lead Convenor of the National Anti-Poverty Commission
17 (NAPC) or their authorized representative;
- 18 (xi) Chairperson of the National Commission on Indigenous
19 Peoples (NCIP) or their authorized representative;
- 20 (xii) And such other agencies or stakeholders as may be
21 necessary.

22 The Committee shall have the following functions:

- 23 (a) To coordinate, monitor, and evaluate the implementation of this
24 Act;
- 25 (b) To make recommendations for concerned agencies to ensure the
26 effective and efficient delivery of services in providing the benefits
27 for indigent jobseekers under this Act;
- 28 (c) To identify and approve other pre-employment certificates and
29 clearances;
- 30 (d) To review, evaluate, and amend accordingly the clearances and
31 certificates covered under this Act; and

1 (e) To submit an annual report to Congress on the implementation
2 of this Act.

3 **SEC. 9. *Joint Congressional Oversight Committee.*** – Upon the
4 effectivity of this Act, a Joint Congressional Oversight Committee (JCOC) is
5 hereby constituted. The JCOC shall set the overall framework to review the
6 implementation of this Act.

7 The JCOC shall be composed of fourteen (14) members with the
8 chairpersons of the Committee on Poverty Alleviation of the House of
9 Representatives, and of the Committee on Social Justice, Welfare and Rural
10 Development of the Senate as Co-Chairpersons, and six (6) members from each
11 House, to be designated by the Speaker of the House of Representatives and
12 the Senate President respectively.

13 The Secretariat of the JCOC shall be drawn from the existing personnel
14 of the Committee on Poverty Alleviation of the House of Representatives, and
15 the Committee on Social Justice, Welfare and Rural Development of the Senate.

16 **SEC. 10. *Implementing Rules and Regulations.*** – Within six (6)
17 months after the effectivity of this Act, the DOLE shall, in consultation with the
18 Department of the Interior and Local Government, Department of Migrant
19 Workers, PSA, PNP, NBI, DOH, CSC, CHED, TESDA, Leagues of Barangay,
20 Municipalities, and Cities, NAPC and NCIP, promulgate the rules and regulations
21 to implement this Act.

22 **SEC. 11. *Separability Clause.*** – If any provision or part of this Act is
23 held invalid or unconstitutional, the remaining parts or provisions hereof not
24 otherwise affected shall remain in full force and effect.

25 **SEC. 12. *Repealing Clause.*** – Any law, presidential decree or
26 issuance, executive order, letter of instruction, administrative order, rule or
27 regulation contrary to or inconsistent with the provisions of this Act is hereby
28 repealed, amended or modified accordingly.

1 **SEC. 13. Effectivity.** – This Act shall take effect fifteen (15) days after
2 its publication in the Official Gazette or in at least two (2) newspapers of general
3 circulation.

4 *Approved,*