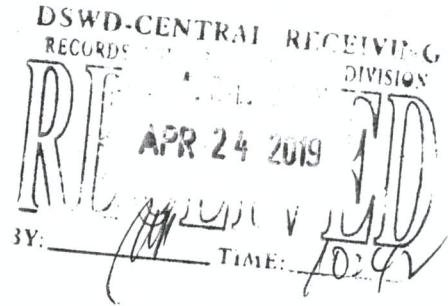


10 April 2019



Undersecretary RYAN ALVIN R. ACOSTA
Deputy Executive Secretary for Legal Affairs
Office of the President
Malacanang
Manila

Dear Undersecretary Acosta,

The Department of Social Welfare and Development submits its reservations, comments and recommendation on the consolidated enrolled bill, House Bill No. 5811/Senate Bill No. 2121, entitled: "Act Providing for a Magna Carta for the Poor," as articulated in our position papers submitted to the Senate Committee on Social Justice, Welfare, and Rural Development on 10 October 2018 and House Committee on Poverty Alleviation on 21 November 2016, respectively.

The following are the Department's reservations, comments and recommendations are as follows:

Comments:

- 1) The Department reiterates its policy to support genuinely pro-poor legislations in line with the government's thrust and priorities;
- 2) The proposed Magna Carta of the Poor appears to simplify, limit and restrict the fundamental rights of the poor to those that are only positively enumerated in the bill. The people's rights which are guaranteed in the Constitution and in various laws passed by Congress must not be directly or indirectly limited. In relation to this, our Constitution mandates Congress to "give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good" and "the promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance"
- 3) The proposal to legislate the definition of "poor" faces some practical and constitutional issues;

- 4) The bill does not seem to offer additional and concrete rights and demandable benefits than those already existing in the laws. There is no separate funding appropriation to carry out the defined scope of the enumerated fundamental rights and the bill is wholly reliant on existing appropriations of different departments and agencies that are already implementing poverty alleviation programs and projects; and
- 5) The Department recognizes the legislators' noble intent to give preferential treatment to the poor. However, in its estimation, the bill falls short of the necessary measures and structures required to realize such objective. As mentioned, for example, there is mechanism to exact accountability and liability for its violation or non-realization.

Recommendations:

- 1) Thoroughly study the necessity, practicality and constitutionality of legislating a blanket definition or classification of the poor;
- 2) Consider the reservation made by the Department and provide spaces for the poor and ensure their participation and inputs in the enhancement of the proposed measure or in seeking an alternative thereto;
- 3) Enhance or capacitate existing programs and projects targeting the poor:
- 4) In the exercise of Congress' oversight functions, review, assess and recalibrate the implementation of existing programs and projects of the government in order to align them with the present administration's thrust and priorities.
- 5) Likewise in the exercise of Congress' oversight functions, convergence planning and strategy in ensuring that the poor have access to social protection programs of the government, through the Department and other government agencies and their partners, must be reinforced and harnessed in order to avoid duplication of programs and efforts.

Very truly yours,


ROLANDO JOSELITO D. BAUTISTA
Secretary