

[ADMINISTRATIVE ORDER NO. 21, October 10, 2011]

REVISED IMPLEMENTING RULES AND REGULATIONS GOVERNING TITLE I OF REPUBLIC ACT NO. 8425, OTHERWISE KNOWN AS THE SOCIAL REFORM AND POVERTY ALLEVIATION ACT

WHEREAS, pursuant to Republic Act (RA) No. 8425, or the Social Reform and Poverty Alleviation Act, the Office of the President is mandated to formulate the implementing rules and regulations (IRRs) governing the law;

WHEREAS, poverty alleviation, defined as the reduction of absolute and relative poverty, is one of the core thrusts of the government;

WHEREAS, broad participation, autonomy and transparency shall be ensured to create responsive, accountable, and meaningful representation from the basic sectors;

WHEREAS, several IRRs have been issued relating to the Social Reform and Poverty Alleviation Act, to wit: Administrative Order (AO) No. 11 (s. 1998), AO No. 36 (s. 1998), an unnumbered IRRs signed on December 23, 1998, AO No. 21 (s. 2001), and AO No. 187 (s. 2009);

WHEREAS, pursuant to the provisions of RA No. 8425 and its IRRs, the National Anti-Poverty Commission (NAPC) was established to replace the Presidential Commission to Fight Poverty, the Social Reform Council and the Presidential Council for Countryside Development;

WHEREAS, the Lead Convenor of the NAPC has recommended the repeal of AO No. 187 (s. 2009) and the issuance of Revised IRRs complying with the provisions of RA No. 8425; and,

WHEREAS, Title I of RA NO. 8425 provides for the composition of NAPC and guidelines for the formation of sectoral nomination and recall process and mechanisms for accountability of Sector Representatives.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

RULE I

POLICY AND DEFINITION OF TERMS

SECTION 1. Title. These Rules shall be known as the Revised Rules and Regulations Implementing the Social Reform and Poverty Alleviation Act.

SECTION 2. Purpose. These Rules are promulgated to proscribe the procedures and guidelines for the implementation of Title I of RA No. 8425 in order to facilitate

compliance therewith and achieve the objectives thereof.

SECTION 3. Declaration of Policy. It is the policy of the State to:

a) Adopt a sustainable, integrated, area-based, sectoral and focused intervention to poverty alleviation wherein every poor Filipino family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance and family care and psycho-social well-being;

b) Actively pursue asset reform or redistribution of productive economic resources to the basic sectors, including the adoption of a system of public spending which is targeted towards the poor;

c) Institutionalize and enhance the Social Reform Agenda (SRA), which embodies the results of the series of consultations and summits on poverty alleviation;

d) Adopt and operationalize the following principles and strategies as constituting the national framework integrating various structural reforms and anti-poverty initiatives:

i Social reform shall be a continuing process that addresses the basic inequities in Philippine society through a systematic package of social interventions.

ii. The SRA shall be enhanced by government in equal partnership with the different basic sectors through appropriate and meaningful consultations and participation in governance.

iii. Policies, programs and resource commitments from both government and the basic sectors shall be clearly defined to ensure accountability and transparency in the implementation of the SRA.

iv. A policy environment conducive to sustainable social reform shall be pursued.

v. The SRA shall address the fight against poverty through a multi-dimensional and cross-sectoral approach which recognizes and respects the core values, cultural integrity and spiritual diversity of target sectors and communities.

vi. The SRA shall pursue a rights-based and gender-responsive approach to fight poverty.

vii. The SRA shall promote ecological balance in the different ecosystems in a way that gives the basic sectors a major stake in the use, management, conservation and protection of productive resources.

viii. The SRA shall take into account the principle and interrelationship of population and development in the planning and implementation of social reform programs, thereby promoting self-help and self-reliance.

ix. SRA implementation shall be focused on specific target areas and basic sectors.

x. The SRA shall advocate and institutionalize a multi-sectoral approach towards building social consensus on poverty alleviation at the national and local levels, thereby mobilizing the different but potentially complementary capacities, resources

and perspectives of civil society, government, and business towards a concerted societal effort at alleviating poverty.

SECTION 4. Definition of Terms.

a) Artisanal fisherfolk – refers to those directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not to be limited to, those engaged in fishing using gears that do not require boats, or boats less than three (3) tons, in municipal waters, coastal and marine areas; workers in commercial fishing and aquaculture; vendors and processors of fish and coastal products; and subsistence producers such as shell-gatherers, managers, and producers of mangrove resources, and other related producers.

b) Children – refers to citizens below 18 years old whose right to survival, development, protection and participation are to be promoted, protected and fulfilled in a manner consistent with their evolving capacities.

c) Cooperatives – refers to duly registered associations of at least 15 persons, majority of whom are poor, having a common bond of interest, who voluntarily join together to achieve a common social and economic end; organized by members who equitably contribute the required share capital and accept a fair share of risks and benefits of their undertaking.

d) Farmers and landless rural workers – refers to those who are engaged directly or indirectly in small farms and forest areas, and workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include, but are not limited to:

i Small-scale farmers who own or are still amortizing lands that are not more than three (3) hectares, tenants, leaseholders, and stewards; and

ii. Rural workers who are either wage earners, self-employed, or unpaid family workers directly and personally engaged in agriculture, small-scale mining, handicrafts, and other related farm and off-farm activities.

e) Indigenous Peoples – refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

f) Urban Poor – refers to those residing in urban and urbanizable slum or blighted areas, with or without the benefit of security of abode, where the income of the

head of the family cannot afford in a sustained manner to provide for the family's basic needs of food, health, education, housing, and other essentials in life.

g) Migrant Workers – refers to Filipinos who are to be engaged, are engaged, or have been engaged in a remunerated activity in a State of which they are not legal residents, whether documented or undocumented.

h) Non-Government Organizations – refers to duly registered non-stock, nonprofit organizations focused on the upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources and other similar activities.

i) Party-List Organizations – any organized group of persons duly registered in the Commission on Elections (COMELEC) as a party, organization or coalition participating in the party-list system as a national, regional or sectoral party or organization or a coalition of such parties or organizations.

j) Persons with disability – refers to those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

k) Political Parties – refers to organized groups of citizens advocating an ideology or platform, principles and policies for the general conduct of government and which, as the most immediate means of securing their adoption, regularly nominate and support certain leaders and members as candidates for public office.

l) Senior citizens – or “elderly” shall mean all resident citizens of the Philippines who are at least sixty (60) years old.

m) Students – refers to anyone enrolled in and regularly attending school at the secondary, post-secondary, graduate and post-graduate levels.

n) Victims of disasters and calamities – refers to persons suffering under conditions involving mass casualty and/or major damages to property, as well as disruption of means of livelihoods and normal way of life in affected areas as a result of the occurrence of natural or human-induced hazards.

o) Workers in the formal sector – refers to workers in the formal economy, or those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all government-owned and-controlled corporations and institutions, as well as nonprofit private institutions or organizations.

p) Workers in the informal sector – refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household; incorporated and unincorporated enterprises, including home workers; micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers' rights.

q) Youth – refers to persons whose ages range from fifteen (15) to thirty (30) years old.

RULE II

THE PHILIPPINE APPROACH TO SOCIAL REFORM AND POVERTY ALLEVIATION

SECTION 1. A Multi-Dimensional Approach to Poverty Alleviation. Strategies or programs of government and civil society shall incorporate the elements that will address each of the four dimensions of the SRA, namely:

a) *Economic Dimension (Asset Reform)*. Asset reform seeks to address the issue of economic inequity by widening the citizens' share of resources, whether natural or manufactured, from which they can earn a living and increase the fruits of their labor. Such reform necessarily addresses existing inequities in the ownership, distribution, management and control over resources. The government shall give priority to the enactment and strict implementation of laws that widen the share of the basic sectors in the resources of society. The government shall likewise undertake budgetary reform to implement asset reform.

b) *Socio-Cultural Dimension (Access to Quality Basic Services and Protection of the Security of Life, Person, Livelihood, Indigenous Culture and Freedom from Violence)*. These reforms refer to the equitable control and access to socio-cultural services and facilities especially education, health, housing and other basic services necessary to enable the citizens to meet their basic human needs, live decent lives and ensure that the benefits of asset reform are equally shared by all rightful beneficiaries. The government shall, therefore, work to eliminate all forms of discrimination which cause women, youth and children, the elderly and persons with disability, to be further marginalized and excluded within their own economic sectors.

c) *Ecological Dimension (Sustainable Uses of Productive Resources)*. These reforms ensure the effective and sustainable utilization of the natural and ecological resource base, thus assuring greater social acceptability and increased participation of the basic sectors in the conservation, management and development of environment and natural resources.

d) *Governance Dimension (Equal Representation and Participation)*. This involves reforms that will address the issue of political equity and equal participation in all venues of society, especially on decision-making and management processes that affect their rights, interests and welfare. The government shall ensure that sectoral representation is institutionalized at all levels of government, with particular emphasis on the decision-making structures of the different local government units.

SECTION 2. Asset Reform. Asset reform requires laws and policies that widen the citizens' share of resources, natural and manufactured, from which they can earn a living or increase the fruits of their labor. Such reforms necessarily address existing inequities in the ownership, distribution, management and control of resources. Specifically, asset reform shall be obtained through the following sector-specific flagship programs:

a) *Farmers and Landless Rural Workers*. Ownership, access to and control of tillable lands by the tillers, higher productivity, channels for productivity, and fair prices for products;

b) *Fisherfolk*. Broader access to and control of aquatic resources, rational and sustainable management of fishery resources, and wider availability of fishing and post-harvest facilities;