

Republic of the Philippines
HOUSE OF REPRESENTATIVE
Quezon City

13th Congress
Second Regular Session
House Bill No. 5707



Introduced by Representative Jose Emmanuel L. Carlos MD

EXPLANATORY NOTE

The attached Bill seeks to maximize the contribution of disabled persons to nation building, grant benefits and special privilege. Specifically it aims to accomplish the following objectives;

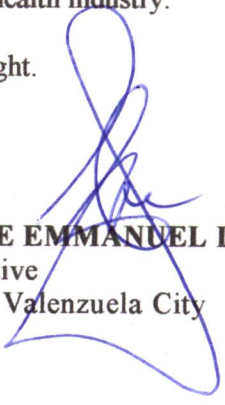
- (a) To motivate and encourage the disable persons to contribute to nation building;
- (b) To encourage their families and the communities they live with to reaffirm the valued Filipino tradition of caring for the disable persons;
- (c) To give full support to the improvement of the total well-being of the differently able and their full participation in society considering that disable persons are integral part of Philippine society;
- (d) To recognize the rights of disable persons to take their proper place in society. This must be the concern of the family, community, and government;
- (e) To provide a comprehensive health care and rehabilitation system for disabled persons to foster their capacity to attain a more meaningful and productive ageing; and
- (f) To recognize the important role of the private sector in the improvement of the welfare of disable persons and to actively seek their partnership.

In accordance with these policies, this Bill aims to:

- (1) establish mechanism whereby the contribution of the disable persons are maximized;
- (2) adopt measures whereby our disable persons are assisted and appreciated by the community as a whole;
- (3) establish a program beneficial to the disable persons, their families and the rest of the community that they serve; and
- (4) establish community-based health and rehabilitation programs in every political unit of society."

The passage of this bill will significantly help promote and eventually alleviate the economy of the country in general and enhance the status of the Philippine health industry.

In view of the foregoing passage of this is urgently sought.


HON. JOSE EMMANUEL L. CARLOS, MD
Representative
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**AN ACT TO MAXIMIZE THE CONTRIBUTION OF DISABLE PERSONS TO
NATION BUILDING, GRANT BENEFITS AND SPECIAL PRIVILEGES AND
FOR OTHER PURPOSES AND APPROPRIATE FUNDS THEREFOR**

SECTION 1. *Declaration of Policies and Objectives.* — Pursuant to Article XV, Section 10 in the Declaration of Principles and State Policies provides: “The State shall provide social justice in all phases of national development.” Further Article XIII, Section 11 provides: “The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children.” Consonant with these constitutional principles the following are the declared policies of this Act:

- (a) To motivate and encourage the disable persons to contribute to nation building;
- (b) To encourage their families and the communities they live with to reaffirm the valued Filipino tradition of caring for the disable persons;
- (c) To give full support to the improvement of the total well-being of the differently able and their full participation in society considering that disable persons are integral part of Philippine society;
- (d) To recognize the rights of disable persons to take their proper place in society. This must be the concern of the family, community, and government;
- (e) To provide a comprehensive health care and rehabilitation system for disabled disable persons to foster their capacity to attain a more meaningful and productive ageing; and
- (f) To recognize the important role of the private sector in the improvement of the welfare of disable persons and to actively seek their partnership.

In accordance with these policies, this Act aims to:

- (1) establish mechanism whereby the contribution of the disable persons are maximized;
- (2) adopt measures whereby our disable persons are assisted and appreciated by the community as a whole;
- (3) establish a program beneficial to the disable persons, their families and the rest of the community that they serve; and
- (4) establish community-based health and rehabilitation programs in every political unit of society.”

SECTION 2. *Definition of Terms.* — For purposes of this Act, these terms are defined as follows:

(a) "Disable person" or "differently able person" shall mean any resident citizen of the Philippines that is blind, crippled, deaf, no hands, no feet and other physical disabilities that is define by medical science;

(b) "Benefactor" shall mean any person whether related to the disable persons or not who takes care of him/her as a dependent;

(c) "Head of the family" shall mean any person so defined in the National Internal Revenue Code, as amended; and

SECTION 3. *Contribution to the Community.* — Any qualified disable person as determined by the Office for the Welfare of Disabled Person may render his/her services to the community which shall consist of, but not limited to, any of the following:

(a) Tutorial and/or consultancy services;

(b) Actual teaching and demonstration of hobbies and income generating skills;

(c) Lectures on specialized fields like agriculture, health, environment protection and the like;

(d) The transfer of new skills acquired by virtue of their training mentioned in Section 4, paragraph (d); and

(e) Undertaking other appropriate services as determined by the Office for the Welfare of Disabled Person such as school traffic guide, tourist aide, pre-school assistant, etc.

In consideration of the services rendered by the qualified differently abled, the Office for the Welfare of Disabled Person may award or grant benefits or privileges to the differently abled, in addition to the other privileges provided for under this Act."

SECTION 4. *Privileges for the Disable persons.* — The disable persons shall be entitled to the following:

(a) the grant of twenty percent (20%) discount from all establishments relative to the utilization of services in hotels and similar lodging establishment, restaurants and recreation centers, and purchase of medicines in all establishments for the exclusive use or enjoyment of disable persons, including funeral and burial services for the death of disable persons;

(b) a minimum of twenty percent (20%) discount on admission fees charged by theaters, cinema houses and concert halls, circuses, carnivals, and other similar places of culture, leisure and amusement for the exclusive use or enjoyment of disable persons;

(c) exemption from the payment of individual income taxes; *Provided*, That their annual taxable income does not exceed the poverty level as determined by the National Economic and Development Authority (NEDA) for that year;

(d) exemption from training fees for socio-economic programs;

(e) free medical and dental service, diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to the guidelines to be issued by the Department of Health in coordination with the Philippine Health Insurance Corporation (PHILHEALTH);

(f) the grant of twenty percent (20%) discount on medical and dental services, and diagnostic and laboratory fees provided under Section 4(e) hereof, including professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the Department of Health, in coordination with the Philippine Health Insurance Corporation;

(g) the grant of twenty percent (20%) discount in fare for domestic air and sea travel for the exclusive use or enjoyment of disable persons;

(h) the grant of twenty percent (20%) discount in public railways, skyways and bus fare for the exclusive use and enjoyment of disable persons;

(i) educational assistance to disable persons to pursue post secondary, tertiary, post tertiary, as well as vocational or technical education in both public and private schools through provision of scholarship, grant, financial aid, subsidies and other incentives to qualified disable persons, including support for books, learning materials, and uniform allowance, to the extent feasible: *Provided*, That disable persons shall meet minimum admission requirements;

(j) to the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS) and PAG-IBIG, as the case may be, as are enjoyed by those in actual service.

(k) retirement benefits of retirees from both the government and private sector shall be regularly reviewed to ensure their continuing responsiveness and sustainability, and to the extent practicable and feasible, shall be upgraded to be at par with the current scale enjoyed by those in actual service.

(l) to the extent possible, the government may grant special discounts in special programs for disable persons on purchase of basic commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA); and

(m) provision of express lanes for disable persons in all commercial and government establishments; in the absence thereof, priority shall be given to them.

In the availment of the privileges mentioned above, the disable person or differently abled person may submit as proof of his/her entitlement thereto any of the following:

(a) an ID issued by the city or municipal mayor or of the barangay captain of the place where the disable person or the differently abled resides;

(b) the passport of the differently abled person or disable person concerned; and

(c) other documents that establish that the disable person or differently abled person is a citizen of the Republic and is at least sixty (60) years of age.

The establishment may claim the discounts granted under (a), (f), (g) and (h) as tax deduction based on the net cost of the goods sold or services rendered: *Provided*, That the cost of the discount shall be allowed as deduction from gross income for the same taxable year that the discount is granted. *Provided, further*, That the total amount of the claimed tax deduction net of value added tax if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to proper documentation and to the provisions of the National Internal Revenue Code, as amended.

SECTION 5. Government Assistance. — The Government shall provide the following:

(a) Employment

Disable persons who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employments shall conform with the provisions of the labor code, as amended, and other laws, rules and regulations.

Private entities that will employ disable persons as employees upon effectivity of this Act, shall be entitled to an additional deduction from their gross income, equivalent to fifteen percent (15%) of the total amount paid as salaries and wages to disable persons subject to the provision of Section 34 of the National Internal Revenue Code, as amended: *Provided, however*, That such employment shall continue for a period of at least six (6) months:

Provided, further, that the annual income of a disable person does not exceed the poverty level as determined by the National Economic and Development Authority (NEDA) for that year.

The Department of Labor and Employment (DOLE), in coordination with other government agencies such as, but not limited to, the Technology and Livelihood Resource Center (TLRC) and the Department of Trade and Industry (DTI), shall assess, design and implement training programs that will provide skills and welfare or livelihood support for disable persons.

(b) Education

The Department of Education (DepEd), Technical Education and Skill Development Authority (TESDA) and the Commission on Higher Education (CHED), in consultation with non-governmental organizations (NGOs) and people's organizations (POs) for disable person, shall institute a program that will ensure access to formal and non-formal education.

(c) Health

The Department of Health (DOH), in coordination with local government units (LGUs), non-government organization (NGOs) and people's organization (POs) for disable persons, shall institute a national health program and shall provide an integrated health service for disable persons. It shall train community-based health workers among disable persons and health personnel to specialize in the geriatric care health problems of disable persons.

(d) Social Services

The Department of Social Welfare and Development (DSWD), in cooperation with the Office for the Welfare of Disabled Person and the local government units, non-government organizations and people's organizations for disable persons, shall develop and implement programs on social services for disable persons, the components of which are:

1) "self and social enhancement services" which provide disable persons opportunities for socializing, organizing, creative expression, and improvement of self;

2) "after care and follow-up services" which provide disable person who are discharged from the home/institutions for the aged, especially those who have problems of reintegration with family and community, wherein both the disable persons and their families are provided with counseling;

3) "neighborhood support services" wherein the community/family members provide care giving services to their frail, sick, or bedridden disable persons; and

4) "substitute family care" in the form of residential care/group homes for the abandoned, neglected, unattached or homeless disable persons and those incapable of self-care.

The grant of at least fifty percent (50%) discount for the consumption of electricity, water and telephone by the disable persons center and residential care/group homes that are non-stock, non-profit domestic corporation organized and operated exclusively for the purpose of promoting of well-being of abandoned, neglected, unattached, or homeless disable persons.

(e) Housing

The national government shall include in its national sheltered program the special housing needs of disable persons, such as establishment of housing units for the differently abled;

(f) Access to Public Transport

The Department of Transportation and Communication (DOTC) shall develop a program to assist disable persons to fully

gain access in the use of public transport facilities.

Further, the government shall provide the following assistance to those caring for and living with the disable persons:

(a) The disable person shall be treated as dependents provided for in the National Internal Revenue Code, as amended, and as such, individual taxpayers caring for them, be they relatives or not shall be accorded the privileges granted by the Code insofar as having dependents are concerned.

(b) Individuals or non-government institutions establishing homes, residential communities or retirement villages solely for the disable persons shall be accorded the following:

(1) realty tax holiday for the first five (5) years starting from the first year of operation;

(2) priority in the building and/or maintenance of the provincial or municipal roads leading to the aforesaid homes, residential community or retirement village."

SECTION 6. *The Office for the Welfare of Disabled Person*— There shall be established in all cities and municipalities an OWDP to be headed by a disable person who shall be appointed by the mayor for a term of three (3) years without reappointment from a list of three (3) nominees of the *sangguniang panlungsod* or the *sangguniang bayan*. The head of the OWDP shall be assisted by the City Social Welfare and Development Officer or the municipal social welfare and development officer, in coordination with the Social Welfare and Development Office.

The Office of the Mayor shall exercise supervision over the OWDP relative to their plans, activities and programs for disable persons. The OWDP shall work together and establish linkages with accredited NGOs, POs, and the barangays in their respective areas.

The office of the disable persons shall have the following functions:

(a) To plan, implement and monitor yearly work programs in pursuance of the objectives of this Act;

(b) To draw up a list of available and required services which can provided by the disable person;

(c) To maintain and regularly update on a quarterly basis the list of disable persons and to issue nationally uniform individual identification cards, free of charge, which shall be valid anywhere in the country;

(d) To service as a general information and liaison center to serve the needs of the disable persons;

(e) To monitor compliance of the provisions of this Act particularly the grant of special discounts and privileges to disable persons;

(f) To report to the mayor, establishments found violating any provision of this Act; and

(g) To assist the disable persons in filing complaints or charges against any establishment, institution, or agency refusing to comply with the privileges under this Act before the Department of Justice or the provincial, city or municipal trial court."

SECTION 7. *Municipal/City Responsibility*. — It shall be the responsibility of the municipal/city through the mayor or require all establishments covered by this Act to prominently display posters, stickers, and other notices that will generate public awareness of the rights and privileges of disable persons and to ensure that the provisions of this Act are implemented to its fullest."

SECTION 8. *Partnership of the National and Local Government Units*. — The national government and local government units shall explore livelihood opportunities and other undertakings to enhance the well-being of disable persons. They shall encourage the establishment of grassroots organizations for the differently abled in their respective territorial jurisdictions."

SECTION 9. *Support for Non-Governmental Organizations (NGOs).* — Non-governmental organizations or private volunteer organizations dedicated to the promotions, enhancement and support of the welfare of disable persons are hereby encouraged to become partners of government in the implementation of program and projects for the differently abled.

Accordingly, the government shall recognize the vital role of NGOs in complementing the government in the delivery of services to disable persons. It shall likewise encourage NGOs for the disable persons to develop innovative services models and pilot projects and to assist in the duplication of successful examples of these models elsewhere in the country.

SECTION 10. *Penalties.* — Any person who violates any provision of this Act shall suffer the following penalties:

(1) For the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) and imprisonment of not less than six (6) months but not more than two (2) years; and

(2) For any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but exceeding Two hundred thousand pesos (P200,000.00) and imprisonment for not less than two (2) years but not less than six (6) years.

Any person who abuses the privileges granted herein shall be punished with a fine of not less than Five thousand pesos (P5,000.00) but not more than Fifty thousand pesos (P50,000.00), and imprisonment of not less than six (6) months.

If the offender is a corporation, organization or any similar entity, the official thereof directly involved shall be liable therefore.

If the offender is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

Upon filing an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business entity that fails to abide by the provisions of this Act.”

SECTION 11. *Monitoring and Coordinating Mechanism.* — A monitoring and coordinating mechanism shall be established to be chaired by the DSWD, with the assistance of the Department of Justice (DOJ), Department of Health (DOH), Department of the Interior and Local Government (DILG), and five (5) accredited NGOs representing, but not limited to, women, urban poor, rural poor, and the veterans.”

SECTION 12. *Implementing Rules and Regulations.* — The Secretary of Social Welfare and Development, within sixty (60) days from the approval of this Act, shall promulgate the implementing, rules and regulations for the effective implementation of the provisions of this Act, in consultation and coordination with the following agencies and offices:

- (a) Department of Health;
- (b) Department of Labor and Employment;
- (c) Department of Education;
- (d) Department of Transportation and Communications;
- (e) Department of Justice;
- (f) Department of Interior and Local Government;
- (g) Department of Trade and Industry;
- (h) Department of Finance;
- (i) Commission on Higher Education;
- (j) Technical Education and Skills Development Authority;

- (k) National Economic and Development Authority;
- (l) Housing and Urban Development Coordinating Council; and
- (m) Seven (7) non-governmental organizations of people's organizations for the disable persons duly accredited by the DSWD."

These rules and regulations shall take effect fifteen days after their publication in the Official Gazette or in one newspaper of national circulation.

SECTION 13. *Appropriation.* — The necessary appropriation for the operation and maintenance of the OWDP shall be appropriated and approved by the local government units concerned. The amount necessary to carry out the provisions of this Act upon its effectivity shall be charged out of the funds of the Office of the President. Thereafter, any such sum as shall be needed for the regular implementation of this Act shall be included in subsequent General Appropriations Act following its enactment into law."

SECTION 14. All laws, presidential decrees, executive orders and rules and regulations or part thereof, contrary to, or inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 15. Should any provisions of this Act be found unconstitutional by a court of law, such provision shall be severed from the remainder of this Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SECTION 16. This act shall take effect upon its approval.