

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 73

Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

EXPLANATORY NOTE

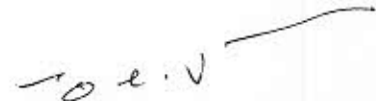
Republic Act No. 7277 otherwise known as the "Magna Carta for Disabled Persons" provides for the rehabilitation, self-development and self-reliance of disabled persons and for their integration into the mainstream of society among others. To harness their productivity, the law encourages private employers to hire disabled persons through an apprenticeship program and provides incentives to employers whenever they satisfactorily comply with the directory.

However, since the law's enactment in 1992 and despite efforts maximizing the implementation of the law, most private employers remain impervious to it and are adamant, if not deliberately refuse to extend the needed assistance to people with disabilities.

It should be noted that the Magna Carta's provisions are only persuasive and non-mandatory. In this context, it now becomes apparent that more positive and compulsive measures are needed to ensure a more effective implementation of, and compliance with the mandate of the law.

This bill aims to require private employers to hire disabled persons who have qualified in accordance with the provision of R.A. No. 7277 and other applicable labor laws, and for such employed persons to constitute a minimum percentage of their total work forces. For compulsion, the proposed measure specifically mandates the imposition of the penalties provided in the law for failure to comply with the requirement. These twin amendments are envisioned to facilitate the accomplishment of the Magna Carta's objective of providing sufficient employment opportunities to qualified disabled persons. On the other hand, to further encourage private employers to comply with the requirements of law, the bill provides for additional incentives to employers in the form of more tax deductibles. In doing so, the proposed measure hopes to highlight the principles of fairness and positivism over punitive policies in the legislative search for more implementable and achievable legislations.

With the foregoing considerations, the early passage of this bill is earnestly sought.


AUGUSTO BOBOY SYJUCO, Ph. D.
2nd District, Province of Iloilo

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AN ACT REQUIRING EMPLOYERS IN THE PRIVATE SECTOR TO HAVE IN THEIR EMPLOY DISABLED PERSONS, AND PROVIDING ADDITIONAL INCENTIVE THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED SEVENTY-TWO SEVENTY-SEVEN OTHERWISE KNOWN AS THE MAGNA CARTA FOR DISBALED PERSONS

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

SECTION 1. Title – This Act shall be known as the “Private Employment Quota Law”.

SEC. 2. – Republic Act Numbered Seventy-Two Seventy-Seven (RA7277) otherwise known as the “Magna Carta for Disabled Persons” is hereby amended by inserting a new Section 7 – A which shall read as follows:

SECTION 7 – A. PRIVATE EMPLOYMENT QUOTA. – EVERY EMPLOYER IN THE PRIVATE SECTOR SHALL ENSURE AT LEAST THREE PERCENT (3%) OF HIS REGULAR OR PERMANENT WORKFORCE, INCLUSIVE OF MANAGERIAL AND SUPERVISORIAL PERSONNEL, SHALL BE COMPOSED OF DISABLED PERSONS WHO SHALL HAVE QUALIFIED IN ACCORDANCE WITH THE PRECEDING SECTION. EMPLOYERS SHALL COMPLY WITH THE PROVISION OF THIS SECTION WITHIN ONE (1) YEAR FROM THE DATE OF EFFECTIVITY OF THIS ACT. FAILURE TO COMPLY WITH THIS SECTION SHALL BE PENALIZED IN ACCORDANCE WITH SECTION 46, PARAGRAPH (A) OF THIS ACT.

SEC. 3. – Section 8, paragraph (b) of the same Republic Act is also hereby amended to read as follows:

Section 8. INCENTIVES FOR EMPLOYERS

- a) x x x
- b) Private entities that employ disabled persons, who meet the required skills or qualifications, either as regular employee, apprentice or learner, shall be entitled to (an) THE FOLLOWING deduction (,) from their gross income:
 - 1. TWENTY-FIVE (25%) OF THE TOTAL AMOUNT PAID AS SALARIES AND WAGES TO THE DISABLED PERSONS, OR
 - 2. THIRTY PERCENT (30%) OF THE TOTAL AMOUNT PAID AS SALARIES AND WAGES TO DISABLED PERSONS IF THE

PROVISION OF SECTION 7 – A OF THIS ACT HAS BEEN
COMPLIED WITH.

Provided however, that such entities present proof as certified by the Department of Labor and Employment (DOLE) that disabled persons are under employ: *Provided further*, that the disabled employee is accredited with the Department of Labor and Employment (DOLE) and Department of Health (DOH) as to his disability, skills and qualification.

SEC. 4. Implementing Rules and Regulations. – The Secretary of the Department of Labor and Employment (DOLE) within ninety (90) days from the effectivity of this Act shall formulate and promulgate rules and regulations to implement the provisions of this Act.

SEC. 5. Repealing Clause. – All laws, executive orders, presidential decrees, and other executive issuances, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. Effectivity. – This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or from the date of its publication in at least two (2) national newspapers of general circulation.

Approved.