



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session

COMMITTEE REPORT NO. 2473

Submitted by the **COMMITTEE ON PUBLIC INFORMATION** on 22 NOV 2012

RE: House Bill No. **6709**

Recommending its approval in substitution of House Bill Nos. 4121, 1055 and 3838

Sponsors: Representatives Ben P. Evardone, Teddy A. Casiño, Rufus B. Rodriguez, and Raymond V. Palatino

MR. SPEAKER:

The Committee on Public Information to which were referred House Bill No. 4121 introduced by Reps. Teddy A. Casiño and Neri Javier Colmenares entitled:

AN ACT REQUIRING THE USE OF SIGN-LANGUAGE INSETS FOR LOCAL NEWS PROGRAMS, AMENDING FOR THE PURPOSE SECTION 22 OF REPUBLIC ACT NO. 7277, AS AMENDED BY REPUBLIC ACT 9442;

House Bill No. 1055 introduced by Reps. Rufus B. Rodriguez and Maximo B. Rodriguez Jr. entitled:

AN ACT REQUIRING ALL FRANCHISE HOLDERS OR OPERATORS OF TELEVISION STATIONS, PRODUCERS OF TELEVISION PROGRAMS, HOME VIDEO PROGRAMS AND MOTION PICTURES TO HAVE THEIR PROGRAMS AND FILMS BROADCAST WITH CLOSED-CAPTION AND PROVIDING PENALTIES FOR VIOLATION THEREOF; and

House Bill No. 3838 introduced by Rep. Raymond V. Palatino entitled:

AN ACT REQUIRING ALL FRANCHISE HOLDERS OR OPERATORS OF TELEVISION STATIONS, PRODUCERS OF TELEVISION PROGRAMS, HOME VIDEO PROGRAMS AND MOTION PICTURES TO BROADCAST OR PRESENT THEIR PROGRAMS AND FILMS WITH CLOSED-CAPTION AND PROVIDING PENALTIES FOR VIOLATION THEREOF,

has considered the same and recommends that the attached House Bill No. **6709**, entitled:

“AN ACT REQUIRING THE USE OF FILIPINO SIGN LANGUAGE INSETS FOR LOCAL NEWS PROGRAMS, AMENDING FOR THE PURPOSE SECTION 22 OF REPUBLIC ACT NO. 7277, AS AMENDED, OTHERWISE KNOWN AS THE ‘MAGNA CARTA FOR PERSONS WITH DISABILITIES’”

be approved in substitution of House Bill Nos. 4121, 1055 and 3838 with Representatives Teddy A. Casiño, Neri Javier Colmenares, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Raymond V. Palatino, and Ben P. Evardone as authors thereof.

Respectfully submitted:



BEN P. EVARDONE

Chairman

Committee on Public Information

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6709

in substitution of House Bill Nos. 4121, 1055 and 3838

Introduced by Representatives Teddy A. Casiño, Neri Javier Colmenares, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Raymond V. Palatino, Ben P. Evardone, Rodante D. Marcoleta, Rachel Marguerite B. Del Mar, Teddy Brawner Baguilat, Jr., Jim Hataman-Salliman, Mercedes K. Alvarez, Raden C. Sakaluran, Victorino Dennis M. Socrates, Ma. Victoria R. Sy-Alvarado, Mark Aeron H. Sambar, Abigail Faye C. Ferriol, Irwin C. Tieng, Niel Benedict A. Montejo, Cinchona Cruz-Gonzales, Sharon S. Garin, Bernadette R. Herrera-Dy, Rogelio J. Espina, Josefina M. Joson, Leopoldo N. Bataoil, Rodel M. Batocabe, Lani Mercado-Revilla, Rodolfo B. Albano, Lorenzo R. Tañada III, Roman T. Romulo, Jorge “Bolet” Banal, Danilo Suarez, Ma. Milagros “Mitos” Magsaysay, Walden F. Bello, Rodolfo W. Antonino, Giorgidi B. Aggabao, Kaka Bag-ao and Emmeline Y. Aglipay

**“AN ACT
REQUIRING THE USE OF FILIPINO SIGN LANGUAGE INSETS FOR LOCAL NEWS
PROGRAMS, AMENDING FOR THE PURPOSE SECTION 22 OF REPUBLIC ACT NO.
7277, AS AMENDED, OTHERWISE KNOWN AS THE ‘MAGNA CARTA FOR PERSONS
WITH DISABILITIES’”**

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

SECTION 1. Section 22 of Republic Act No. 7277, as amended, otherwise known as the ‘Magna Carta for Persons with Disabilities’, is hereby further amended to read as follows:

“Sec. 22. Broadcast Media. – ALL FREE-TO-AIR [T]elevision stations [shall be encouraged] ARE REQUIRED to provide [a] FILIPINO sign language insetS, AND WHERE POSSIBLE, CLOSED CAPTION or subtitles in at least [one (1)] TWO (2) newscast programS a day and special programs covering events of national significance.”

THE FREE-TO-AIR TELEVISION STATIONS MAY LIKEWISE OPT TO PROVIDE FOR FILIPINO SIGN LANGUAGE INSETS IN OTHER PROGRAMS SUCH AS THOSE PERTAINING TO CULTURAL AFFAIRS, LIVELIHOOD AND THOSE CATERING TO CHILDREN.

SEC. 2. Repealing Clause. – All laws, decrees, letters of instruction, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SEC. 3. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of national circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4121

Introduced by Reps. TEDDY A. CASIÑO and NERI JAVIER COLMENARES

EXPLANATORY NOTE

Concerned with the welfare of persons with disabilities, the State affirms and mandates the rehabilitation, self-development and integration of Persons with Disabilities (PWDs) into mainstream society through Republic Act No. 7277 or the Magna Carta for Persons with Disabilities. Through the said law, television stations are encouraged to use subtitles or sign-language interpreters in their newscast programs. However, it can be observed that none of the major Metro Manila news programs are regularly using subtitles or sign-language insets in their reports. Some regional stations are actually utilizing sign language insets with the help of non-government organizations. Unfortunately, their mother stations do not practice the same.

With around a million PWDs, including those who are deaf, there is a long-standing yet unheeded call to use subtitles or sign language on TV. Without these aids, those who are hearing-impaired are deprived of timely and relevant information that broadcast news provides.

It should also be considered that less than 5% of the reported 120,000 hearing-impaired are literate or have received any form of schooling, according to the Philippine Deaf Resource Center. This is why Filipino sign language is preferred over captions.

Through this proposed bill, the broadcast media will be more accessible to the hearing-impaired. It may also pave the way for more captioned or sign-language interpreted programs in the future.

Approved,


TEDDY A. CASIÑO
Bayan Muna Party-list


NERI JAVIER COLMENARES
Bayan Muna Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 4121

Introduced by Reps. TEDDY A. CASIÑO and NERI JAVIER COLMENARES

AN ACT
REQUIRING THE USE OF SIGN-LANGUAGE INSETS FOR LOCAL NEWS
PROGRAMS, AMENDING FOR THE PURPOSE SECTION 22 OF REPUBLIC
ACT 7277, AS AMENDED BY REPUBLIC ACT 9442

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

SECTION 1. *Short Title.* – This Act shall be known as the “Sign-language insets for News Programs Act of 2011.”

SECTION 2. *Declaration of Policy.* – It is the Government’s concern and responsibility to make telecommunications and mass media available to persons with disabilities for their rehabilitation, self-development and self-reliance as provided by Republic Act No. 7277 or the “Magna Carta for Persons with Disabilities” and the Philippine Constitution which upholds the right to information.

SECTION 3. Section 22 of Republic Act No. 7277 or the “Magna Carta for Person with Disabilities,” as amended by Republic Act No. 9442, is hereby amended to read as follows:

“Sec. 22 Broadcast Media – ALL LOCAL television stations shall be REQUIRED to provide a sign-language inset, AND IF POSSIBLE, subtitles in at least TWO (2) newscast programs a day and special programs covering events of national significance.”

SECTION 4. *Constitutionality.* – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 5. *Repealing Clause.* – All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SECTION 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3838

Introduced by **Kabataan Party-List Rep. Raymond V. Palatino**

EXPLANATORY NOTE

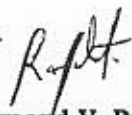
The Magna Carta for Persons with Disabilities states:

“Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone—the family, community and all government and nongovernment organizations.”

Television and motion pictures are undeniably today's top sources of information and entertainment. According to Nielsen Media Research, television remains the Filipinos' preferred medium of getting their daily dose of information, whether in terms of news content or advertising. Despite this, television and cinema remain inaccessible to Filipinos with hearing impairment, as most television programs and films do not have closed captions or subtitles that can help deaf persons to fully comprehend the content of news and entertainment programs and films.

This bill seeks to require the broadcast of television programs and showing of motion pictures and other audio-visual presentations with closed caption and providing penalties for violation thereof as a fitting response to the needs of hearing impaired individuals. Closed-caption is a method of captioning or subtitling of television, home video programs and films for hearing-impaired or foreign language viewers without interfering with the normal television picture and films, by coding captions as vertical interval data signal which is decoded at the receiver and superimposed on the television picture or on films of motion pictures.

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


Hon. Raymond V. Palatino
Representative, Kabataan Party-List

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3838

Introduced by **KABATAAN Party-list Rep. Raymond V. Palatino**

AN ACT

REQUIRING ALL FRANCHISE HOLDERS OR OPERATORS OF TELEVISION STATIONS, PRODUCERS OF TELEVISION PROGRAMS, HOME VIDEO PROGRAMS AND MOTION PICTURES TO BROADCAST OR PRESENT THEIR PROGRAMS AND FILMS WITH CLOSED-CAPTION AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to ensure that the needs and well-being of persons with physical infirmities will be given particular attention by providing them the equal opportunity to have access to information on matters of public concern and enjoy life as a person without physical impairment does.

SECTION 2. *Definition of closed-caption.* – As used in this Act, closed-caption shall mean a method of captioning or subtitling of television, home video programs and films for hearing-impaired or foreign language viewers without interfering with the normal television picture and films, by coding captions as vertical interval data signal which is decoded at the receiver and superimposed on the television picture or on films of motion pictures.

SECTION 3. *Closed-captioning of new programs and motion pictures.* – All franchise holders, owners or operators of television stations, producers of television programs, home video programs and motion pictures shall be required to have their programs and films with closed-captions in order to benefit persons with hearing impairment. Provided, however, that the words of the close-captioning will be in the language spoken in the same program.

1 **SECTION 4. Penalties.** – Any franchise holder or operator of television stations,
2 producer of television programs, home video programs and motion pictures, who
3 shall violate the provision of Section 3 shall be punished by a fine of not less than
4 fifty thousand pesos (P50,000.00) nor more than one hundred thousand
5 pesos (P100,000.00) or by imprisonment of not less than six (6) months nor
6 more than one (1) year or both such fine and imprisonment at the discretion of
7 the Court.

8
9 In case the offender is a corporation, partnership or association, or any other
10 juridical person, the president, manager, administrator, or the person-in-charge of
11 the management of the business shall be liable therefore. In addition, the license
12 or permit to operate its business shall be cancelled.

13
14 If the offender is an alien, in addition to the penalties herein prescribed, he shall,
15 after service of sentence, be deported without further proceedings on the part of the
16 Bureau of Immigration.

17
18 **SECTION 5. Implementing Rules and Regulations.** – The National
19 Telecommunication Commission and the Movie and Television Review and
20 Classification Board, in consultation with concerned agencies and entities, shall
21 promulgate the necessary rules and regulations for the effective implementation of
22 this Act.

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24 **SECTION 6. Separability clause.** - If any provision of this Act is hereby declared
25 invalid or unconstitutional, the other sections or provisions thereof shall not be
26 affected thereby.

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28 **SECTION 7. Repealing clause.** – All laws, decrees, orders, rules and regulations
29 and other issuances or parts thereof inconsistent herewith are hereby repealed.

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31 **SECTION 8. Effectivity clause.** – This Act shall take effect after fifteen (15) days
32 following its publication in two (2) newspapers of general circulation or in the
33 Official Gazette.

34
35 Approved,

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 1055

EXPLANATORY NOTE

This bill seeks to require the broadcast of television programs and showing of motion pictures and other audio-visual presentation with closed caption and providing penalties of violation thereof to respond to the needs of the hearing impaired individual.

Closed-caption is a method of captioning or subtitling of television, home video programs and films for hearing-impaired or foreign language viewer without interfering with the normal television picture and films, by coding caption as vertical interval data signal which is decoded at the receiver and superimposed on the television picture or on films of motion pictures.

With the advances of information technology and the relevance of television programs, motion pictures, and other audio-visual presentation as tools of learning, there is a need to enable persons with hearing impairments to take advantage of such technology and enjoy audio-visual entertainments with their seemingly unbounded innovations.

This proposed measure aims to address such need by making it compulsory for all franchise holders of operators of television stations, producers of television programs, home video programs and motion pictures to have their programs and films broadcast with closed captions.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

FIFTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 1055

AN ACT

REQUIRING ALL FRANCHISE HOLDERS OR OPERATORS OF TELEVISION STATIONS, PRODUCERS OF TELEVISION PROGRAMS, HOME VIDEO PROGRAMS AND MOTION PICTURES TO HAVE THEIR PROGRAMS AND FILMS BROADCAST WITH CLOSED-CAPTION AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. All franchise holders or operators of television stations, producers of television stations, producers of television programs, home video programs and motion pictures shall be required to have their programs and films with closed-captions so as to benefit persons with hearing impairment.

As used in this Act, closed-caption shall mean a method of captioning or subtitling of television, home video programs and films for hearing-impaired or foreign language viewers without interfering with the normal television picture and films, by coding captions as vertical interval data signal which is decoded at the receiver and superimposed on the television picture or on films of motion pictures.

SECTION 2. Any franchise holder or operator of television stations, producer of television programs, home video programs and motion pictures, who shall violate the provision of Section 1 shall be punished by a fine of not less than fifty thousand pesos (P50,000.00) nor more than one hundred thousand pesos (P100,000.00) or by imprisonment of not less than six (6) months nor more than one (1) year or both such fine and imprisonment at the discretion of the Court.

In case the offender is a corporation, partnership or association, or any other juridical person, the president, manager, administrator, or the person-in-charge of the management of the business shall be liable therefore. In addition, the license or permit to operate its business shall be canceled.

If the offender is an alien, in addition to the penalties herein prescribed, he shall, after service of sentence, be deported without further proceedings on the part of the Bureau of Immigration.

SECTION 3. The National Telecommunications Commission, in consultation with the Movie and Television Review and Classification Board and Videogram Regulatory Board, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. All laws, decrees, orders, rules and regulations and other issuances or parts thereof inconsistent herewith are hereby repealed.

SECTION 6. This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation or in the official Gazette whichever comes earlier.

Approved.

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be recommended by the Department of
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on, and the breeding, propagation and
distribution of spawners, fry or fingerlings
of, marine species endemic to the waters
around the Province of Aurora.

SEC. 3. The marine research and
breeding center, with the technical
assistance of the Bureau of Fisheries and
Aquatic Resources of the Department of
Agriculture and such other agencies
involved in marine research, shall conduct
continuing research and experimentation on
the culture and propagation of native marine
species especially as they apply to the
peculiarities and characteristics of local
conditions, for the purpose of improving
existing technology and for maximizing
income potentials of the fishing industry.

SEC. 4. The marine research and
breeding center, with the assistance of the
Bureau of Fisheries and Aquatic Resources
of the Department of Agriculture, shall take
such steps as may be necessary to
encourage the culture of marine species
native to the province and thereby promote
and attract investments in this field of
economic endeavor by providing through the
facilities of the breeding component of the
center, the application of the technologies
developed by the research component of
the center and ensure the ready and steady
supply of spawners, fries and fingerlings to
those engaged in this industry.

SEC. 5. The Secretary of Agriculture shall
include in the Department's program the
funding requirements for the establishment
and operationalization of the marine
research and breeding center. Thereafter,
the amount necessary for the continued
operation and maintenance of the center
shall be included in the annual General
Appropriations Act.

SEC. 6. This Act shall take effect upon
its approval.

Approved, April 28, 2007.

S. No. 2580
H. No. 1214

Begun and held in Metro Manila, on
Monday, the twenty-fourth day of July,
two thousand six.

[REPUBLIC ACT NO. 9442]

AN ACT AMENDING REPUBLIC ACT NO. 7277,
OTHERWISE KNOWN AS THE "MAGNA
CARTA FOR DISABLED PERSONS, AND FOR
OTHER PURPOSES"

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

SECTION 1. A new chapter, to be
denominated as "Chapter 8. Other
Privileges and Incentives" is hereby added
to Title Two of Republic Act No. 7277,
otherwise known as the "Magna Carta for
Disabled Persons", with new Sections 32
and 33, to read as follows:

"CHAPTER 8. Other Privileges and
Incentives

"SEC. 32. Persons with disability shall
be entitled to the following:

(a) At least twenty percent (20%)
discount from all establishments relative
to the utilization of all services in hotels
and similar lodging establishments;
restaurants and recreation centers for the
exclusive use or enjoyment of persons
with disability;

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

(c) At least twenty percent (20%)
discount for the purchase of medicines
in all drugstores for the exclusive use or
enjoyment of persons with disability;

(d) At least twenty percent (20%)
discount on medical and dental services
including diagnostic and laboratory fees

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

(e) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees, and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PHILHEALTH;

(f) At least twenty percent (20%) discount on fare for domestic air and sea travel for the exclusive use or enjoyment of persons with disability;

(g) At least twenty percent (20%) discount in public railways, skyways and bus fare for the exclusive use and enjoyment of persons with disability;

(h) Educational assistance to persons with disability, ~~for them to pursue~~ primary, secondary, tertiary, post tertiary, as well as vocational or technical education, in both public and private schools, through the provision of scholarships, grants, financial aids, subsidies and other incentives to qualified persons with disability, including support for books, learning materials, and uniform allowance to the extent feasible: *Provided*, That persons with disability shall meet minimum admission requirements;

(i) 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;

(j) To the extent possible, the government may grant special discounts in special programs for persons with disability on purchase of basic commodities, subject to guidelines to be

issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA); and

(k) Provision of express lanes for persons with disability in all commercial and government establishments; in the absence thereof, priority shall be given to them.

The abovementioned privileges are available only to persons with disability who are Filipino citizens upon submission of any of the following as proof of his/her entitlement thereto:

(I) An identification card issued by the city or municipal mayor or the barangay captain of the place where the persons with disability resides;

(II) The passport of the persons with disability concerned; or

(III) Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Persons (NCWDP).

The privileges may not be claimed if the persons with disability claims a higher discount as may be granted by the commercial establishment and/or under other existing laws or in combination with other discount program/s.

The establishments may claim the discounts granted in sub-sections (a), (b), (c), (e), (f) and (g) as tax deductions based on the net cost of the goods sold or services rendered: *Provided, however*, 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 (NLRC), as amended."

"SEC. 33. *Incentives*.—Those caring for and living with a person with disability shall be granted the following incentives:

(a) Persons with disability shall be treated as dependent persons under Section 35(A) of the National Internal Revenue Code, as amended, for individual taxpayers; and priority shall be accorded the priority in the code insofar as having disability in the same section;

(b) Individuals with disability in residential communities shall be accorded the same treatment as persons with disability in villages solely to requirements of persons with disability shall be accorded

(i) Realty tax holidays for persons with disability years of operation;

(ii) Priority in maintenance of municipal roads in the aforesaid community

SEC. 2. Republic Act No. 10754, amended by inserting after section 1 and section after denominated as Title I and Sections 39, 40 and 41, to read as follows:

"Title I

Prohibitions on Acts of Ridicule and Vilification against Persons with Disability

"CHAPTER 1. Acts of Ridicule

"SEC. 39. *Prohibition of Acts of Ridicule*.—Any act of ridicule or vilification against persons with disability in any form, including but not limited to, writing, or in word or deed, shall be considered an act of ridicule or vilification against persons with disability.

"SEC. 40. *No Acts of Ridicule or Vilification*.—No person shall engage in any act of ridicule or vilification against persons with disability in any form, including but not limited to, writing, or in word or deed, shall be considered an act of ridicule or vilification against persons with disability.

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(a) Persons with disability shall be treated as dependents under Section 35(A) of the National Internal Revenue Code, as amended, and as such, individual taxpayers caring for them shall be accorded the privileges granted by the code insofar as having dependents under the same section are concerned; and

(b) Individuals or nongovernmental institutions establishing homes, residential communities or retirement villages solely to suit the needs and requirements of persons with disability shall be accorded the following:

- (i) Realty tax holiday for the first five years of operation; and
- (ii) Priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village."

SEC. 2. Republic Act No. 7277 is hereby amended by inserting a new title, chapter and section after Section 38 to be denominated as Title 4, Chapters 1 and 2 and Sections 39, 40, 41 and 42 to read as follows:

"Title Four

Prohibitions on Verbal, Non-verbal Ridicule and Vilification Against Persons with Disability

"CHAPTER 1. Deliverance from Public Ridicule

"SEC. 39. *Public Ridicule.*—For purposes of this Chapter, public ridicule shall be defined as an act of making fun, or contemptuous imitating or making mockery of persons with disability whether in writing, or in words, or in action due to their impairment/s.

"SEC. 40. No individual, group or community shall execute any of these acts of ridicule against persons with disability in any time and place which could intimidate or result in loss of self-esteem of the latter.

"CHAPTER 2. Deliverance from Vilification

"SEC. 41. *Vilification.*—For purposes of this Chapter, vilification shall be defined as:

(a) The utterance of slanderous and abusive statements against a person with disability; and/or

(b) An activity in public which incites hatred towards, serious contempt for, or severe ridicule of person with disability."

"SEC. 42. Any individual, group or community is hereby prohibited from vilifying any person with disability which could result into loss of self-esteem of the latter."

SEC. 3. Section 46 of Republic Act No. 7277 is hereby amended to read as follows:

"SEC. 46. *Penal Clause.*—(a) 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) or imprisonment of not less than six months but not more than two years, or both at the discretion of the court; and

(2) For any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two years but not more than six years, or both at the discretion of the court.

(b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six months or a fine of not less than Five thousand pesos (P5,000.00), but not more than Fifty Thousand pesos (P50,000.00), or both, at the discretion of the court.

(c) If the violator is a corporation, organization or any similar entity, the

officials thereof directly involved shall be liable therefor.

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

Upon filing of 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."

SEC. 4. The title of Republic Act No. 7277 is hereby amended to read as the "Magna Carta for Persons with Disability", and all references on the said law to "disabled persons", shall likewise be amended to read as "persons with disability".

SEC. 5. The Department of Social Welfare and Development, the National Council for the Welfare of Disabled Persons, and the Bureau of Internal Revenue, in consultation with the concerned Senate and House committees and other agencies, organizations, establishments shall formulate an implementing rules and regulations pertinent to the provisions of this Act within six months after the effectivity of this Act.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in any two newspapers of general circulation.

Approved, April 30, 2007.

H. No. 591

Begun and held in Metro Manila, on Monday, the nineteenth day of February, two thousand seven.

[REPUBLIC ACT NO. 9444]

AN ACT DECLARING THE ATULAYAN ISLAND OF THE MUNICIPALITY OF SAGNAY, PROVINCE OF CAMARINES SUR AS A TOURIST ZONE

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

SECTION 1. This Act hereby declares the Atulayan Island of the Municipality of Sagnay, Province of Camarines Sur as a national tourism zone.

SEC. 2. Until comprehensive legislation rationalizing the national tourism program is adopted, the following principles shall govern the planning, development, promotion and management of this tourism zone:

(a) The Department of Tourism (DOT) and its attached agencies, and the Partido Development Administration (PDA) shall coordinate in the formulation of a tourism development plan for the tourism zone: *Provided*, That said plan is consistent with, or may be integrated into, the national tourism master plan of the DOT;

(b) The plan shall protect and enhance the natural features and cultural heritage of the tourism zone, while providing sustainable economic opportunities for the local community;

(c) The PDA and the relevant municipalities shall utilize their powers provided under Republic Act No. 7820, as amended, and the Local Government Code, respectively, to implement and enforce the tourism development plan;

(d) The DOT and its attached agencies may provide necessary technical and financial assistance for the development of tourism infrastructure and skills development while endeavoring, when practicable, to promote the tourism zone, both locally and internationally; and

(e) The DOT, the PDA and the relevant municipalities shall create a forum by which the private sector, nongovernment organizations and other interest groups can interact with one another and the government to create an atmosphere that shall encourage investment and the development of a culture of tourism.

SEC. 3. The DOT, in consultation with the PDA and the local government concerned, shall adopt appropriate rules and regula-

tions, and enter into agreement this Act.

SEC. 4. This Act shall take effect fifteen (15) days after its publication.

Approved, May 09, 2007.

H. No. 574

Begun and held in Metro Manila, on Monday, the nineteenth day of February, two thousand seven.

[REPUBLIC ACT NO. 9444]

AN ACT DECLARING THE COTIVAS, GUINA MALIBAGAN AND NORTHEASTERN MUNICIPALITY OF COTABATO AS A NATIONAL TOURISM ZONE

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

SECTION 1. This Act hereby declares the islands of Lahuy, Cagayan, Luksuhin, Malibagan and the northeastern coast of Caramoan, Province of Sulu as national tourism zones.

SEC. 2. Until comprehensive legislation rationalizing the national tourism program is adopted, the following principles shall govern the planning, development, promotion and management of these tourism zones:

(a) The Department of Tourism (DOT) and its attached agencies, and the Partido Development Administration (PDA) shall coordinate in the formulation of a tourism development plan for the tourism zone: *Provided*, That said plan is consistent with, or may be integrated into, the national tourism master plan of the DOT;

(b) The plan shall protect and enhance the natural features and cultural heritage of these tourism zones, while providing sustainable economic opportunities for the local community;

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Republic of the Philippines CONGRESS OF THE PHILIPPINES Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-one.

REPUBLIC ACT NO. 7277

AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES

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

TITLE ONE - GENERAL PROVISIONS

CHAPTER 1 - Basic Principle

SECTION 1. *Title.* - This Act shall be known and cited as the "Magna Carta for Disabled Persons."

SECTION 2. *Declaration of Policy.* - The grant of the rights and privileges for disabled persons shall be guided by the following principles:

- (a) Disabled persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.
- (b) Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone - the family, community and all government and nongovernment organizations. Disabled persons' rights must never be perceived as welfare services by the Government.
- (c) The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers to community based programs, that will

ensure full participation of different sectors as supported by national and local governments.

- (d) The State also recognizes the role of the private sector in promoting the welfare of disabled persons and shall encourage partnership in programs that address their needs and concerns.
- (e) To facilitate integration of disabled persons into the mainstream of society, the State shall advocate for and encourage respect for disabled persons. The State shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons.

SECTION 3. Coverage. - This Act shall cover all disabled persons and, to the extent herein provided, departments, offices and agencies of the National Government or nongovernment organizations involved in the attainment of the objectives of this Act.

SECTION 4. Definition of Terms. - For purposes of this Act, these terms are defined as follows:

- (a) *Disabled Persons* are those suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;
- (b) *Impairment* is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- (c) *Disability* - shall mean (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment;
- (d) *Handicap* - refers to a disadvantage for a given individual resulting from an impairment or a disability, that limits or prevents the function or activity, that is considered normal given the age and sex of the individual;
- (e) *Rehabilitation* - is an integrated approach to physical, social, cultural, spiritual, educational and vocational measures that create conditions for the individual to attain the highest possible level of functional ability;
- (f) *Social Barriers* - refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes which tend to single out and exclude disabled persons and which distort roles and interpersonal relationship;
- (g) *Auxiliary Aids and Services* include:
 - (1) qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
 - (2) qualified readers, taped texts, or other effective methods of delivering materials to individuals with visual impairments;

- (3) acquisition or modification of equipment or devices; and
- (4) other similar services, accommodations or aids and services that facilitate the learning process of people with mental disability;

- (h) *Reasonable Accommodation* include (1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and (2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons;
- (i) *Sheltered Employment* refers to the provision of productive work for disabled persons through workshops providing special facilities, income-producing projects or homework schemes with a view to giving them the opportunity to earn a living thus enabling them to acquire a working capacity required in open industry.
- (j) *Auxiliary Social Services* are the supportive activities in the delivery of social services to the marginalized sectors of society;
- (k) *Marginalized Disabled Persons* refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood or whose incomes fall below the poverty threshold;
- (l) *Qualified Individual with a Disability* shall mean an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. However, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job;
- (m) *Readily Achievable* means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include -
 - (1) the nature and cost of the action;
 - (2) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
 - (3) the overall financial resources of the covered entity with respect to the number of its employees; the number, type and location of its facilities; and
 - (4) the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;

- (n) *Public Transportation* means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis;
- (o) *Covered entity* means an employer, employment agency, labor organization or joint labor-management committee; and
- (p) *Commerce* shall be taken to mean as travel, trade, traffic, commerce, transportation, or communication among the provinces or between any foreign country or any territory or possession and any province.

TITLE TWO - RIGHTS AND PRIVILEGES OF DISABLED PERSONS

CHAPTER 1 - Employment

SECTION 5. *Equal Opportunity for Employment.* - No disabled person shall be denied access to opportunities for suitable employment. A qualified disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.

Five percent (5%) of all casual, emergency and contractual positions in the Departments of Social Welfare and Development, Health, Education, Culture and Sports; and other government agencies, offices or corporations engaged in social development shall be reserved for disabled persons.

SECTION 6. *Sheltered Employment.* - If suitable employment for disabled persons cannot be found through open employment as provided in the immediately preceding Section, the State shall endeavor to provide it by means of sheltered employment. In the placement of disabled persons in sheltered employment, it shall accord due regard to the individual qualities, vocational goals and inclinations to ensure a good working atmosphere and efficient production.

SECTION 7. *Apprenticeship.* - Subject to the provisions of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners: Provided, That their handicap is not much as to effectively impede the performance of job operations in the particular occupation for which they are hired: Provided, further, That after the lapse of the period of apprenticeship if found satisfactory in the job performance, they shall be eligible for employment.

SECTION 8. *Incentives for Employers.* - (a) To encourage the active participation of the private sector in promoting the welfare of disabled persons and to ensure gainful employment for qualified disabled persons, adequate incentives shall be provided to private entities which employ disabled persons.

- (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 additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons: Provided, however, That such entities present proof

as certified by the Department of Labor and Employment that disabled persons are under their employ: Provided, further, That the disabled employee is accredited with the Department of Labor and Employment and the Department of Health as to his disability, skills and qualifications.

- (c) Private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall also be entitled to an additional deduction from their net taxable income, equivalent to fifty percent (50%) of the direct costs of the improvements or modifications. This section, however, does not apply to improvements or modifications of facilities required under Batas Pambansa Bilang 344.

SECTION 9. *Vocational Rehabilitation.* - Consistent with the principle of equal opportunity for disabled workers and workers in general, the State shall take appropriate vocational rehabilitation measures that shall serve to develop the skills and potentials of disabled persons and enable them to compete favorably for available productive and remunerative employment opportunities in the labor market.

The State shall also take measures to ensure the provision of vocational rehabilitation and livelihood services for disabled persons in the rural areas. In addition, it shall promote cooperation and coordination between the government and nongovernmental organizations and other private entities engaged in vocational rehabilitation activities.

The Department of Social Welfare and Development shall design and implement training programs that will provide disabled persons with vocational skills to enable them to engage in livelihood activities or obtain gainful employment. The Department of Labor and Employment shall likewise design and conduct training programs geared towards providing disabled persons with skills for livelihood.

SECTION 10. *Vocational Guidance and Counseling.* - The Department of Social Welfare and Development, shall implement measures providing and evaluating vocational guidance and counseling to enable disabled persons to secure, retain and advance in employment. It shall ensure the availability and training of counselors and other suitably qualified staff responsible for the vocational guidance and counseling of disabled persons.

SECTION 11. *Implementing Rules and Regulations.* - The Department of Labor and Employment shall in coordination with the Department of Social Welfare and Development (DSWD) and National Council for the Welfare of Disabled Persons (NCWDP) shall promulgate the rules and regulations necessary to implement the provisions under this Chapter.

CHAPTER 2 - Education

SECTION 12. *Access to Quality Education.* - The State shall ensure that disabled persons are provided with adequate access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons. It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of

handicap or disability.

The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

The State shall also promote the provision by learning institutions, especially higher learning institutions, of auxiliary services that will facilitate the learning process for disabled persons.

SECTION 13. Assistance to Disabled Students. - The State shall provide financial assistance to economically marginalized but deserving disabled students pursuing post secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified disabled students in both public and private schools. At least five percent (5%) of the allocation for the Private Education Student Financial Assistance Program created by virtue of R.A. 6725 shall be set aside for disabled students pursuing vocational or technical and degree courses.

SECTION 14. Special Education. - The State shall establish, maintain and support a complete, adequate and integrated system of special education for the visually impaired, hearing impaired, mentally retarded persons and other types of exceptional children in all regions of the country. Toward this end, the Department of Education, Culture and Sports shall establish special education classes in public schools in cities, or municipalities. It shall also establish, where viable, Braille and Record Libraries in provinces, cities or municipalities.

The National Government shall allocate funds necessary for the effective implementation of the special education program nationwide. Local government units may likewise appropriate counterpart funds to supplement national funds.

SECTION 15. Vocational or Technical and Other Training Programs. The State shall provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement sports and physical fitness programs specifically designed for disabled persons taking into consideration the nature of their handicap.

SECTION 16. Non-Formal Education. - The State shall develop non-formal education programs intended for the total human development of disabled persons. It shall provide adequate resources for non-formal education programs and projects that cater to the special needs of disabled persons.

SECTION 17. State Universities and Colleges. - If viable and needed, the State University or State College in each region or province shall be responsible for (a) the development of material appliances and technical aids for disabled persons; (b) the development of training materials for vocational rehabilitation and special education

instructions; and (c) the research on special production of the visually impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students, mentally retarded, and multi-handicapped and others; and the elimination of social barriers and discrimination against disabled persons; and (d) inclusion of the Special Education for Disabled (SPED) course in the curriculum.

The National Government shall provide these state universities and colleges with the necessary special facilities for visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students. It shall likewise allocate the necessary funds in support of the above.

CHAPTER 3 - Health

SECTION 18. National Health Program. - The Department of Health in coordination with the National Council for the Welfare of Disabled Persons, shall institute a national health program which shall aim to attain the following:

- prevention of disability, whether occurring prenatally or post-natally;
- recognition and early diagnosis of disability; and
- early rehabilitation of the disabled.

SECTION 19. Rehabilitation Centers. - The Department of Health shall establish medical rehabilitation centers in government provincial hospitals, and shall include in its annual appropriation the necessary funds for the operation of such centers.

The Department of Health shall formulate and implement a program to enable marginalized disabled persons to avail of free rehabilitation services in government hospitals.

SECTION 20. Health Services. - The State shall protect and promote the right to health of disabled persons and shall adopt an integrated and comprehensive approach to their health development which shall make essential health services available to them at affordable cost.

The National Government shall provide an integrated health service for disabled persons which shall include, but not limited to, the following:

- prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling; and early detection of disability and timely intervention to arrest disabling condition; and
- medical treatment and rehabilitation.

The Department of Health shall field medical personnel specializing in the treatment and rehabilitation of disabled persons to provincial hospitals and, when viable, to municipal health centers. It shall also train its field health personnel in the provision of medical attention to disabled persons. It shall further ensure that its field health units have the necessary capabilities to fit prosthetic and orthotic appliances on disabled persons.

SECTION 22. Auxiliary Social Services. - The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Toward this end, the Department of Social Welfare and Development shall develop and implement programs on auxiliary social services that respond to the needs of marginalized disabled persons. The components of such a program shall be as follows:

- (a) assistance in the acquisition of prosthetic devices and medical intervention of specialty services;
- (b) provision of specialized training activities designed to improve functional limitations of disabled persons related to communication skills;
- (c) development among disabled persons of a positive self-image through the provision of counseling, orientation and mobility and strengthening daily living capability;
- (d) provision of family care services geared towards developing the capability of families to respond to the needs of the disabled members of the family;
- (e) provision of substitute family care services and the facilities therefor for abandoned, neglected, abused and unattached disabled persons who need custodial care;
- (f) provision of after care and follow-up services for the continued rehabilitation in a community-based setting of disabled persons who were released from residential care or rehabilitation centers; and
- (g) provision of day care services for disabled children of pre-school age.

CHAPTER 5 - Telecommunications

SECTION 22. Broadcast Media. - Television stations shall be encouraged to provide a sign language inset or subtitles in at least one (1) newscast program a day and special programs covering events of national significance.

SECTION 23. Telephone Services. - All telephone companies shall be encouraged to install special telephone devices or units for the hearing-impaired and ensure that they are commercially available to enable them to communicate through the telephone system.

SECTION 24. Free Postal Charges for the Disabled. - Postal charges shall be free on the following:

- (a) articles and literatures like books and periodicals, orthopedic and other devices, and teaching aids for the use of the disabled sent by mail within the Philippines and abroad; and
- (b) aids and orthopedic devices for the disabled sent abroad by mail for repair;

Provided, That the aforesaid items are for personal purposes only: Provided further, That the disabled person is a marginalized disabled as certified by the Social

Welfare and Development Office of the local government unit concerned or the Department of Social Welfare and Development.

CHAPTER 6 - Accessibility

SECTION 25. Barrier-Free Environment. - The State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law."

The national and local governments shall allocate funds for the provision of architectural facilities or structural features for disabled persons in government buildings and facilities.

SECTION 26. Mobility. - The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on such vehicles.

SECTION 27. Access to Public Transport Facilities. - The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare.

The said department shall also allocate such funds as may be necessary for the effective implementation of the public transport program for the disabled persons.

The "Accessibility Law," as amended, shall be made supplementary to this Act.

SECTION 28. Implementing Rules and Regulations. - The Department of Transportation and Communications shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

CHAPTER 7 - Political and Civil Rights

SECTION 29. System of Voting. - Disabled persons shall be allowed to be assisted by a person of his choice in voting in the national or local elections. The person thus chosen shall prepare the ballot for the disabled voter inside the voting booth. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election offense.

Polling places should be made accessible to disabled persons during national or local elections.

SECTION 30. Right to Assemble. - Consistent with the provisions of the Constitution, the State shall recognize the right of disabled persons to participate in processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerted action held in public.

SECTION 31. Rights of Organizations. - The State recognizes the right of disabled persons to organize and to promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with the necessary technical and financial assistance. Concerned government agencies and offices shall establish close linkages with organizations of disabled persons in order to respond expeditiously to the needs of disabled persons. National line agencies and local government units shall assist disabled persons in setting up specific projects that will be managed like business propositions.

To ensure the active participation of disabled persons in the social and economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons.

Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.

TITLE THREE - PROHIBITION ON DISCRIMINATION AGAINST DISABLED PERSONS

CHAPTER 1 - Discrimination on Employment

SECTION 32. Discrimination on Employment. - No entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The following constitute acts of discrimination:

- (a) Limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;
- (b) Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;
- (c) Utilizing standards, criteria, or methods of administration that:
 - (1) have the effect of discrimination on the basis of disability; or
 - (2) perpetuate the discrimination of others who are subject to common administrative control;
- (d) Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
- (e) Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants,

- (f) Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
- (g) Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that the impairment of the satisfactory performance of the work involved to the prejudice of the business entity: Provided, however, That the employer first sought to provide reasonable accommodations for disabled persons;
- (h) Failing to select or administer in the most effective manner employment tests which accurately reflect the skills, aptitude or other factor of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
- (i) Excluding disabled persons from membership in labor unions or similar organizations.

SECTION 33. Employment Entrance Examination. - Upon an offer of employment, a disabled applicant may be subjected to medical examination, on the following occasions:

- (a) all entering employees are subjected to such an examination regardless of disability;
- (b) information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record. Provided, however That:
 - (1) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;
 - (2) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
 - (3) government officials investigating compliance with this Act shall be provided relevant information on request; and
 - (4) the results of such examination are used only in accordance with this Act.

CHAPTER 2 - Discrimination on Transportation

SECTION 34. Public Transportation. - It shall be considered discrimination for the franchisees or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.

CHAPTER 3 - Discrimination on the Use of Public Accommodations and Services

SECTION 35. Public Accommodations and Services. - For purposes of this section, the following shall include the following:

- (a) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- (b) a restaurant, bar, or other establishment serving food or drink;
- (c) a motion picture, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (d) an auditorium, convention center, lecture hall, or other place of public gathering;
- (e) a bakery, grocery store, hardware store, shopping center, or other sales or rental establishment;
- (f) a bank, barber-shop, beauty-shop, travel service, funeral parlor, gas station, office of a lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;
- (g) a terminal, depot, or other station used for specified public transportation;
- (h) a museum, gallery, library or other place of public display or collection;
- (i) a park, zoo, amusement park, or other place of recreation;
- (j) a nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;
- (k) a gymnasium, health spa, bowling alley, golf course; or
- (l) other place of exercise or recreation.

SECTION 36. Discrimination on the Use of Public Accommodations. - (a) No disabled persons shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. The following constitute acts of discrimination:

- (1) denying a disabled person, directly or through contractual, licensing, or other arrangement, the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity by reason of his disability;
- (2) affording a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other able-bodied persons, and
- (3) providing a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with a good, service, facility, advantage, privilege, or accommodation that is different or separate from that provided to other able-bodied persons unless such action is necessary to provide the disabled person with a good, service, facility, advantage, privilege, or accommodation, or other opportunity that is as effective as that provided to others;

For purposes of this section, the following shall include the following: to the clients or customers of the covered public accommodation that enters into the contractual relationship with the covered public accommodation.

- (b) Integrated Settings - Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.
- (c) Opportunity to Participate - Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.
- (d) Association - It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, advantages, privileges, accommodations or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
- (e) Prohibitions - For purposes of this Section, the following shall be considered as discriminatory:

- (1) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, or accommodations being offered;
- (2) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations;
- (3) failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in undue burden;
- (4) a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, where such removal is readily achievable; and
- (5) where an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

~~Section 37. Use of Government Land for Sports Centers Free of Charge.~~ ~~Recreation or sports centers owned or operated by the Government shall~~
~~be exempt from payment of taxes and other charges.~~

SECTION 38. *Implementing Rules and Regulations.* - The Department of Public Works and Highways shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

TITLE FOUR: FINAL PROVISIONS

SECTION 39. *Housing Program.* - The National Government shall take into consideration in its national shelter program the special housing requirements of disabled persons.

SECTION 40. *Role of National Agencies and Local Government Units.* - Local government units shall promote the establishment of organizations of disabled persons in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations or associations of disabled persons to explore livelihood opportunities and other undertakings that shall enhance the health, physical fitness and the economic and social well-being of disabled persons.

SECTION 41. *Support From Nongovernment Organizations.* - Nongovernment organizations or private volunteer organizations dedicated to the purpose of promoting and enhancing the welfare of disabled persons shall, as they, are hereby encouraged, become partners of the Government in the implementation of vocational rehabilitation measures and other related programs and projects. Accordingly, their participation in the implementation of said measures, programs and projects is to be extended all possible support by the Government.

The Government shall sponsor a volunteer service program which shall harness the involvement of private individuals in the provision of assistance to disabled persons.

SECTION 42. *Tax Incentives.* - (a) Any donation, bequest, subsidy or financial aid which may be made to government agencies engaged in the rehabilitation of disabled persons and organizations of disabled persons shall be exempt from the donor's tax subject to the provisions of Section 94 of the National Internal Revenue Code (NIRC), as amended and shall be allowed as deductions from the donor's gross income for purposes of computing the taxable income subject to the provisions of Section 29 (h) of the Code.

(b) Donations from foreign countries shall be exempt from taxes and duties on importation subject to the provisions of Section 105 of the Tariff and Customs Code of the Philippines, as amended, Section 103 of the NIRC, as amended and other relevant laws and international agreements.

(c) Local manufacturing of technical aids and appliances used by disabled persons shall be considered as a preferred area of investment subject to the

provisions of Executive Order No. 716 and other laws, rules, regulations and incentives as provided in said Code, such as, but not limited to, the following:

- (1) repatriation of investments;
- (2) remittance of earnings;
- (3) remittance of payments on foreign contracts;
- (4) freedom from expropriations;
- (5) freedom from requisition of investment;
- (6) income tax holiday;
- (7) additional deduction for labor expense;
- (8) tax and duty exemption on imported capital equipment;
- (9) tax credit on domestic capital equipment;
- (10) exemption from contractor's tax;
- (11) simplification of customs procedures;
- (12) unrestricted use of consigned equipment;
- (13) employment of foreign nationals;
- (14) tax credit for taxes and duties on raw materials;
- (15) access to bonded manufacturing/trading warehouse system;
- (16) exemption from taxes and duties on imported spare parts; and
- (17) exemption from wharfage dues and any export tax, duty import and fee

SECTION 43. *Continuity Clause.* - Should any department or agency tasked with the enforcement or formulation of rules and regulations and guidelines for implementation of any provision of this Act is abolished, merged with another department or agency or modified, such shall not affect the enforcement or formulation of rules, regulations and guidelines for implementation of this Act to the effect that -

- (a) In case of abolition, the department or agency established to replace the abolished department or agency shall take over the functions under this Act of the abolished department or agency.
- (b) In case the department or agency tasked with the enforcement or formulation of rules, regulations and guidelines for implementation of this Act is merged with another department or agency, the former shall continue the functions under this Act of the merged department or agency.
- (c) In case of modification, the department or agency modified shall continue the functions under this Act of the department or agency that has undergone modification.

SECTION 44. *Enforcement by the Secretary of Justice.* -

- (a) Denial of Right
 - (1) Duty to Investigate - the Secretary of Justice shall investigate alleged violations of this Act, and shall undertake periodic reviews of

compliance of covered entities under this Act.

(b) **Potential Violations** - If the Secretary of Justice has reasonable cause to believe that -

- (1) any person or group of persons is engaged in a pattern or practice of discrimination under this Act; or
- (2) any person or group of persons has been discriminated against under this Act and such discrimination raises an issue of general public importance, the Secretary of Justice may commence a legal action in any appropriate court.

SECTION 45. Authority of Court. - The court may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this Act:

- (a) granting temporary, preliminary or permanent relief;
- (b) providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and
- (c) making facilities readily accessible to and usable by individuals with disabilities;

SECTION 46. Penal Clause. - (a) 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) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
- (2) for any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.
- (b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (P5,000.00) but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.
- (c) If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.
- (d) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SECTION 47. Appropriations. - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 48. Separability Clause. - Should any provision of this Act be found unconstitutional by a court of law, such provisions shall be severed from the

~~provisions of this Act.~~

~~SECTION 49. Repeal. - All existing orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.~~

SECTION 50. Effectivity. - This Act shall take effect fifteen (15) days after its publication in any two (2) newspapers of general circulation.

Approved.

(Signed)
RAMON V. MITRA
Speaker of the House
of Representatives

(Signed)
NEPTALI A. GONZALES
President of the Senate

This bill which is a consolidation of Senate Bill No. 1286 and House Bill No. 35091, was finally passed by the Senate and the House of Representatives on January 22, 1992 and January 16, 1992, respectively.

(Signed)
CAMILO L. SABIO
Secretary General
House of Representatives

(Signed)
ANACLETO D. BADOY, JR.
Secretary of the Senate

Approved: March 24, 1992

(Signed)
CORAZON C. AQUINO
President of the Philippines

FACT SHEET
HOUSE BILL NO. 6709
(as approved by the Committee)

**“AN ACT
REQUIRING THE USE OF FILIPINO SIGN LANGUAGE INSETS FOR LOCAL NEWS
PROGRAMS, AMENDING FOR THE PURPOSE SECTION 22 OF REPUBLIC ACT NO.
7277, AS AMENDED, OTHERWISE KNOWN AS THE ‘MAGNA CARTA FOR PERSONS
WITH DISABILITIES”**

*Introduced by: Reps. Teddy A. Casino, Neri Javier Colmenares, Rufus B. Rodriguez,
Maximo B. Rodriguez, Jr., Raymond V. Palatino and Ben P. Evardone*

*Committee Referral: COMMITTEE ON PUBLIC INFORMATION
Committee Chairperson: REP. BEN P. EVARDONE*

OBJECTIVE:

- To make television programs more accessible to persons with hearing disabilities

KEY PROVISIONS:

- Requires all free-to-air television stations to provide Filipino sign language insets, and where possible, closed caption or subtitles in at least two (2) newscast programs a day and special programs covering events of national significance.
- Grants the free-to-air television stations the option to provide for Filipino sign language insets in other programs such as those pertaining to cultural affairs, livelihood and those catering to children.

RELATED LAW:

- Republic Act No. 7277, as amended, otherwise known as the “Magna Carta for Persons with Disabilities”

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
15th Congress
3rd Regular Session

MINUTES OF THE MEETING CONDUCTED BY THE COMMITTEE ON PUBLIC INFORMATION HELD ON NOVEMBER 13, 2012, 1:30 PM AT CONFERENCE ROOMS 3 AND 4, MITRA BUILDING, HOUSE OF REPRESENTATIVES, QUEZON CITY.

MEMBERS PRESENT:

Rep. Ben Evardone, Chairman
Rep. Rodante Marcoleta, Vice-Chairman
Rep. Rachel Del Mar, Vice-Chairperson
Rep. Mercedes Alvarez
Rep. Teddy Brawner Baguilat, Jr.
Rep. Leopoldo Bataoil
Rep. Rodel Batocabe
Rep. Teddy Casiño
Rep. Cinchona Cruz-Gonzales
Rep. Rogelio Espina
Rep. Abigail Faye Ferriol
Rep. Sharon Garin
Rep. Jim Hataman-Salliman
Rep. Bernadette Herrera-Dy
Rep. Josefina Joson
Rep. Niel Benedict Montejo
Rep. Raymond Palatino
Rep. Raden Sakaluran
Rep. Mark Aeron Sambar
Rep. Victorino Dennis Socrates
Rep. Ma. Victoria Sy-Alvarado
Rep. Irwin Tieng
Rep. Rodolfo Albano
Rep. Lani Mercado-Revilla

EX-OFFICIO MEMBERS AND DEPUTIZED MEMBERS PRESENT:

Deputy Speaker Lorenzo Tañada III
Deputy Majority Leader Roman Romulo
Deputy Majority Leader Jorge "Bolet" Banal
Minority Leader Danilo Suarez
Deputy Minority Leader Maria Milagros "Mitos" Magsaysay
Rep. Giorgidi Aggabao (deputized by Deputy Speaker Jesus Crispin Remulla)
Rep. Emmeline Aglipay (deputized by Deputy Speaker Daisy Avance-Fuentes)
Rep. Rodolfo Antonino (deputized by Deputy Speaker Pablo Garcia)
Rep. Kaka Bag-ao (deputized by Deputy Speaker Maria Isabelle Climaco)
Rep. Walden Bello (deputized by Deputy Speaker Raul Daza)

AUTHORS PRESENT:

Rep. Juan Edgardo Angara
Rep. Rodolfo Antonino
Rep. Sergio Apostol
Rep. Kaka Bag-ao
Rep. Walden Bello
Rep. Teddy Casiño
Rep. Raymond Palatino
Rep. Rene Relampagos
Rep. Rufus Rodriguez
Deputy Speaker Lorenzo Tañada III
Rep. Sherwin Tugna

OTHER HOUSE MEMBERS PRESENT:

Rep. Luzviminda Ilagan
Rep. Antonio Tinio

I. CALL TO ORDER

The Chairman, Rep. Ben P. Evardone, called the meeting to order at 2:01 p.m.

II. ROLL CALL

On motion of Rep. Apostol, duly seconded, the committee secretary was directed to call the roll of members. After ascertaining the existence of a quorum, the committee secretary was directed to identify the ex-officio members and deputized members present.

At this juncture, Rep. Luzviminda Ilagan informed the Body that she was deputized by Deputy Speaker Pablo Garcia for this meeting. Rep. Evardone replied that Deputy Speaker Pablo Garcia appears to have deputized two members, the other being Rep. Antonino and that the committee is currently seeking clarification from the Office of Deputy Speaker Pablo Garcia. Later in the meeting, the Office of Deputy Speaker Pablo Garcia confirmed that its deputized member is Rep. Antonino and that it had inadvertently issued a deputation to Rep. Ilagan.

III. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

On motion of Rep. Josefina Joson, there being no objection, the minutes of the meeting of March 13, 2012 were approved by the Body.

IV. APPROVAL OF THE SUBSTITUTE BILL AND COMMITTEE REPORT ON THE BILLS ON SIGN LANGUAGE INSETS AND CLOSED CAPTION: House Bill No. 4121 (Reps. Casiño and Colmenares, House Bill No. 1055 (Reps. Rufus Rodriguez and Maximo Rodriguez), House Bill No. 3838 (Rep. Palatino)

Rep. Rodriguez sought to delete the word "Filipino" from the phrase "Filipino sign language". He reasoned that in Mindanao, English is better understood than Tagalog, which is what the Filipino refers to, and using Tagalog discriminates against the inhabitants of Cebu and those from Regions VII to XVI. He further noted that Section 22 of the Magna Carta for Persons With Disabilities (Republic Act No. 7277 as amended), which the bill proposes to amend, does not contain the word "Filipino".

Rep. Palatino, the chair of the Technical Working Group, explained that the word "Filipino" refers to the sign language, and not the spoken and written languages of Filipino or English. He added that the use of Filipino sign language was the proposal of the stakeholders from the deaf community and the academe. Rep. Palatino further pointed out that there is American sign language but not English sign language, and that the bill is for the benefit of the deaf community and not the media.

Rep. Casiño stressed that it is called Filipino not because it is Tagalog-based but because it covers the anthropological devices, or cultural symbols and practices, of all Filipinos. To illustrate, he pointed out that the sign for "dog" is the same for a deaf person using Filipino sign language, whether that person is Tagalog- or Visayan-speaking. He assured the Body that even the deaf population in non-Tagalog speaking regions agree on the use of Filipino sign language, because they are more familiar with those signs compared to English or other foreign symbols.

At this juncture, Rep. Magsaysay asked the authors for the specific provisions of the existing law that are being amended. Rep. Casiño replied that in the existing law, the networks are merely encouraged to put sign language insets, whereas in the bill, the networks are being required to provide sign language insets in at least two news programs. The other amendment specifies the use of Filipino sign language because this is what the deaf community recommended, he added.

Rep. Antonino pointed out that major news outfits, such as The Filipino Channel and GMA International are now broadcasting their news and public affairs programs internationally. If these networks are required to use Filipino sign language insets, they might lose foreign audiences that do not understand Filipino. He proposed to give the networks the discretion to use the appropriate sign language in their news programs.

Reps. Josen, Marcoleta, Tugna, Herrera-Dy, and Tinio also propounded their views on the matter of using Filipino sign language.

On the query of Rep. Magsaysay about the target beneficiary of the bill, Rep. Casiño stressed that the bill is intended for Filipino deaf persons, not for American, Italian or French deaf persons. Therefore, he added, Filipino sign language is appropriate to use.

Thereupon, Rep. Banal moved to divide the House. By a vote of 19-9, the Body decided in favor of retaining the word "Filipino".

On motion of Deputy Speaker Tañada, there being no objection, the Body approved the Substitute Bill. The secretariat was thereafter directed to prepare the Committee Report.

Rep. Sy-Alvarado proposed to include all members of the committee and House members present as co-authors of the bill. There being no objection, the motion was carried.

V. INITIAL DELIBERATION ON HOUSE BILL NO. 3701 – An Act Declaring November Twenty-Three of Every Year as "Philippine Press Freedom Day" (Reps. Co, Batocabe and Garbin)

Rep. Batocabe adopted the explanatory note to House Bill No. 3701 as his sponsorship speech. He added that November 23 should be remembered not only for the sacrifices of journalists but also as a day to promote press freedom.

On motion of Rep. Baguilat, there being no objection, the Body approved House Bill No. 3701. The secretariat was thereafter directed to prepare the Committee Report.

VI. DELIBERATION ON THE FREEDOM OF INFORMATION (FOI) BILLS:

a. INITIAL DELIBERATION ON HOUSE BILL NO. 6555 (Rep. Ejercito)

Noting that the author was not present, Rep. Antonino moved to suspend consideration of House Bill No. 6555. At this juncture, Deputy Speaker Tañada observed that the bill is almost the same as the consolidated version, prompting Rep. Antonino to offer to sponsor the said bill so that it could be incorporated in the consolidated version of the 15 measures previously filed. There being no objection, the Body authorized Rep. Antonino to sponsor House Bill No. 6555, with its explanatory note adopted as the sponsorship speech.

b. CONTINUATION OF DELIBERATION ON THE REVISED PROPOSED CONSOLIDATION OF THE FOLLOWING MEASURES:

1. House Bill No. 53 (Rep. Tañada)
2. House Bill No. 11 (Rep. Biazon)
3. House Bill No. 22 (Rep. Teodoro)
4. House Bill No. 59 (Rep. Nograles)
5. House Bill No. 86 (Rep. Angara)
6. House Bill No. 133 (Reps. Casiño & Colmenares)
7. House Bill No. 301 (Reps. Bello & Bag-ao)
8. House Bill No. 830 (Rep. Romualdo)
9. House Bill No. 1713 (Rep. Apostol)
10. House Bill No. 1968 (Rep. del Mar)
11. House Bill No. 2128 (Rep. Castelo)
12. House Bill No. 2969 (Rep. Escudero)
13. House Bill No. 4252 (Rep. Antonino)
14. House Bill No. 4851 (Rep. Tugna)
15. PETITION No. 0002 (Petition Through Indirect Initiative by the Ang Kapatiran Party)

The Chair informed the Body that the parliamentary status of the consolidated measure is that in the last hearing, there were clarificatory questions propounded by Rep. Casiño to Undersecretary Manuel Quezon, and that he made a reservation to propound further questions. However, Usec. Quezon was not present to answer the questions.

Rep. Casiño expressed his disappointment over the absence of the representatives from Malacañang. He manifested that he has several reservations on the exemptions proposed by Malacañang, specifically the provisions exempting information on the minutes of meetings and opinions expressed during deliberations and policy formulation, as well as information with respect to internal security operations, which would most likely include human rights. However, he expressed willingness to propose amendments to these provisions on the floor, just to expedite the process in the committee level.

At this juncture, Rep. Antonino questioned the process by which the consolidated version came about. He observed that his bill was referred to the Committee earlier than the version drafted by Malacañang. However, when the TWG came up with a second consolidated version, it incorporated the Malacañang inputs but did not consider his bill.

The Chair interjected that in the last hearing, the Body was not able to resolve several issues, such as the definition on the issue of exceptions from disclosure, and the aspect of national security, and the deliberative process as raised by Rep. Casiño.

He added that the TWG was also unable to resolve the issues as contained in House Bill No. 830 by Rep. Romualdo, particularly the issue on how to classify information that is exempted from disclosure, and the inclusion of private institutions in the coverage of the FOI. He further noted that Rep. Mercado-Revilla also raised concerns about safeguards against the possible abuse or misuse of information obtained through the FOI. Lastly, the TWG was also unable to resolve the question of including a right of reply provision in the bill.

Deputy Speaker Tañada explained that the bill of Rep. Antonino is practically the same as that of the consolidated version, except for the section on the right to reply. Knowing that this provision was a contentious issue, the TWG decided to refer the matter to the mother committee. He pointed out that after the TWG identified the contentious issues for the mother committee to resolve, the latter should have either reconstituted the TWG to tackle the said issues, or held mother committee hearings to address the same.

Rep. Magsaysay opined that the authors and members should have been asked during a committee hearing about their stand on the incorporation of Malacañang inputs in the consolidated version.

In response, Deputy Speaker Tañada cited page 6 of the minutes of the previous meeting, which stated that the Body, on motion of Rep. Romualdo duly seconded by Rep. Baguilat and there being no objection, had agreed to use the revised proposed consolidation of the FOI bills with inputs from Malacañang as its working draft in the next hearing. Therefore, such question can no longer be entertained, he said.

On the matter of conducting committee hearings, the Chair explained that the committee could not hold the same as it was still waiting for the comments of the other stakeholders on some provisions. He emphasized that he did not want to ram the bill down the throats of the members precisely because of its contentious nature.

He also read the letter of Rep. Romualdo asking the committee not to close the discussion of the measure today to allow him to further participate in the deliberation. He mentioned that Rep. Romualdo is currently at the Commission on Elections to file a disqualification case against his opponent.

After a lengthy debate, Rep. Bello moved to approve the consolidated version of the FOI bill, which Rep. Antonino manifested his objection thereto. Noting that the plenary session had already started, Rep. Antonino moved to adjourn. Thereupon, the Chair adjourned the meeting based on Rule 11, Section 70 of the House Rules.

VII. ADJOURNMENT

There being no other matters to discuss, the meeting was adjourned at 4:34 p.m.

I hereby certify to the correctness of the foregoing minutes.


CATHERINE N. MACAPAGAL
Committee Secretary

Approved by:


BEN. P. EVARDONE
Chairman