

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 349



Introduced by BAYAN MUNA
Representatives NERI J. COLMENARES and CARLOS ISAGANI T. ZARATE

**AN ACT ESTABLISHING CITY AND MUNICIPAL REHABILITATION CENTERS
FOR CHILDREN AND YOUTH WITH DISABILITIES**

EXPLANATORY NOTE

According to the 2010 Census of Population and Housing in the Philippines, there are 1.44 million persons with disabilities (PWD) or about 1.23 percent of the total population in the country. It is estimated that one in 20 households has at least one member that has a disability, half of whom are not able to attend and finish elementary education. Compared to people without disabilities, PWDs are three times more likely not to attend school or to have finished any grade level. More than 40 percent of PWDs are also not gainfully employed.

The State affirms and mandates the rehabilitation, self-development and integration of PWDs into mainstream society through the Magna Carta for Persons with Disabilities and other related laws and programs. In 2008, the Philippines ratified the United Nations Convention on the Rights of Persons with Disabilities as a re-affirmation of government's mandate to promote the rights and uplift the living conditions of the PWDs.

While there have been numerous moves to expand projects that assist PWDs, whether through the installation of facilities and devices that give them more mobility in public and other places or the entitlement of privileges, discounts and incentives, little has been done by the government to offer services that directly address their need for physical and social rehabilitation.

While some PWDs experience lifelong disabilities, others are able to overcome some mobility problems, but only when they benefit from rehabilitation programs. Children and young adults benefit most from these activities because of early intervention. This is made more significant considering that of the almost one million PWDs, 20% are children. More than half of these disabilities are acquired and can be prevented.

However, poor families are unable to avail of these special therapy sessions because of their high cost and/or lack of nearby facilities. A child with disability needs two (2) to three (3) treatment sessions a week with each session costing P300 to P500. This does not take into account other medical needs required for their full rehabilitation.

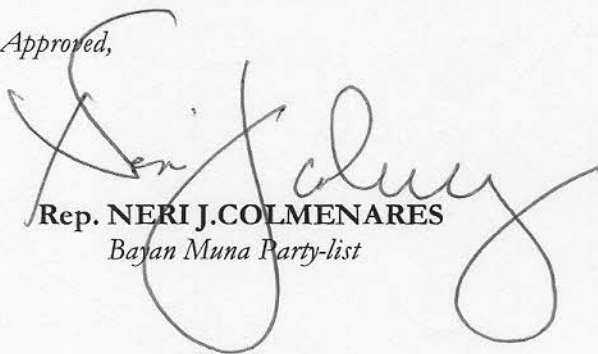
Fortunately, for the last 15 years, a non-government organization initiative "Breaking Barriers for Children and Young Adults with Disabilities" (BBCY), implemented in the Philippines by the Katipunan ng Maykapansanan sa Pilipinas, Inc. (KAMPI) and the Danish Society of Polio and Accident Victims, has worked with local government units in establishing Stimulation and Therapeutic Activity Centers (STAC) for children with disabilities (CWD). At present there are 138 STAC centers around the country. Through the centers, many CWDs are able to improve their mobility and skills, and have become empowered and productive members of society. Because of the positive outcomes and the success of the project, a large number of these STACs have been turned over to local government units, non-government agencies and even organizations set up by parents such as *Ang Pederasyon ng mga Magulang na May mga Anak na Maykapansanan sa Pilipinas, Inc.* (AMAMI). BBCY has also expanded their services to include young adults with disabilities. To date, they are now serving more than 15,000 CWDs in different municipalities.

The success of the BBCY project is testament that the needs of an especially marginalized sector such as CWDs can be comprehensively addressed. Under the project, the centers provide free evaluation, physical and occupational therapy and socialization activities for the PWDs and their families. Other activities include educational assistance, supplemental feeding, parents' training, teachers' training and barangay health workers training for the eventual turnover of centers to the local government units.

Through this proposed bill, similar centers will be established in cities and municipalities to empower children and young adults with disabilities as well as the communities they live in. The centers will be run by the local government units in cooperation with the National Council on Disability Affairs, Department of Social Welfare, Department of Health, and non-government organizations and volunteers.

The previous Congress approved this measure on third reading and thus immediate approval of this bill is earnestly sought in the 16th Congress.

Approved,



Rep. NERI J. COLMENARES
Bayan Muna Party-list



Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list

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FOR CHILDREN AND YOUTH WITH DISABILITIES

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 “Children and Youth with Disabilities Empowerment Act of 2013.”

SECTION 2. *Declaration of policy.* – It is the government’s concern and responsibility to facilitate the rehabilitation of persons with disabilities as provided by Republic Act No. 7277 or the “Magna Carta for Persons with Disabilities” and the “United Nations Convention on the Rights of Persons with Disabilities.” The State shall therefore provide for the rehabilitation and training of children and young adults with disabilities to ensure their right to live freely and independently and to achieve a more meaningful, productive and satisfying life.

SECTION 3. *Definition.* For purposes of this Act, the following terms shall mean:

- a. *Person with disabilities (PWDs)* – refer to persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- b. *Disability* – refers to an activity limitation or restriction as a result of the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on equal basis with others;
- c. *Impairment* – refers to any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- d. *Rehabilitation* – refers to an integrated approach to physical, social, cultural, educational and vocational measures that create conditions for the individual to attain the highest possible level of functionality available;

- e. *Social Barriers* – refer to the characteristics of institutions, whether legal, economic, cultural, or recreational; any other human group; community; or society which limit the fullest possible participation of PWDs in the life of the group. Social barriers include negative attitudes which tend to single out and exclude those with disabilities and which distort roles and inter-personal relationships;
- f. *Children with disabilities (CWDs)* – refer to persons below eighteen (18) years of age who have disabilities and those over 18 but with mental capacity as that of a child and are unable to fully take care of themselves because of mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic, brain injury, other health impairments or specific learning disabilities who by reason thereof need special education and other services;
- g. *Youth with disabilities (YWDs)* – refer to persons eighteen (18) to thirty-five (35) years old who have disabilities;
- h. *Center* – refers to a facility that offers free comprehensive rehabilitation services to CWDs and YWDs, including but not limited to stimulation and therapeutic activity centers;
- i. *Host Local Government Unit (LGU)* – refers to a city or municipality where a center is established; and
- j. *Inclusive Education* – refers to the right of all learners to a quality education that meets basic learning needs and enriches lives. Focusing particularly on vulnerable and marginalized groups, it seeks to develop the full potential of every individual.

SECTION 4. *Establishment of Centers.* — There shall be Centers for CWDs and YWDs in every city, municipality, or cluster of municipalities supervised by the appropriate provincial, city or municipal government.

The Center may be located in an accessible existing structure and the facilities and equipment it requires shall be identified and provided by the host LGU. If there is no existing structure, the provincial, city or municipal government may provide for the necessary land, construction of the Center, and purchase of required equipment. Other allowable sources of funds may also be tapped in establishing a Center.

The location of the Center shall be guided by statistical data indicating the location of PWDs as provided by the Department of Health. In order to facilitate community-based rehabilitation programs, satellite facilities may be established in municipalities and barangays, as may be necessary.

SECTION 5. *Functions of the Centers.* — The Centers shall carry out the following functions:

- a. *Physical Rehabilitation* – The Centers shall render regular physical and/or occupational therapy sessions to CWDs and YWDs for the improvement of their physical condition, mobility and cognitive skills. Parents and other volunteers will also be trained to do basic exercises for these children and youth in their own homes to ensure their continued.
- b. *Social Rehabilitation* – The Centers shall provide regular counseling and social enhancement

activities. The YWDs may be grouped together and provided with organizational development trainings for the formation of their own advocacy association for PWDs.

- c. Education Component – The Centers shall enable the CWDs or YWDs to attend regular schools for inclusive education.
- d. Psycho-social Component – The Centers shall provide self-development training opportunities such as personality development, career development, job and internship coaching and orientation for potential employers.
- e. Information and Resource Center – The Centers shall also serve as information centers for the rights and incentives accorded to PWDs. Disability-related documents, materials and data shall be made available in accessible formats.

SECTION 6. *Center Workers and Volunteers.* — The mayor shall appoint or designate a person with experience in health and social work, preferable a PWD, as head of the Center and may designate social workers and health workers as staff members, as well as other personnel who possess the necessary professional qualifications. The mayor may also call upon members of the community to provide medical, education, and other services and facilities for the beneficiaries.

Each Center will be composed of the following people:

- a. Physical Therapist (at least one) who will be or is trained in occupational therapy;
- b. Social Workers who will identify, assess and provide social services to the CWDs, YWDs and their families. They are also responsible for organizing and empowering the associations of the parents and YWDs;
- c. Special education teacher; and
- d. Barangay Health Workers who will be or are trained for basic rehabilitation. They will assist in the identification of beneficiaries and their disabilities and the execution of rehabilitation activities.

A volunteer rehabilitation doctor or a rehabilitation doctor from a nearby public hospital should evaluate the beneficiaries and provide initial rehabilitation plans to guide the team. Also, other personnel such as speech therapists, psychologists and other specialists and trained volunteers may be employed to provide services in the centers.

SECTION 7. *Fiscal Incentives.* — The following fiscal incentives shall be provided for under this Act:

- a. The Centers shall be exempted from the payment of customs duties, taxes and tariffs on the importation of equipment and supplies used actually, directly and exclusively by the Centers pursuant to this Act, including those donated to the Centers.
- b. All grants, endowments, donations, or contributions used actually, directly and exclusively for the Centers shall be exempt from donor's or gift tax and are likewise tax deductible.

SECTION 8. *Implementing Rules and Regulations.* — The Council, in coordination with the Department of Interior and Local Government (DILG), DSWD, Department of Health (DOH) and organizations advocating the rights of persons with disabilities such as *Ang Pederasyon ng mga Magulang na May mga Anak na Maykapansanan sa Pilipinas, Inc.* (AMAMI) shall promulgate the necessary implementing rules and regulations within sixty (60) days after this Act takes effect. The said agencies and groups will assist in the effective implementation of this Act and provide the

necessary support services for such.

SECTION 10. *Appropriations.* - First, second and third class municipalities shall provide funding for the operation and maintenance of their Centers. The sum necessary for the continuous operation of fourth and fifth class municipality centers shall be subsidized in part by the national government and in part by the local government units concerned; provided that, for the initial year of implementation, the sum of five hundred million pesos (P500,000,000.00) is hereby authorized to be charged against the savings from the current appropriations of the DILG, DSWD and DOH; provided further that thereafter, such amount as may be necessary for the implementation of this Act shall be included in the General Appropriations Act.

SECTION 11. *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 12. *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 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,