

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
SIXTEENTH CONGRESS
Second Regular Session**



House Bill No. 5158

Introduced by: HON. FRANZ E. ALVAREZ

EXPLANATORY NOTE

This bill seeks to provide additional PRIVILEGES to children with special needs.

Based on the latest estimates of the Department of Education (DepEd), there are now 5.49 million CSNs (*Children With Special Needs*) in the Philippines or thirteen percent (13%) of the total children population. Of this number, an estimated 4.2 million were PWDs (*Persons With Disabilities*) while 1.27 million were gifted.

The 1987 Philippine Constitution in Section 13 of Article II states that: *"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs"*.

With the aforementioned constitutional provision, our government is expected to commit itself in advancing the right of every Filipino child, especially those with special needs, to the fullest, and at all costs.

Set at the context of distinctive circumstances, special children requires such a greater commitment. It calls for the establishment and maintenance of a regime whereby they are treated differently and with greater privileges, requiring the establishment of an identification mechanism, full participation of the stakeholders, and adequate budgetary support.

The legislative intent of this bill is timely and relevant as it seeks to provide and ultimate response to critical needs of the now huge number of Filipino special children. In its recent press release, the Department of Education cited that, of the 5.49 million estimated number of children with special needs (CSNs) in the Philippines, only two percent (2%) of them are able to get support from our government, unlike in other countries where they get 100% state support.

Ultimately, our investments in CSNs may redound of the benefit of society, as this measure can very well help these children excel in their respective fields, thus becoming significant contributors to the growth of our nation.

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



FRANZ E. ALVAREZ

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**“AN ACT
GRANTING ADDITIONAL PRIVILEGES
TO CHILDREN WITH SPECIAL NEEDS (CSN)”**

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

SECTION 1. ***Declaration of Policies and Objectives.*** It is hereby declared the policy of the State to protect and promote the rights of children with special needs (CSN) to additional privileges to take appropriate steps to make such privileges accessible to them. The State recognizes their vital role in society and endeavors to include their needs as integral part of national development strategies.

It is also the policy of the State to give full support for their welfare and development to ensure their full integration to society as well as to facilitate their active participation in the affairs of the State. Towards this end, the State shall institutionalize additional privileges for every CSN through the establishment of privileges equal to those that benefit Filipino senior citizens. Thus, all CSN, in any degree of sensory, physically or intellectual disability or needs, will have privileges that will greatly help them to live better lives.

Objectives. The Objectives of this bill are:

(a) To provide CSN access to additional privileges through the granting of discounts to transportation, medical, leisure;

(b) To facilitate integration of CSN with society;

(c) To facilitate integration of CSN fully develop their potentials towards self-sufficiency and become more effective partners in the affairs of the country;

(d) To ensure that CSN understand, appreciate and respect differences amongst groups and members in society and also to understand the nature of society in which they live;

(e) To identify gifted and talented children from ages three (3) to sixteen (16);

(h) To enhance the role of parents, teachers and other caregivers as primary caregivers as primary caregivers of the children by equipping them with capabilities to identify, prevent, refer or intervene with the development disorders and disabilities of children;

(i) To involve private groups, local government units (LGUs) and national agencies other than the Department of Social Welfare and Development (DepEd) in the education of CSN; and

(j) To create significant and positive changes in community attitudes towards disability and the need to provide special education and proper care for CSN.

SEC. 2. ***Definition of Terms.***

Children with special needs (CSN) refer to those who are the gifted or are fast learners; and those who are disabled, impaired and handicapped and in need of special education as well as services for rehabilitation. They differ from the average children in mental characteristics, sensory abilities, neuro-muscular or physical characteristics, social attributes, to such an extent that requires the use of modified school practices or special education services to develop them to maximum capability. They may be classified as follows:

1. *Gifted children and fast learners* are those capable of superior performance including those with demonstrated achievement or potential ability in one or more of the following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in the performing arts and psychomotor ability, or those individuals who consistently manifest the following cluster of traits: above average ability (including intelligence), high creativity (implies the developmental appreciation of innovative ideas) and high task commitment (related to a high degree of motivation) and those who by reason thereof, require services or activities not ordinarily provided by the school;

2. *Children with mental retardation intellectual disability* are those who have substantial limitation in present functioning characterized by significant sub-average intellectual functioning, existing concurrently with the related limitations in two or more of the applicable adaptive skill areas; communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work;

3. *Children with visual impairment* are those who are blind or having a low vision. Persons are blind if they has a visual capacity of 20/200 or less in a better eye after maximum correction. The low vision persons retain a relatively low degree of vision and can read only enlarged print or regular print under special conditions;

4. *Children with hearing impairment* are those who are deaf or hard-of-hearing. The deaf persons are one whose hearing are non-functional for ordinary purpose in life. The hard-of-hearing have a defective sense of hearing that is functional without a hearing aid;

5. *Children with behavior problems* are those who cannot adjust to the socially accepted norms or behavior and, consequently disrupt their academic progress, in the learning efforts of their classmates and interpersonal relations;

6. *Children with orthopedic/physical handicap* are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs;

7. *Children with special health problems* are those who have health conditions that tend to keep children out-of-school or those with chronic and/or debilitating illnesses such as cardiac (heart) diseases, asthma, diabetes, tuberculosis and other respiratory ailments, carcenonza, epilepsy, malnutrition and others;

8. *Children with learning disabilities* are those whose although normal in sensory, emotional and intellectual abilities exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic. They have such condition as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

9. *Children with speech defects* are those whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to the thought conveyed;

10. *Children with autism* are those with developmental disabilities, the onset of which occurs before 30 months of age which is marked by disturbance in development, language and relationship with persons, activities and objects and which may coexist with intellectual disability and epilepsy Children afflicted with this disorder have perceptual cognitive communication and social difficulties which change over time.

11. *Children with multi-handicaps* are those with more than one disability such as the deaf-blind or those diagnosed with autism and intellectual disability.

SEC. 3. **Coverage.** This Act shall cover all children with special needs.

SEC. 4. **Privileges for the Child with Special Needs.** – The Child with Special Needs shall be entitled to the following:

- a) The grant of twenty percent (20%) discount on purchases of basic necessities such as food, water, groceries and medicines;
- b) The grant of twenty percent (20%) discount from all establishments relative to utilization of transportation

services (*including all public utility vehicles*), hotels and similar lodging establishments, restaurants and recreation centers: Provided, That private establishments may claim the cost as tax credit;

- c) A minimum of twenty percent (20%) discount on admission fees charged by theaters, cinema houses and concert halls, circuses, carnivals and other similar places of culture, leisure, and amusements;
- d) Free medical and dental services in government establishment anywhere in the country, subject to guidelines to be issued by the Department of Health, the Government Service Insurance System and the Social Security System;

SEC. 5. **Government Assistance.** – The Government shall provide the following assistance to those caring for and living with the Child with special needs:

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

b) Individuals or non-governmental institutions establishing homes, residential communities or villages solely for the CSNs shall be accorded the following:

- 1) Realty tax holiday for the first five (5) years starting from the first year of operations;
- 2) Priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village.

SEC. 6. **The Office for Children with Special Needs (OCSN).** – There shall be established in the Office of the Mayor an OCSN to be headed by a Councilor who shall be designated by the Sangguniang Bayan and assisted by the Community Development Officer in coordination with the Department of Social Welfare and Development. The functions of this office are:

- a) To plan, implement and monitor yearly work programs in pursuance of the objectives of this Act;
- b) To draw up a list of available and required services which can be provided to the Children with Special Needs;
- c) To maintain and regularly update on a quarterly basis

the list of Children with Special Needs and **to issue nationally uniform individual identification cards** which shall be valid anywhere in the country;

- d) To serve as a general information and liaison center to serve the needs of the Children with Special Needs.

SEC. 7. Penalties. – Violation of any provision of this Act for which no penalty is specifically provided under any other law, shall be punished by imprisonment not exceeding one (1) month or a fine not exceeding One thousand pesos (P1,000.00) or both.

SEC. 8. Implementing Rules and Regulations. – The Secretary of Social Welfare and Development jointly with the Department of Trade and Industry, Department of Trade and Industry, Land Transportation and Franchising Regulatory Board, Department of Finance, the Department of Health, and the Department of Interior and Local Government shall issue the necessary rules and regulations to carry out the objectives of this Act.

SEC. 9. Appropriations. – The National Government shall appropriate such amount as may be necessary to carry out the objectives of this Act.

SEC. 10. Repealing Clause. – All provisions of laws, orders, and decrees, including rules and regulations inconsistent herewith are hereby repealed and/or modified accordingly.

SEC. 11. Separability Clause. – If any part or provision of this Act shall be held to be unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. Effectivity. – This Act shall take effect fifteen (15) days following its publication in one (1) national newspaper of general circulation.

Approved.