

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 4813

Introduced by Rep. BERNADETTE HERRERA-DY

EXPLANATORY NOTE

The State mandates to pursue the rehabilitation, self-development and full integration of persons with disabilities (PWDs) into mainstream society through the Magna Carta for Persons with Disabilities and other related laws and programs and with the ratification of the United Nations Convention on the Rights of Persons with Disabilities in 2008¹.

The 2000 Census of Population and Housing places the number of PWDs at 942,098². In the 2010 census, the PWDs increased to 1.4M³, a significant increase from the year 2000.

While there are numerous government and private initiatives to assist PWDs through the installation of facilities and infrastructure aids that give them more mobility in public places and entitlement of some privileges and incentives, there are a lot of provisions that would directly address their need for physical and social rehabilitation that has yet to be established like affordable special therapy sessions, rehabilitation, and medicines.

This bill seeks to provides impetus for mainstreaming a policy of appropriately establishing Stimulation and Therapeutic Activity Centers (STAG) in areas where they are needed across the country. Through the STAG centers, many children with disabilities would be able to improve their mobility and skills. These centers would provide free evaluation, physical and occupational therapy and socialization activities for the PWDs and their families.

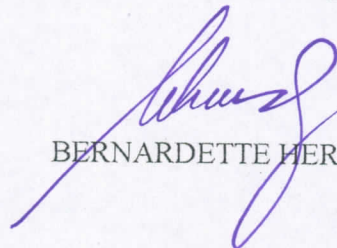
¹ Convention on the Rights of Persons with Disabilities (CRPD) adopted on 13 December 2006 at the United Nations Headquarters in New York; signed 30 March 2007.

² <https://psa.gov.ph/content/persons-disability-comprised-123-percent-total-population>

³ <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>

This proposed measure aims to institutionalize the establishment of STAG centers in all cities and municipalities for the empowerment of 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 relevant national government agencies, nongovernment organizations and community volunteers.

In view of the aforementioned, urgent approval of this bill is sincerely sought.



BERNARDETTE HERRERA-DY

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AN ACT ESTABLISHING REHABILITATION CENTERS FOR CHILDREN
AND YOUTH WITH DISABILITIES NATIONWIDE

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 2016."

SEC. 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 youth with disabilities to ensure their right to live freely and independently and to achieve a more meaningful, productive and satisfying life.

SEC. 3. Definition of Terms — For purposes of this Act, the following terms are hereby defined:

(a) Persons. 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) 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, spiritual, 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 aspect of society which limit the fullest possible participation of PWDs in the life of the group. These 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 (0411)s 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, orthopaedic 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 who are eighteen (18) to thirty-five (35) years old who have disabilities;
- (h) Center refers to a government-run facility that offers free comprehensive rehabilitation services to CWDs and YWDs, including but not limited to stimulation and therapeutic activity centers;
- (i) Loral 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.

SEC. 4. Establishment of Centers — There shall be Centers for CWDs and YWDs nationwide which can be 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 shall 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.

Selecting the location for 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.

SEC. 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 shall also be trained to do basic exercises for these children and youth in their own homes to ensure their continued rehabilitation.

(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 and YWDs to attend regular schools for inclusive education.

(d) Psycho-social Component - The Centers shall provide self-development training opportunities such as on 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.

SEC. 6. Center Workers and Volunteers, - The local government unit (LGU) through the Municipal Social Welfare and Development Office and Municipal Health Office shall appoint or designate a person with experience in health and social work, preferably 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 LGU may also call upon members of the community to provide medical, educational, and other services and facilities for the beneficiaries.

Each Center shall have the following staff complement who may be assigned from the existing pool of personnel of the host LGU or be appointed as necessary:

(a) At least one physical therapist who is or may be trained in occupational therapy;

(b) Social workers who shall identify, assess and provide social services to the CWDs, YAWDs and their families. They shall also be responsible for organizing and empowering the associations of parents and YAWDs;

(c) At least one special education teacher; and

(d) Barangay health workers who will be or are trained in basic rehabilitation. They shall assist in the identification of beneficiaries and their disabilities and the execution of rehabilitation activities.

SEC. 7. Partnership. - The host LGU may collaborate with non-government organizations, educational institutions and other stakeholders for the provision of support services.

SEC. 8. Referral Fees.- Cities and municipalities, other than the host LGU, shall pay a fee for every CWD or YWD referred to the Center. Referral fees collected shall be utilized for the operation and maintenance of the Center and salary of personnel.

SEC. 9. Tax Exemption. - All grants, endowments, donations and contributions to the Centers for their actual, direct and exclusive use shall be exempt from donor's tax and the same shall be allowed as deductions from the donor's gross income for purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 10. Appropriation. - The amount needed to provide for the national government subsidy to the concerned city, municipality, or host LGU for the initial construction, establishment, or repair of the rehabilitation Centers for children and youth with disabilities shall be included in the Annual General Appropriations Act. The concerned city, municipality, or host LGU shall set aside funds from any available local revenues in an amount deemed appropriate by the local officials concerned for the operation and maintenance of the Center.

SEC. 11. Implementing Rules and Regulations. - The Department of Social Welfare and Development and the National Council on Disability Affairs, in consultation with concerned national government agencies, the League of Provinces, League of Cities, League of Municipalities, and non-government organizations advocating the rights of PWDs, shall promulgate the implementing rules and regulations within sixty (60) days after this Act takes effect. The said agencies and groups shall assist in the effective implementation of this Act and provide the necessary support services for such.

SEC. 12. Separability Clause— Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SEC. 13. Repealing Clause, — All laws, decrees, letters or instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly,

SEC. 14. Effectivity. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation,

Approved,