

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5058



Introduced by **REP. EMMELINE Y. AGLIPAY-VILLAR**
DIWA-Party-list

EXPLANATORY NOTE

Our government has always been committed in addressing and improving the plight of our persons with disability (PWDs) to help them attain their fullest potential to become effective contributors in community development and active members of the society. The past congresses have enacted various laws to improve the welfare and advance the rights and privileges of our PWDs, including among others, the Republic Act No. 10524 – “An Act Expanding the Positions Reserved for Persons with Disability, amending for the purpose the “Magna Carta for Disabled Persons.”

While R.A. 10524 made it mandatory for all government offices to reserve at least 1% of all the positions for persons with disability, however, the law gives discretion for private corporations/companies with more than one hundred (100) employees to reserve at least 1% of all positions for persons with disability as the law merely encouraged private corporations/companies.

This proposed amendment, however, removes the distinction for both private corporations/companies with more than one hundred (100) employees and the government to mandatorily reserve at least one percent (1%) of all positions for persons with disability.

Most of the time, PWDs, aside from many other physical and/or psychosocial issues, are confronted with lack of equal employment opportunity and worse discrimination in the workplace. According to ILO Director-General, Guy Ryder, “The lack of equal employment opportunities for persons with disabilities often means lives of poverty and social exclusion,”¹

Based on the Philippines 2010 Census of Population and Housing (2010 CPH), there are about 1.57 percent of the household population or 1.443 million PWDs. Three (3) out of five (5) PWDs were in the working age group (15 to 64 years old)². This translates to about 859, 800 PWDs who are within the working age group in 2010 and is expected to have increased to date. This

¹ http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_418001/lang--en/index.htm

² <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>

sector of our society who may be vulnerable and differently abled are untapped resources, which are part of our labor force that can somehow contribute to economic growth.

The objective of this bill is to create and provide an inclusive environment for individuals who are differently abled to have ample opportunities not only within the government but also in private companies to be able to realize their personal goals to be successful in their respective careers. Expanding opportunities for PWDs not only provides opportunity for PWDs to integrate in the workforce but also in their respective communities and the mainstream society.

Employing persons with disability is not just a good moral cause as an inclusive and diverse workforce provides opportunities for growth not just for the PWD employees but also the employers, other employees and the society. This can also promote awareness and understanding of issues faced by PWDs.

In 2015, eleven (11) major multi-national companies signed the ILO Global Business & Disability Network Charter to express their commitment to promote inclusion of persons with disabilities in the workplace throughout their operations worldwide. The signing companies are: Accenture, AccorHotels, Adecco Group, AXA Group, Carrefour Group, Dow Chemical, Groupe Casino, L'Oréal, Orange, the Standard Bank Group, and Michelin.³

In the Philippines, we already have local and international companies in the private sector that actually have successful programs that provide equal employment opportunity for PWDs.

Puzzle Gourmet Store and Café in Quezon City is amongst the most popular local enterprise, featured in local and international news that employs differently abled persons. It started as a family business for their child with autism spectrum disorder (ASD) and eventually resonated with other persons with disability and their families. The Café employs waiters with ASD and trains young adults with Down Syndrome, kitchen assistants with ASD and cerebral palsy.⁴

Jollibee Dagupan owned and operated by the Dagupan Multi-Bee Corporation of the Jollibee Food Corporation has committed to hire persons with disabilities (PWDs), particularly the deaf/mute, get stable jobs with the Dagupan Multi-Bee Corporation, as part of its workforce pursuant to the memorandum of agreement (MOA) signed by the franchise holder and the City Government of Dagupan.⁵

Uber Manila launched a program that fully supports the giving of income generating opportunities to Filipinos with disabilities on October 13, 2016.⁶ Uber Manila's program provides opportunity to persons with hearing problems but not totally deaf to earn their own income from being a partner-driver using their own vehicles.

³ http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_418001/lang-en/index.htm

⁴ <http://www.bbc.com/news/blogs-ouch-33705431>

⁵ <http://www.sunstar.com.ph/pangasinan/local-news/2017/01/17/jollibee-dagupan-hires-pwds-part-its-workforce-520562>

⁶ <http://pwdphil.com/2016/10/14/uber-manila-hires-pwd-drivers/>

There are also non-government organizations (NGOs) like the Project Inclusion of Unilab Foundation which assist PWDs to successfully obtain gainful employment. The Foundation creates tools to equip willing employers and match potential employees to appropriate positions.

These are testaments that providing for an inclusive workplace for our persons with disabilities can highlight the business advantages even in the private sector and can facilitate the exchange of knowledge and good practices among private and public companies.

Expanding equal employment opportunities in the private sector for our persons with disabilities will help boost the self-confidence of our PWDs and enable them to be self-reliant and productive and active members of the society as well.

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



REP. EMMELINE Y. AGLIPAY-VILLAR
DIWA Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5058**

Introduced by REP. EMMELINE Y. AGLIPAY-VILLAR
DIWA Party-list

AN ACT
EXPANDING THE MANDATORY POSITIONS RESERVED FOR PERSONS WITH
DISABILITY IN PRIVATE CORPORATIONS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7277, AS AMENDED, OTHERWISE KNOWN AS THE MAGNA
CARTA FOR PERSONS WITH DISABILITY

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

SECTION 1. CHAPTER I, SECTION 5. Equal Opportunity for Employment, of Republic Act No. 7277, as amended, is hereby amended to read as follows:

“CHAPTER I – Employment

SECTION 5. Equal Opportunity for Employment. – No person with disability shall be denied access to opportunities for suitable employment. A qualified employee with disability 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.

At least one percent (1%) of all positions in **PRIVATE CORPORATIONS, COMPANIES, OR ENTERPRISES WITH MORE THAN ONE HUNDRED (100) EMPLOYEES AND** all government **INSTRUMENTALITIES**, agencies, offices or corporations shall be reserved for persons with disability: Provided, That private corporations with **LESS** than one hundred (100) employees, are encouraged to **HAVE AT LEAST ONE (1) POSITION FOR PERSONS WITH DISABILITY.** {reserve at least one percent (1%) of all positions for persons with disability.} (as amended, R.A. 10524, April 23, 2013)”

SEC. 2. Separability Clause. – Should any provision of this Act be found unconstitutional by a court of law, such provision shall be severed from the remainder of this Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SEC. 3. Repealing Clause. – All laws, presidential decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in any two (2) newspapers of general circulation.

Approved,