

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5836



Introduced by Honorable Cristina "Chiqui" Roa-Puno

EXPLANATORY NOTE

In recognition of their vital role in nation-building, the State promotes and protects the youth's physical, moral, spiritual, intellectual and social well-being. Despite their disabilities and impairments, children and youth with disabilities are entitled to the same protection and promotion. Indeed, children and youth with disabilities have the capacity to become valuable members of society. This is, however, possible only through much needed timely assistance and intervention of the State through rehabilitation and other welfare services.

Republic Act No. 7277, otherwise known as the *Magna Carta of Disabled Persons*, declares as a State policy the importance of rehabilitation in fostering a person with disability's capability to attain a more meaningful, productive and satisfying life. Pursuant to this policy, the Department of Health is mandated to establish rehabilitation centers in each provincial hospital. Despite this initiative, however, poor families are unable to avail of these services because of its high cost and also due to the lack of easily accessible facilities. At present, only cities with funds are able to provide free rehabilitation services through Simulation and Therapeutic Centers that cater specifically to children with disabilities.

This bill seeks to enhance community rehabilitation services first introduced in the *Magna Carta of Disabled Persons* by allocating funds for the establishment of rehabilitation centers in each city and municipality and satellite centers in barangays. These centers shall provide free comprehensive rehabilitation services to children and youth with disabilities.

For the aforementioned reasons, immediate passage of this bill is sought.


CRISTINA CHIQUEL ROA-PUNO

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

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

SEC. 1. Title. – This Act shall be known as the “*Children and Youth with Disabilities Empowerment Act.*”

SEC. 2. Declaration of Policy. – The State promotes and protects the youth’s physical, moral, spiritual, intellectual and social well-being in recognition of their vital role in nation-building. The State also recognizes that children and youth with disabilities, despite their disabilities and impairments, may contribute to society but only with the timely assistance and intervention of the State through rehabilitation and other welfare services. The State recognizes that children and youth with disabilities have the capacity to evolve and to attain a more meaningful, productive and satisfying life. To this end, the State shall, as a policy, provide quality, affordable and geographically accessible early rehabilitation services to children and youth with disabilities in city and municipal rehabilitation centers.

SEC. 3. Objectives. – Pursuant to the above declaration of policies, the State adopt the following objectives:

- a.) Provide quality and comprehensive rehabilitation services to assist children and youth with disabilities in maintaining and recovering their overall living functions under an integrated system that provides services ranging from medical to vocational training.
- b.) Establish rehabilitation centers in each city and municipality to provide free and geographically accessible basic rehabilitation services to indigent children and youth with disabilities.

c.) Provide assessment as well as rehabilitation services to children and youth with disabilities as early as possible to immediately address a disabled child's developmental, health and support needs.

d.) Promote independence and social participation of children and youth with disabilities through early intervention and rehabilitation that capacitates them to face social barriers.

SEC. 4. *Definition.* – For purposes of this Act, the following terms shall mean:

a.) *Person with disabilities (PWDs)* – refer to persons suffering from restrictions of different abilities, as a result of mental, physical or sensory impairment in performing an activity in the manner or within the range considered for a normal human being;

b.) *Children with disabilities (CWDs)* – refer to PWD below eighteen (18) years of age who have disabilities and those over 18 but with mental capacity as that of a child;

c.) *Youth with disabilities (YWDs)* – refer to persons eighteen (18) to thirty-five (35) years old who have disabilities;

d.) *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;

f.) *Impairment* – refers to any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;

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.) *Rehabilitation* – refers to an integrated approach to physical, psycho-social, cultural, spiritual, educational and vocational measures that create conditions for the individual to attain the highest possible level of functionality ability;

g.) *Community Based Rehabilitation* – refers to rehabilitation services and benefits expanded beyond the traditional urban-based centers to community based programs;

h.) *Early Intervention* – refers to assessment, diagnosis and treatment of a person's disability in the early stages of his or her development;

i.) *Inclusive Education* – refers to the right of all CWDs and YWDs to adequate access to quality education that meets basic learning needs taking into consideration the special requirement of CWD and YWD with respect to the use of school facilities, class schedules, physical education requirement, auxiliary services and other pertinent considerations.

j.) *Rehabilitation Center* – refers to a facility in each city or municipality that offers free basic rehabilitation services to CWDs and YWDs, including but not limited to assessment and diagnosis of disability or impairment;

k.) *Satellite Center* – refers to a facility in a barangay that offers community-based rehabilitation programs, which facility is directly supervised by the pertinent Rehabilitation Center in the city or municipality.

l.) *Host Local Government Unit (LGU)* – refers to a city or municipality; or barangay where a Rehabilitation Center or Satellite Center is established;

m.) *Persons with Disability Affairs Office (PDAO)* – the unit of the Host LGU created pursuant to Republic Act No. 10070 that formulates and implements policies, plans and programs for the promotion of the welfare of PWDs in coordination with the concerned national and local government agencies;

n.) *PWD Focal Person* – the person designated by the Host LGU, which is a fourth, fifth or sixth class municipality, to carry out the duties of a PDAO, in consideration of budget restraints that prohibit the establishment of a separate disability affairs office.

o.) *Indigent* – a person who has no visible means of income, or whose income is insufficient for the subsistence of his family, as identified by the Department of Social Welfare and Development (DSWD) based on a specific criteria set for this purpose.

SEC. 5. *Establishment of Rehabilitation Centers.* – Early intervention for CWDs and YWDs shall only be realized through the provision of readily accessible rehabilitation services. To this end, the Department of Health (DOH), in coordination with the Host LGUs, shall undertake the establishment of Rehabilitation Centers to serve each city and municipality in the Philippines. In order to facilitate community-based rehabilitation programs, satellite facilities may be established in municipalities and barangays, as may be necessary.

Within one hundred twenty (120) days from the effectivity of this Act, the DOH in consultation with the Department of Interior and Local Government (DILG), the Department of Public Works and Highways (DPWH) and the different local government units, shall come out with the list of priority areas, taking into account the commitment of the local government units in the establishment and maintenance of Rehabilitation Centers.

SEC. 6. *Site.* – The establishment of the Rehabilitation Centers shall be an integral part of the development plan of each local government unit and the location of the same shall be determined based on data on CWDs and YWDs, provided by the DOH and the local health office; Provided, That the Rehabilitation Center may be located in an accessible existing structure and the facilities and equipment identified and provided by the host LGU

SEC. 7. *Role of Host LGU; Staff Complement* – The DOH shall turn-over to the Host LGU the established Rehabilitation Center for operation and management. The Host LGU's PDAO shall supervise and exercise oversight over the Rehabilitation Center and Satellite Center within the Host LGU's territorial jurisdiction.

The local chief executive, upon recommendation of the PDAO or PWD Focal Person, shall appoint or designate social workers and health workers as staff members, as well as other personnel who possess the necessary professional qualifications: Provided, That each Rehabilitation Center shall have the following staff complement:

- a.) At least one (1) Physician, preferable a Psychiatrist or Development Pediatrician, who shall assess and diagnose a CWD or YWD.
- b.) At least one (1) Physical Therapist, who will be or is trained in occupational therapy.
- c.) At least one (1) Special Education Teacher;
- d.) Social Workers and Barangay Health Workers;

The Host LGU shall determine the staff complement in Satellite Centers.

The Host LGU may call upon members of the community to provide medical, education and other services and facilities for the beneficiaries.

SEC. 8. *Functions of the Rehabilitation Centers.* – The Rehabilitation Centers shall carry out the following functions:

- a. *Physical Rehabilitation* – The Rehabilitation 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.

b. *Social Rehabilitation* – The Rehabilitation Centers shall provide regular counselling 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 Rehabilitation Centers shall enable the CWDs or YWDs to attend regular schools for inclusive education.

d. *Psycho-social Component* – The Rehabilitation Centers shall provide self-development training opportunities such as personality development, career development, job and internship coaching and orientation for potential employers.

e. *Training for Parents, Guardians and Carers* - The Rehabilitation Centers shall provide training for parents, guardians and carers of CWDs and PWDs and other volunteers on how to properly take care of CWDs and PWDS, including basic exercises for these children and youth that may be done their own homes to ensure continued therapy.

e. *Information and Resource Center* – The Rehabilitation 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. 9. Referral Fees. – The Rehabilitation Centers shall offer its services for free to indigent CWDs and YWDs. CWDs and YWDs who do not qualify as indigent can avail of the services for a minimal fee, based on the fees prescribed by the DOH in the implementing rules and regulations of this Act. Fees collected shall accrue as revenue of the Host LGU and shall be utilized only for the operation and maintenance of the Rehabilitation Centers and Satellite Centers within the Host LGU's territorial jurisdiction, and salary of staff complement.

SEC. 10. Capacity Building of Barangay Health Workers. – The DOH and DSWD, shall be responsible for disseminating information and providing training programs to the Host LGUs. The Host LGUs, with the technical assistance of the DOH and DSWD, shall be responsible for the training of social workers, barangay health workers and other volunteers. Provided, further, That the national government shall provide additional and necessary funding and other necessary assistance for the effective implementation of this provision including the possible provision of additional honoraria for social workers and barangay health workers.

SEC. 11. Partnership. – The Host LGU may collaborate with non-government organizations, educational institutions and other stakeholders for the provision of support services.

SEC. 12. *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. 13. *Implementing Rules and Regulations.*— The DOH, in coordination with the Department of Interior and Local Government, the DSWD, the National Council on Disability Affairs, the League of Provinces, the League of Cities and the League of Municipalities; and in consultation with non-government organizations advocating the rights of persons with disabilities, shall promulgate the necessary implementing rules and regulations within sixty (60) days after this Act takes effect.

SEC. 14. *Appropriations.* - The amount necessary for the initial construction, establishment or repair of the rehabilitation centers as well as for the initial operational expenses of the same shall be included in the Annual General Appropriation Act. The Host LGUs shall set aside funds from any available local revenue in an amount deemed appropriate by the local officials concerned for the operation and maintenance of the Rehabilitation Center and Satellite Center. Provided, That the national government shall provide additional and necessary funding and assistance for the effective implementation of this Act.

SEC. 15. *Separability.* – 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. 16. *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.

SEC. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved