



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5984

Introduced by **HON. CARLITO "Lito" S. MARQUEZ**
Lone District, Aklan

EXPLANATORY NOTE

This compassionate proposed measure aims at helping the plight of the destitute Persons with Disability by providing them Php2,000 per month.

Disability refers to any restriction or lack of ability (resulting from impairment) to perform an activity in the manner or within the range considered normal for a human being. A standardized definition of disability is not yet introduced in the Philippines. Currently, no uniform definition is used. The Philippine Statistics Authority has estimated the PWD population in the country at 1.5 million.

There is no social pension for disabled people right now, only tax deductions for PWDs are available. Although, disabled people receive a 20% discount on the purchase of basic services, it still requires them to have enough money to pay the remaining 80%. And this is the clamor of PWDs nationwide.

Clearly, disabled Filipinos remain among the poorest of the poor. Most live in rural areas where social exclusion and isolation are part of their daily lives and experience.

In accordance with the 1987 Philippine Constitution, the National Council for the Welfare of Disabled Persons (NCWDP), now the National Council for Disability Affairs (NCDA) was already created as the central policy making, monitoring, and coordinating body for all disability programs implemented by the government. These laws include the Republic Act No. 7277 otherwise known as Magna Carta for Disabled Persons, Batas Pambansa Blg. 344 or Accessibility Law. Also included are Republic Act 6759 or White Cane Act and ILO Convention No. 159 or the Vocational Rehabilitation of Persons With Disability. It has also been tasked, through Proclamation No. 125, to coordinate activities and to monitor the observance of the Asian and Pacific Decade of Disabled Persons (1993-2002) in the Philippines. Proclamation No. 125 to enjoin both the government and the private entities to organize projects based on the policy categories mentioned in the agenda for action was also promulgated but all these laws and edits turned out to be lacking of the social pension for the PWDs.

Like senior citizens, PWDs are eligible for a 20-percent discount on medical and dental services; purchase of medicines in all drugstores; public railway, skyway and bus fares; admission fees charged by theaters, cinema houses, concert halls, circuses, carnivals and other places of culture, leisure and amusement; and all services in hotels and similar lodging establishments, restaurants and recreation centers. But unlike senior citizens, PWDs had to pay the 12-percent VAT, which meant they were only enjoying less than half of the cash perks they were entitled to. As part of the Government's health sector reform agenda, under the Philippine Health Insurance System or Philhealth, persons with disabilities can apply for insurance coverage through organizations accredited by DSWD or NCWDP. Government, through DSWD, pays for the premium or mandated contribution of persons with disabilities who cannot afford to shoulder this cost. They become beneficiaries of the PhilHealth's indigency program. Persons with disabilities who are employed or who have the resources to pay prescribed annual premiums, either monthly, quarterly, or semi-annually, can also avail themselves of private health insurance coverage aside from PhilHealth. Be that as it may, the law fails to tackle the social pension of PWDs.

In some municipalities and some cities, the LGUs provide benefits to destitute PWDs, i.e. monthly social assistance cash benefits such as a pension of P2,000 per year. A scheme similar to those initiatives could be introduced nationwide but should be pegged at P2,000 per month per destitute PWD. By providing them with these barest opportunities, which will be their weapon in battling the problems that plague their daily lives, including high prices of goods, lack of jobs, and low income.

A database on all PWDs that are employed should be created, as currently no comprehensive database exists. Renewed efforts must be made to collect comprehensive, accurate, and updated information on disability that can be disaggregated according to a wide range of variables as a basis for effective planning and implementation of services, and monitoring and evaluation. There must be a firm commitment to allocate resources for the establishment of an accurate and credible national database on disability. The recipients should be validated by the Municipal or City Social Welfare and Development Office (CSWDO) to qualify for the program.

In view of these considerations, the immediate approval of this bill is highly and earnestly sought.



HON. CARLITO "Lito" S. MARQUEZ



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AN ACT
PROVIDING FOR THE SOCIAL PENSION OF DESTITUTE
PERSONS WITH DISABILITY, AND PROVIDING FUNDS
THEREFOR

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 **"Monthly Social Pension for Destitute Persons with Disability Act of 2017."**

Section 2. **Declaration of Policy.** As provided in the Constitution of the Republic of the Philippines, it is the declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life. In the Declaration of Principles and State Policies in Article II, Sections 10 and 11, it is further declared that the State shall provide social justice in all phases of national development and that the State values the dignity of every human person and guarantees full respect for human rights.

Article XIII, Section 11 of the Constitution provides that there shall be priority for the needs of the underprivileged, sick, elderly, **disabled**, women and children.

The policy of the State, therefore, the grant of the rights and privileges for disabled persons shall be to give full support to the improvement of the total well-being and self-reliance of these class of special persons and their integration into the mainstream of society in order to foster their capability to attain a more meaningful, productive and satisfying life.

Section 3. **Definition of Terms.** For purposes of this Act, the following terms are defined:

(a). **Disabled Persons** are those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;

(b) **Destitute PWD** is any mentally, physically or sensory impaired person who is extremely poor and lacking the means to provide for oneself and without pension or permanent source of income, compensation or financial assistance from his/her relatives to support his/her basic needs, as determined by the Department of Social Welfare and Development (DSWD) in consultation with the National Disability Affairs;

(c). **Impairment** is any loss, diminution or aberration of psychological, physiological, or anatomical structure of function;

(d). **Disability** shall mean (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment;

(e). **Handicap** refers to a disadvantage for a given individual resulting from an impairment or a disability, that limits or prevents the functions or activity, that is considered normal given the age and sex of the individual;

Section 4. **Coverage.** All destitute person with disability or handicapped individual, as verified and certified by the DSWD and NCDA shall be covered by the provisions of this Act.

The PWD shall be entitled to a **monthly stipend** or grant from the DSWD amounting to **P2,000** to augment his/her daily subsistence, subject to existing government auditing rules and regulations. The support or grant is primarily aimed at supporting the expenses of the destitute PWD to lessen his/her

financial burden on his/her barest needs: *Provided*, That stipend or grant may be waived if the PWD is capable of supporting his/her own self or his/her family as certified by the local DSWD.

Section 5. ***Database of PWDs.*** - To implement effectively, a database on all PWDs should be created by the National Council for Disability Affairs and the Department of Social Welfare and Development. Renewed efforts must be made to collect comprehensive, accurate, and updated information on disability that can be disaggregated according to a wide range of variables as a basis for effecting planning and implementation of services, and monitoring and evaluation. The recipients of this program should be given authentic PWD identification cards and must be validated by the Municipal or City Social Welfare and Development Office (CSWDO) as a pre-requisite to qualify for the program.

Section 6. ***Policies on Issuance of IDs.*** - With reference to several inquiries on guidelines and policies on the issuance of ID's for people with chronic illness, NCDA and DOH will define in the IRR a set of guidelines on disability identification and classification of disabilities for the purpose of ID issuance.

People with chronic illness should present a certificate from their doctors on what type of disability occurred as a result of their chronic illness based on the definition / enumeration of UNCRPD: long term physical, sensorial, mental and intellectual. Disability as functional limitations whether physical or social, which hinders full participation of an individual on an equal basis with others, a person with chronic illness should focus on functional limitations which could then be classified and identified in the PWD ID as follows:

1. Physical / Orthopedic Disability
2. Visual Impairment
3. Hearing Impairment
4. Speech Impairment
5. Intellectual Disability
6. Psycho Social Disability (includes people with AD/HD, Bi-polar disorder, long term recurring depression, nervous breakdown, epilepsy, schizophrenia and other long term recurring mental or behavioral problems).

In case of multiple disabilities, the dominant disability should be identified followed by secondary or other disability ex: hearing and visual impairment, physical and intellectual disabilities, et cetera.

Section 6. **Penalties.** The penalties shall apply for the following:

(a) Any parent, relative of destitute PWD found to be deliberately committing any fraudulent act of enrolling the PWD to the program and turns out that the enrollee is not destitute shall suffer the following penalties:

(1) For the first violation, a fine of not less than Twenty-five thousand pesos (*PhP 25,000.00*) but not exceeding Fifty thousand pesos (*PhP 50,000.00*); and

(2) For any subsequent violation, a fine of not less than Fifty thousand pesos (*PhP 50,000.00*) but not exceeding One hundred thousand pesos (*PhP 100,000.00*), and revocation of license to operate.

(b) Any person, natural or juridical, other than the PWD or his parent or relative, violating any provision of this Act and its IRR shall be penalized with imprisonment of one (1) month to six (6) years, depending on the gravity of the offense or a fine of not less than Ten thousand pesos (*PhP 10,000.00*) but not more than One hundred thousand pesos (*PhP 100,000.00*), or both, at the discretion of the court.

(c) If the offender is a public official, the court may impose the additional penalty of disqualification from office in addition to the penalties provided in the preceding paragraph.

Section 7. **Implementing Rules and Regulations.** The DSWD, in consultation with the National Council for Disability Affairs, Department of Interior and Local Government (*DILG*), Department of Health, nongovernment organizations, and other agencies, the mandates of which included those necessary to implement this Act, shall issue the Implementing Rules and Regulations (*IRR*) within ninety (90) days after the approval of this Act.

Section 8. **Appropriations.** – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter. An initial amount of **TWO BILLION PESOS** (*PhP 2,000,000,000.00*) shall be allocated for the first year of

its operation. Such sum shall be intended to support the programs of the DSWD and NCDA.

Section 9. ***Report to Congress.*** The DSWD and NCDA shall report to Congress about the status of the implementation of this Act before the Department's budget briefing in order for the latter to review and recommend the necessary measures commensurate to the objectives of this Act.

Section 10. ***Suppletory Clause.*** The provisions of Republic Act No. 7277 otherwise known as Magna Carta for Disabled Persons, Republic Act No. 10754 or An Act Expanding the Benefits and Privileges of Persons with Disability, RA 9442, and other pertinent laws, rules and regulations are suppletory to the provisions of this Act.

Section 11. ***Separability Clause.*** If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 12. ***Repealing Clause.*** All laws, decrees, orders, issuances or portions thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 13. ***Effectivity.*** This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of national circulation.

Approved,