



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 6435



Introduced by Rep. Luisa Lloren Cuaresma
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

Section 9, Article II of the 1987 Constitution states that, "The State shall 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 for all."

Republic Act No. 7277, otherwise known as "The Magna Carta for Disabled Persons" that was approved in 1992 was promulgated to ensure that the State will be able to give its full support to the improvement of the total well-being of disabled persons and aid in their integration into the mainstream of society.

The said law has been amended several times by numerous other laws, administrative orders, local ordinances, department circulars, rules and proclamations to improve the welfare of persons with disabilities or the PWDs.

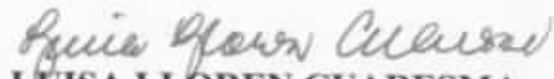
However, despite all of the amendments, the existing laws, projects and programs are not comprehensive enough to translate the laws into concrete and sustainable progress of the PWDs in the country.

Rearing, nurturing and caring for a person with disability is a tough job. Parents or guardians must have adequate knowledge on the condition affecting their dependents. They must realize their responsibility towards PWDs because they play a major role in character of the PWD by giving them a chance for a better life with self-reliance and an improved quality of life. To do this, parents or guardians would send their child with disability or PWD dependents to therapy centers or hire a

therapist to help them take care of their PWD dependents. However, many of the parents in the lower class of our society who cannot afford to send their dependent PWD to therapy centers or hire specialized nurses, therapists or trained helpers would have to quit their jobs to take care of their dependent PWD. In the process, they lose many opportunities that comes with having a source of income.

This Act seeks to alleviate the burden of these parents or guardians to help them provide for their families and at the same time allowing the parents or guardians to attend to the needs of their dependent PWDs.

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


LUISA LLOREN CUARESMA



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**AN ACT PROVIDING FOR THE BENEFITS AND PRIVILEGES TO
UNDERPARENTS OF PERSONS WITH DISABILITIES AND
APPROPRIATING 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 "Underparent
of Persons of with Disabilities (PWDs) Act"

SECTION 2. Declaration of Policy – It is the policy of the State to
promote the family as the foundation of the nation, strengthen its solidarity and
ensure its total development. Towards this end, it shall develop a comprehensive
program of services for the parents and guardians of persons with disabilities (PWD
hereinafter) through a comprehensive package of social development and welfare
services for their families.

The State also recognizes the role of the private sector in promoting the
welfare of disabled persons by empowering the people who provide them parental
care and support.

To facilitate full development and support of disabled persons, the State shall
exert all efforts to remove all social, cultural, economic, environmental and
attitudinal barriers that are prejudicial to disabled persons.

SECTION 3. Definition of Terms – For the purpose of this Act, the following terms shall be used under the definition provided hereof, to wit:

- a) *"PWD Underparent"* – Any person who directly provides parental care and assumes parental responsibilities to a Person with Disability (PWD) or a court appointed guardian, who is duly appointed by the Board of Evaluators hereinafter created;
- b) *"Person with disability"* - a person suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in a manner or within the range considered normal for human being.
- c) *"Disability"* – means: (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.
- d) *"Parental responsibility"* - with respect to their minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the *"Family Code of the Philippines."*
- e) *"Parental leave"* - shall mean leave benefits granted to an Underparent to enable him/her to perform parental duties and responsibilities where physical presence is required.
- f) *"Flexible work schedule"* - is the right granted to an Underparent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer.

SECTION 4. Establishment of the PWD Underparent program. – There is hereby established a PWD Underparent Program that will provide for a comprehensive system for the nomination, evaluation, appointment, and supervision of Underparents for PWD's to ensure that PWD's are properly cared for.

SECTION 5. Creation and Composition of Underparent PWD Board – There shall be a Board of Evaluators for Underparent PWD which shall be under the supervision and control of the Department of Social Welfare and Development (DSWD). It shall be a collegial body headed by a representative of the DSWD in the province as the Chairman, the Provincial or City Prosecutor, and Municipal Social Welfare Officer of the municipality where the child resides as members and lastly, a representative of the provincial field office of the DSWD as the secretariat.

SECTION 6. Duties and Functions of the Board – The board shall have the following duties and responsibilities:

- a) To enforce the provisions of this Act;
- b) To evaluate individuals nominated for or applying as Underparent for PWD's;
- c) To issue, after appropriate proceedings, appointments to Underparent of PWD's;
- d) To revoke, after due process, any appointment previously issued to an Underparent;
- e) To investigate any violation of this Act or of the rules and regulations issued thereunder, as may come to the knowledge of the Board and for this purpose to issue *subpoena* and *subpoena duces tecum* to alleged violators or witnesses to secure their attendance in investigations or hearings, and the production of books, papers, and documents in connection therewith and compel attendance by the power of contempt;
- f) To conduct periodic evaluation of Underparents appointed under this act;
- g) To provide continuing education and training for Underparents.

SECTION 7. Supervision of the Board and Custodian of Records – The members of the Board shall be under the direct supervision of the DSWD. All records, including examination papers, evaluation reports, minutes of deliberation, records of administrative cases and investigations of the Board shall be kept by the Secretariat of the Board.

SECTION 8. Application of PWD Underparent Identification Card – The DSWD shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations on the procedure for application of UPID in consultation with the Department of Justice, local government units and nongovernment organizations.

SECTION 9. Nature, Rights, Duties and Privileges of an Underparent of a PWD. – PWD Underparents appointed in accordance with this act shall have the same rights and duties of parental authority over the PWD for which they are appointed as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "*Family Code of the Philippines*".

The Underparent shall also be entitled to all of the privileges of Solo Parents as provided under Sections 5, 6, 7, 8, 9, 10 and 11 of RA 8972 or the "*Solo Parent's Welfare Act of 2000*".

SECTION 10. Emergency Parental Leave – In addition to the usual parental leaves under existing laws, an underparent shall also be entitled to emergency leaves in times when his/her dependent PWD is experiencing episode

and other uncontrollable medical or behavioral situations as may hereinafter be provided by the Implementing Rules and Regulations.

SECTION 11. Implementing Rules and Regulations. – The Secretary of Social Welfare and Development shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the local government units, nongovernment organizations and people's organizations.

The DSWD shall also provide for the documentary and other requirements and qualifications before a person may be appointed as an Underparent in accordance with the provisions of this act. Provided that the following requirements shall always be present:

- a. The applicant or nominee shall be a Filipino citizen, at least 21 years of age and not subject of any civil interdiction;
- b. The applicant or nominee has not been convicted of any crime involving moral turpitude or any violation of RA 9165 or 9262;
- c. When the legitimate, biological or adoptive parent of the PWD is capable of being located or contacted, his or her consent to the appointment of the Underparent shall be obtained;

SECTION 12. Appropriations. - The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 13. Repealing Clause. - All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 14. Separability Clause. - If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 15. Effectivity Clause. - This Act shall take effect fifteen (15) days following its complete publication in the *Official Gazette* or in at least two (2) newspaper of general circulation.