

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 9413



Introduced by Representative MANUEL ANTONIO F. ZUBIRI

EXPLANATORY NOTE

Based on the 2010 Census of Population and Housing, 1.443 million Filipinos or 1.57% of the household population of 92.1 million have a disability. It goes on to show that for every five PWDs, one or 18.9% was aged 0 to 14 years, three or 59% were aged 15 to 64 years, and one or 22.1% was aged 65 years and over.

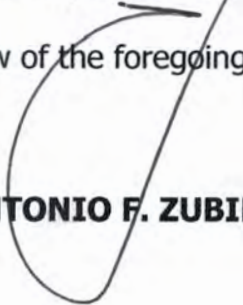
Created in 1981, the National Council on Disability Affairs (NCDA) is the lead government agency tasked with program development for persons with disabilities (PWDs) and the delivery of services to the sector. It was created in 1981. However, Republic Act No. 7277, or the Magna Carta for Disabled Persons, defines PWDs as "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."

With the considerable number reflected in the data above, this bill seeks to reorganize the National Council on Disability Affairs into a National Commission on Disability Affairs and institutionalize the agency's mandate of addressing the needs and concerns of our PWDs.

Under this bill, representatives from other national government agencies such as the Department of Health, Department of Social Welfare and Development, Department of Education, Technical Education and Skills Development Authority and Commission on Higher Education shall sit as members of the Commission, together with representatives from the private sector. The Commission shall also have Regional Directors for every region who shall oversee and supervise activities of the Persons with Disability Affairs Office established by the LGUs. This is envisioned to better equip the Commission in data collection, needs identification and policy formulation for the benefit of PWDs from all over the country. With the proper support and assistance, we believe that they can be integrated and empowered to be productive citizens of this nation.

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

MANUEL ANTONIO F. ZUBIRI



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AN ACT
REORGANIZING THE NATIONAL COUNCIL ON DISABILITY AFFAIRS
INTO THE NATIONAL COMMISSION ON DISABILITY AFFAIRS, DEFINING
ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

*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 "*National
Commission on Disability Affairs Act.*"

SEC. 2. *Declaration of Policy.* - The State recognizes that persons with disabilities are part of Philippine society and are thus entitled to the same rights as other people. It is hereby declared the policy of the State to support, protect, and promote the rights of persons with disabilities. Towards this end, the State shall establish a National Commission on Disability Affairs to formulate policies and coordinate activities for persons with disabilities.

SEC. 3. *National Commission on Disability Affairs.* - There is hereby created a National Commission on Disability Affairs, hereinafter referred to as the Commission. It shall be attached to the Office of the President.

SEC. 4. *Mandate.* - The Commission shall be the national government agency to formulate policies and coordinate activities of all agencies, whether public or private, concerning disability issues and concerns. It shall be the lead agency tasked to steer the course of program development for persons with disabilities and the delivery of services to the sector.

SEC. 5. *Powers and Functions.* - The Commission shall exercise the following powers and functions to carry out its mandate:

- (a) Prepare and adopt an integrated and comprehensive long-term National Rehabilitation Plan, which will ensure the formulation and implementation of programs and projects to promote the rehabilitation self-reliance, and development of persons with disabilities;
- (b) Conduct consultative meetings and prepare symposia with all stakeholders, and undertake program evaluation and monitoring to ensure that comprehensive, relevant and timely programs and services are adequate and accessible to persons with disabilities;
- (c) Identify and immediately address gaps in the implementation of programs and laws benefitting persons with disabilities, especially the Magna Carta for Disabled Persons, as amended;
- (d) Formulate strategic interventions and provide an expeditious response to address the immediate concerns of persons with disabilities;
- (e) Propose new policies and new legislation, or amendments to existing ones, that will ensure the attainment of its objectives;
- (f) Act as overall coordinating body to rationalize the functions and activities of government agencies, private entities, and international organizations operating in the Philippines, and the enforcement of laws related to and affecting persons with disabilities;
- (g) Establish, develop, and maintain a data bank on disabilities in partnership with concerned government agencies and non-government organizations and strengthen the referral services to ensure availability of data to stakeholders and services to persons with disabilities including provision of assistive devices;
- (h) Act as a national consultative and advisory body to the President on matters within its competence;
- (i) Facilitate the conduct of fund-raising activities and formulate innovative schemes to ensure funding support for major activities for the sector;

(j) Educate and reorient the general public in its attitude and thinking with regards to persons with disabilities;

(k) Submit quarterly reports to the Congress.

SEC. 6. *Composition.* - The Commission shall be composed of the following members:

(a) A Chairperson who shall be appointed by the President;

(b) The Secretaries of the following Departments who shall sit in the Commission as *ex-officio* members: Department of Health (DOH), Department of Social Welfare and Development (DSWD), Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), and Commission on Higher Education (CHED).

The Secretaries mentioned are authorized to designate an Undersecretary to represent them.

(c) Private sector representatives selected from the following sectors:

(1) Learning Disabilities;

(2) Intellectual Disabilities;

(3) Developmental Disabilities;

(4) Hearing Impairment;

(5) Visual Impairment;

(6) Physical and Mobility Impairments;

(7) Emotional/Behavioral Disorders;

(8) Multi-handicaps;

(9) Pervasive Developmental Disorders.

The incumbent members of the Commission, however, shall continue in office unless replaced or removed from office by the President.

SEC. 7. *Chairperson.* - The Chairperson shall be appointed by the President, subject to confirmation by the Commission on Appointments. The Chairperson shall have the following duties and responsibilities:

- (a) Call and preside over the meetings of the Commission;
- (b) Manage and administer the affairs of the Commission;
- (c) Monitor the implementation of policies approved by the Commission;
- (d) Sign communications for the Commission and represent the Commission whenever necessary;
- (e) Solicit and accept, on behalf of the Commission, gifts, grants, or donations in accordance with government rules, regulations and policies;
- (f) Execute contracts in the pursuit of the Commission's objectives as may be authorized by the Commission, in accordance with government rules and regulations; and
- (g) Organize permanent or ad-hoc committees, consisting of members of the Commission or such other experts as are deemed necessary for the discharge of the functions and objectives of the Commission.

SEC. 8. *Executive Director.* - The Chairperson shall be assisted by an Executive Director, who shall be appointed by the Chairperson. The Executive Director shall have the following duties and responsibilities:

- (a) Administer the affairs of the Commission;
- (b) Implement policies, plans, and programs approved by the Commission;
- (c) Exercise direct supervision and control over all the organizational units placed under his/her jurisdiction including recommending to the Chairperson

the appointment of personnel of the Commission and disciplinary actions as may be necessary for the effective management of the Commission;

- (d) Represent the Commission in administrative and legislative bodies and in conferences and seminars that require the participation of the Commission;
- (e) Prepare and submit to the Commission the annual report on the operations of the Commission and such other reports as may be required by the Commission; and
- (f) Perform such other functions as may be provided by law.

SEC. 9. *Deputy Executive Directors.* - The Executive Director shall be assisted by two Deputies: a Deputy Executive Director for Administration and a Deputy Executive Director for Operations. The Deputy Executive Directors shall be appointed by the Chairperson.

SEC. 10. *Qualifications.* - No person shall be appointed Chairperson, Executive Director, or Deputy Executive Director of the Commission unless he or she is a citizen and resident of the Philippines, of good moral character, of proven integrity, and with at least seven (7) years of competence and expertise in delivering service to persons with disabilities.

SEC. 11. *Regional Directors.* - The Commission shall have one Regional Director for every region who shall supervise the official activities of all provinces, cities, and municipalities under the jurisdiction of the concerned region. He/she shall be the primary coordinating and overseeing authority over the Persons with Disability Affairs Office (PDAO) established by local government units (LGUs). The Regional Director may be assisted by one (1) Assistant Regional Director. The Regional Director shall have, within their respective administrative regions, the following functions:

- (a) Implement laws, policies, plans, programs, projects, rules, and regulations of the Commission;
- (b) Provide efficient and effective service to the people;

- (c) Coordinate with regional offices of other departments, offices, and agencies;
- (d) Coordinate with the LGUs and their PDAOs; and
- (e) Perform such other functions as may be provided by law or assigned by the Chairperson.

SEC. 12. *Sectoral and Industry Task Forces.* - The Commission may create sectoral and industry task forces, technical working groups, advisory bodies, or committees for the furtherance of its objectives. Additional private sector representatives, such as from the academe, civil society organizations, and federation of private industries directly involved with persons with disabilities, as well as representatives of other LGUs and government-owned and -controlled corporations (GOCCs) may be appointed to these working groups. Government disability affairs professionals may also be tapped to partake in the work of the Commission through these working groups.

SEC. 13. *Structure and Staffing Pattern.* - Subject to the approval of the Department of Budget and Management (DBM), the Commission shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Commission in accordance with the civil service law, rules, and regulations.

SEC. 14. *Implementing Rules and Regulations.* - Within sixty (60) days from the effectivity of this Act, the National Council on Disability Affairs (NCDA), Department of Budget and Management (DBM) and other relevant government agencies, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Appropriations.* - The funds needed to initially implement this Act shall be included in the current fiscal year's appropriation of the National Council on Disability Affairs. Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the General Appropriations Act.

SEC. 16. *Separability Clause.* - Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 17. *Repealing Clause.* - All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,