

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10742



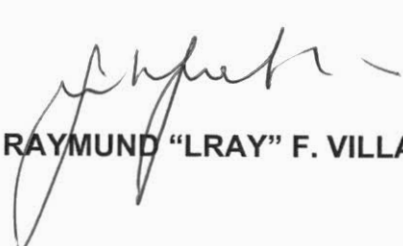
Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

**AN ACT
PROVIDING FOR THE UNIVERSAL DISABILITY SUPPORT ALLOWANCE FOR
PERSONS WITH DISABILITIES, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES**

Persons with disabilities represent at least 12% of the Philippine adult population, according to the 2016 National Disability Prevalence Survey. Disabilities often come with challenges to accessing education, health care and economic opportunities.

The bill proposes to establish the Disability Support Allowance Program under the Department of Social Welfare and Development. The program shall be implemented in three (3) phases, with the First Phase giving priority to children and adults with disabilities encountering the most severe barriers and disability-related costs. Phase Two shall include those who have either no income or low level of Income, and Phase Three shall begin to progressively include all persons with disabilities.

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


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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

CHAPTER I
TITLE AND DECLARATION OF POLICY

Sec. 1. *Short Title.* – This Act shall be known as the "Disability Support Allowance for Persons with Disabilities Act".

Sec. 2. *Declaration of Policy.* – It is the declared policy of the State to adopt the generally accepted principles of international law as part of the law of the land. It is likewise vital that the State advance social justice in order to end poverty in all its forms, particularly the historical deprivation of the support required by persons with disabilities for their effective inclusion and full participation in society.

To attain 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, appropriate measures in developing social protection programs and allowances that recognize the additional costs associated with disability shall be undertaken.

In pursuance to this end, social protection measures such as the grant of disability support allowance shall be extended to persons with disabilities to support their independent living.

Sec. 3. *Definition of terms.* – For the purposes of this Act, these terms are defined as follows:

- a) Persons with Disabilities include those who have long-term physical, mental, intellectual, or sensory Impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others, Persons who may fall in this definition -are but not limited to- the following; persons with psychosocial disability, person with autism, person with down syndrome, persons who are blind, person with low vision, person with hard of hearing, deaf, person with rare diseases, and all other persons who will be certified under the disability assessment and determination system;
- b) Disability is an evolving concept that results from the interaction between persons with Impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others;
- c) Barriers are anything that hinders persons with disabilities from enjoying or exercising all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field, on an equal basis with others. Barriers in all its forms encompass inaccessible physical environments and transportation; the unavailability of assistive devices and technologies; inaccessible information both in form and content; non-adapted means of communication; gaps in service delivery such as unavailability of personal assistance and sign language interpretation service; discrimination including denial of reasonable accommodation; attitude, prejudice, and stigma in society; programs, policies, and laws infringing the rights of persons with disabilities as recognized under the Convention on the Rights of Persons with Disabilities;
- d) Reasonable accommodation means necessary and appropriate modification and adjustments so as not to impose disproportionate or undue burden, and to ensure that persons with disabilities enjoy or exercise on an equal basis all human rights and fundamental freedoms;
- e) Progressive Realization means undertaking measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view of achieving progressively the full realization of these rights, without prejudice to those obligations contained in the convention on the Rights of Persons with Disabilities that are Immediately applicable according to International law;
- f) Disability Assessment and Determination means the process by which disability of an individual is officially recognized for the purpose of eligibility determination to diverse entitlements. It is based on a human rights model of disability, with a focus on functional limitations, support requirements and barriers restricting participation,

Sec. 4. *Coverage.* – All persons with disabilities, as certified under the Disability assessment and determination system that is based on a human rights approach shall be covered by the provisions of this Act. In line with the progressive realization principle, the priority will initially be given to children with disabilities and adults with significant disabilities who are facing the highest barriers and disability related costs. However, the

aim is to eventually cover all registered persons with disabilities who have either no income or low level of income and as well as persons with disabilities who face disability-related extra costs which negatively affect adequate standard of living.

Sec. 5. Disability Support Allowance Program. – There shall be established a Disability Support Allowance Program under the Department of Social Welfare and Development (DSWD), in consultation with the National Council on Disability Affairs and a representative organization of persons with disabilities, designed to serve as a social protection measure and support the needs of persons with disabilities in their integration to society. The Disability Support Allowance Program shall aim to provide regular stipend to persons with disabilities based on the eligibility criteria of the DSWD.

The initial amount of Two Thousand Pesos (Php2,000.00) a month per individual beneficiary is set for the disability support allowance, which will be indexed to inflation to preserve its impact on the standards of living and participation of people with disabilities. This would contribute, in combination to existing social protection programs and discounts to address the higher cost of transportation, housing, nutrition, hygiene and temporary human assistance requirements, among others. For working age adults out of work, it will provide a basic income security and will help cover disability related costs for finding and keeping work.

The Program shall be implemented in three (3) phases;

- a) Phase 1 – The Initial phase of the Disability Support Allowance Program, to be implemented within three (3) years, shall prioritize provision of stipends to:
 - i. Children with disabilities;
 - ii. Adults with significant disabilities who are facing the highest barriers and disability-related costs;
 - iii. Persons with disabilities who are recipients of social protection and economic empowerment programs such as but not limited to the Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior Citizens.
- b) Phase 2 – The second phase of the Program, to be implemented in the next three (3) years, shall include all registered persons with disabilities who have either no income or low level of income and as well as persons with disabilities who face disability-related extra costs which negatively affects adequate standard of living.
- c) Phase 3 – The third phase of the Program, to be implemented after six (6) years from the beginning of the implementation, shall endeavor to progressively cover all persons with disabilities.

Sec. 6. Eligibility. – Eligibility to the disability support allowance will be based solely on disability assessment and determination with a focus on functional limitation, support requirements, and barriers to participation, irrespective of income, work status or access to other social protection benefits.

In recognition of the multiple forms of poverty and the extent of disability-related costs required for basic participation, eligibility of persons with disabilities to the disability

support allowance will be compatible with eligibility and benefits from different social protection and economic empowerment programs such as but not limited to the Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior Citizens, the disability allowance acting as a top-up for subsidizing disability-related extra costs. Provided, That the DSWD, in consultation with the NCDA, may, in its discretion, adopt additional bases to achieve the objectives of this Act.

Sec. 7. Disability Data Management System – To effectively implement social protection measures targeting persons with disabilities, a Disability Data Management System shall be put up and shall be linked to the Community-Based Management System (CBMS) which aid in the development of poverty-reduction programs from local to national level. Linkage to the National ID System, and the DOH Persons with Disability Registry, which is mirrored with the PhilHealth Database System shall also be done to provide real-time disability data and subsidized enrolment to PhilHealth insurance.

Sec. 8. Policy on Disability Identification Cards – The issuance of Disability Identification Cards pursuant to Republic Act No. 7277, otherwise known as the "Magna Carta for Persons with Disabilities," as amended, along with other relevant laws, administrative issuances and local ordinances, shall Incorporate the information necessary for the granting of the monthly disability support allowance to eligible persons with disabilities.

Sec. 9. Penal Provisions – The penalties shall apply to the following:

- a) Any person who through fraud or misrepresentation applies- for, or aids in the application for benefits under this law without being a qualified person with disability entitled thereto shall suffer the following penalties:
 - i. 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
 - ii. 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).
- b) Any person violating any provision of this Act and its implementing rules and regulations, except violations pertaining to Subsection (a) of this Section, shall be penalized with a fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not exceeding One Hundred Thousand Pesos (Php 100,000.00).

Sec. 10. Appropriations. – The amount necessary for the implementation of the Act shall be included in the annual General Appropriations of the year following its enactment into law and thereafter. The initial amount of which shall be determined by the Department of Social Welfare and Development (DSWD), the National Council of Disability Affairs (NCDA), and representatives from other major stakeholders including organizations of persons with disabilities. The allocated budget for the first year of its operation shall gradually increase in view of progressive realization.

Sec. 11. Implementing Rules and Regulations. – Within one hundred and twenty (120) days from the affectivity of this Act, the Department of Social Welfare and Development,

in consultation with the National Council on Disability Affairs, Department of Interior and Local Government, Department of Health, Philippine Statistics Authority, Organizations of Persons with Disabilities, and other relevant stakeholders from government agencies and non-government organizations, shall issue the necessary rules and regulations to implement the provisions of this Act.

Sec. 12. *Report to Congress.* – The Department of Social Welfare and Development and National Council on Disability Affairs shall annually submit a report to Congress about the status of the implementation of this Act for the purpose of review and recommendation of additional measures necessary for the attainment of the objectives of this Act.

Sec. 13. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts or provisions of this Act which are not affected shall continue to be in full force and effect.

Sec. 14. *Non-Impairment Clause.* – Nothing in this Act shall be construed as to diminish, impair, or repeal rights recognized, granted, or made available to disadvantaged, marginalized, or specific sectors under existing laws.

Sec. 15. *Repealing Clause.* – All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,