

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
Third Regular Session



House Bill No. 10825

Introduced by **REPRESENTATIVE JOY MYRA SALVADOR-TAMBUNTING**

EXPLANATORY NOTE

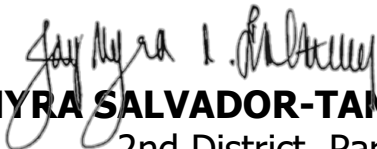
Effective access to justice is the core of law. All persons are created equal and should therefore be treated equally. Hence, Republic Act No. 7277, or the Magna Carta for Persons with Disabilities, was enacted to promote and recognize the welfare and inclusion of the special needs of PWDs.

In 2016, the Bureau of Jail Management and Penology (BJMP) reported a population of 90,000 which has now increased to 146,000 – making the jails in the Philippines as the most congested jails in the world. This has subsequently increased to 582.37% in May 2018. These are not just numbers. These are both able-bodied detainees and detainees with special needs.

Certain standards must be complied with as provided by the United Nations Standard Minimum Rules for Treatment of Prisoners (UNSMRTP). Detainees with special needs often face more difficulties compared to their able-bodied counterparts due to the lack of facilities and procedures which specifically address their needs. PWDs suffer intersectional discrimination and suffering as they are held in confinement in the worst imaginable conditions burdened further by their disability.

This bill seeks to introduce provisions that mandate the relevant agencies of our government to provide PWD detainees access to any tribunal, as well as any scheme, programme, facility, or service offered by them to others. With this bill, we are able to accommodate, alleviate, decongest our jails, and ultimately serve due and effective justice.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA SALVADOR-TAMBUNTING
2nd District, Parañaque City

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TAMBUNTING

**AN ACT FURTHER AMENDING REPUBLIC ACT NO. 7277 AS
AMENDED BY REPUBLIC ACT NO. 9442, OTHERWISE KNOWN AS
"MAGNA CARTA FOR DISABLED PERSONS, AND FOR OTHER
PURPOSES"**

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

SECTION 1. The Magna Carta for Disabled Persons is further amended by inserting a new subsection designated as Sec. 2 (f) to read as follows:

"Sec. 2. Declaration of Policy - The grant of the rights and privileges for disabled persons shall be guided by the following principles:

X X X

(f) The State recognizes that disabled persons are entitled to *effective* access to justice on an equal basis with others. This equality means effective access to justice taking into consideration the special needs of disabled persons and the effects of delays in the disposition of their cases."

SECTION 2. Sec. 4 is further amended by inserting a new subsection designated as Sec. 4 (q) to read as follows:

"(q) Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards."

SECTION 3. A new chapter, to be denominated as "Chapter 8. ACCESS TO JUSTICE" is hereby added to Title Two of Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons", with new Section 32, to read as follows:

"Sec. 32. Access to Effective Justice. –

(a) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(b) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(c) The Public Attorney's Office shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(d) The appropriate Government shall take steps to —

(1) ensure that all their public documents are in accessible formats;

(2) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(3) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication."

SECTION 4. *Separability Clause* - If any part or section of this Act is declared unconstitutional for any reason whatsoever, such declaration shall not in any way affect the other parts or sections of this Act.

SECTION 5. *Repealing Clause* – All other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. *Effectivity* – This Act take effect from fifteen (15) days after approval and publication in two (2) newspapers of general circulation in the Philippines.