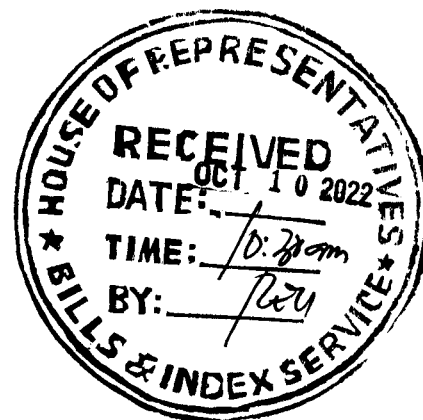


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 5498



INTRODUCED BY REPRESENTATIVE BERNADETTE "BH" HERRERA

EXPLANATORY NOTE

In the Philippines, persons with disabilities (PWDs) represent at least twelve percent (12%) of the adult population from ages 15 and above. This is based on the National Disability Prevalence Survey conducted by the Philippine Statistics Authority in 2016-2018. They constantly face significant barriers in accessing education, health care, community and citizenship participation, and in seizing economic opportunities. In addition, due to lack of support services, persons with disabilities who require personal assistance have to rely on their family members who in turn have to reduce their working hours, or stop working altogether to provide such support.

PWDs and their families incur significant additional disability costs related to accessing essential services, seeking, and retaining work, and participating in society. These costs include private transportation, support for information and communication, assistive devices, and human assistance. Overall, persons with disabilities have less income and more expenses than those without disabilities, which greatly increase their vulnerability, and undermine their economic empowerment and escape from poverty.

Accordingly, the government has enacted various legislations to provide PWDs with the opportunity to participate in mainstream society and to support their total well-being. Among the various measure that were adopted by the government are the granting of five percent (5%) to twenty percent (20%) disability discount on various services and commodities, granting of tax exemptions, and the mandatory and subsidized PhilHealth membership.

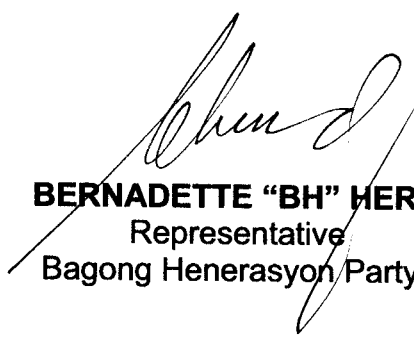
While the above mentioned measures contribute to improving the socio-economic situation of the PWDs, they still have significant limitations. For one, while the mandatory PhilHealth membership is supposed to cover the healthcare needs of persons with disabilities, barriers to actually accessing these services remain unaddressed. For another, the benefits of the disability discount and tax exemptions are felt mainly by PWDs who already have a certain level of income and purchasing power. Moreover, while the

4Ps Program covers households with PWDs, it does not include any specific measure to support them in addressing disability-related costs, such as but not limited to rehabilitation services, maintenance medicines, personal assistance services, sign language interpreters and assistive device to enhance their functionalities, to name a few. In other words, there are still major gaps in coverage and adequacy, which leave most PWDs unsupported.

According to the United Nations, the people's capacity to manage and overcome shocks, especially during the COVID-19 pandemic, is enhanced when comprehensive social protection systems are in place. Such is the case of the 4Ps Program wherein all beneficiaries were reported to have immediately received emergency subsidy under the Social Amelioration Program of the Department of Social Welfare and Development (DSWD) two weeks after the approval of the law.

To complement the existing measures and schemes already in place for the PWD community, this Bill seeks to adopt and progressively roll out a monthly disability support allowance amounting to Two Thousand Pesos (PhP 2,000.00). The monthly financial assistance aims to ease the burden suffered by low income families of children and youth with disabilities, and adults with disabilities who have no means to support themselves. Likewise, the disability support allowance shall be compatible with employment, at a reduced rate, to cover the disability-related costs associated with getting and keeping work, and to prevent unwanted pressures on persons with disabilities not to take up work for fear of losing the benefit.

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



BERNADETTE "BH" HERRERA
Representative
Bagong Henerasyon Partylist

Republic of the Philippines
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INTRODUCED BY REPRESENTATIVE BERNADETTE "BH" HERRERA

AN ACT
PROVIDING FOR THE DISABILITY SUPPORT ALLOWANCE FOR PERSONS WITH
DISABILITIES, 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 "*Disability Support Allowance for Persons with Disabilities Act.*"

SECTION 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 also vital that the State advances social justice in order to end poverty in all its forms, particularly the historical deprivation of support required by persons with disabilities for their effective inclusion and full participation in the society.

To attain a just and dynamic social order that will ensure prosperity and free the people from poverty through policies that will provide adequate social services, a rising standard of living and an improved quality of life for all, as well as policies that will promote full employment, the State shall undertake to develop social protection programs such as the granting of disability support allowances to persons with disability as a recognition of the additional costs associated with disability.

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

- a) **Persons with Disabilities (PWDs)** 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 under this definition are, but not limited to, the following: persons with psychosocial disability, person with autism, person with down syndrome, person who are blind, person with low vision, person with hard of hearing, deaf, person with rare diseases, and all other person 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 hinders their full and effective participation in society on an equal basis with others;
- c) **Barriers** are anything that hinder 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 not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of 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 to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the CRPD 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.
- g) **Auxiliary Aids and Services** shall be those referred under Republic Act No. 7277

- h) **Personal assistance** refers to all forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public.
- i) **Registered PWDs** shall refer to any individuals who are duly registered in their respective localities as PWDs.

SECTION 4. Coverage. - All persons with disabilities, duly certified as such 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 costs which negatively affect adequate standard of living.

SECTION 5. Disability Support Allowance Program. - A Disability Support Allowance Program shall be established under the Department of Social Welfare and Development (DSWD), in consultation with the National Council on Disability Affairs and representative organizations of persons with disabilities. The Disability Support Allowance Program aims to cover disability related cost of an individual according to what person decides as immediate need, such as but not limited to transportation allowance, nutrition, maintenance medicines, rehabilitation services, temporary human assistance, among others.

For working age adults who are unemployed, it will provide a basic income security and will help cover disability related costs for finding and keeping work.

The initial amount of Two Thousand Pesos (PhP 2,000.00) 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.

SECTION 6. Progressive Rollout. - 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 in low income or no income bracket.
- c) **Phase 3** – The third phase of the Program, to be implemented in the next three (3) years, shall include all employed registered persons with disabilities who incur additional disability-related cost.

SECTION 7. Eligibility. - Eligibility to the disability support allowance shall be determined using a Human Rights Approach-based Disability Assessment and Determination Scheme, which shall be developed by the DSWD, in consultation with the National Council on Disability Affairs and representatives of organizations of persons with disabilities, parents of children, youth and adults with intellectual disabilities and those who have no capacity to decide for themselves, with the guidance of Department of Health and World Health Organization experts on disability inclusion.

SECTION 8. Disability Data Management System. - To effectively implement the program, a Disability Data Management System shall be developed and shall be linked to a Community-Based Monitoring System (CBMS).

SECTION 9. Policy on Disability Identification Cards. - The Disability Identification Cards, issued 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.

SECTION 10. 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).

SECTION 11. 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.

SECTION 12. Implementing Rules and Regulations. - Within one hundred and twenty (120) days from the effectivity 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.

SECTION 13. Report to Congress. - The Department of Social Welfare and Development and National Council on Disability Affairs shall submit an annual report to Congress about the status of the implementation of this Act for purposes of review and recommendation of additional measures necessary for the attainment of the objectives of this Act.

SECTION 14. 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.

SECTION 15. 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.

SECTION 16. Repealing Clause. - All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,