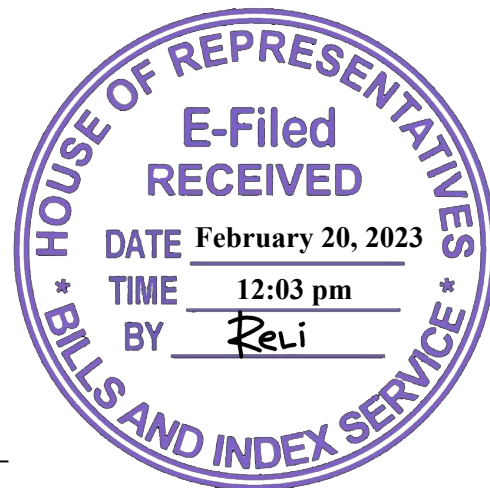


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7216



Introduced by **HON. EDGAR M. CHATTO**
First District, Bohol

EXPLANATORY NOTE

This proposed measure, the Universal Accessibility Act of 2023, seeks to update BP 344, a 1980s law which required the installation of facilities in certain buildings, institutions, establishments, public utilities to enhance the mobility of disabled persons. Unfortunately, several provisions and specifications under the Implementing Rules and Regulations of BP 344 are no longer adequate to meet the needs of the different categories of persons with disabilities. Moreover, there are new forms of establishments which are not catered to under BP 344 as the specifications therein are based on American standards and are not fit for Asian statures in terms of heights and elevations. There is an urgent need to update the existing accessibility law and policy framework to promote and uphold the rights of persons with disabilities, the elderly, and persons with special needs concerning their mobility, independence, safety, and convenience.

According to the World Report on Disability, an estimated 15% of the world's population are persons with disabilities (PWDs). This means that in 2019, out of 7,725,769,779 people worldwide, there are 1.15 billion persons with disabilities. In the Philippines, as of the 2019 census, 15% or 16.25 million Filipinos out of the population of 108,336,840 (www.worldometers.info/world-population/philippines-population) are living with disabilities. These figures keep growing as more children with disabilities are born and more are becoming sick and older and are acquiring disabilities. Persons with disabilities are indeed the world's largest minority. The sad reality, however, is that anyone can become a member of this sector at any time without warning.

There are many medical advances that have aided the lengthening of the life span of Filipinos and people in general, thus, more and more people will be expected to live to a ripe old age but with the aid of mobility devices. Yet mobility devices will not take us very far-and neither will our families-unless we had the ease of movement provided by accessible and barrier-free environments everywhere in our built environment. If we are to ensure that we retain as much as possible the same quality of life we had when we were more able, it is but imperative that we thoroughly build and create accessible environments now.

The introduction and the application of Universal Design, a "design for all", if properly done lends itself to an accessible, barrier-free environment and especially tourism, a vital industry in the Philippines as it will allow persons with disabilities and older persons to travel to whatever place, attraction or event without fear of barriers

and unfriendly and unsafe accommodations. In fact, thirty percent (30%) of the population would travel more when the environment would be better accessible. To achieve the objective of accessible tourism, the whole service chain must be accessible, from information about offers, events, destinations and transport to get there. Barrier-free Tourism also gives financial incentives to the business sector to create more accessible and friendly built environments and employment opportunities allowing for inclusion of people with special needs. It is thus a strategy in the creation of more accessible environments that is useful for all and, therefore, enhances the Philippines' competitiveness in the tourism industry in the Asia-Pacific Region (Leidner, Rudiger. The Rolling Rains Report, ETHICAL: Barrier-free Tourism).

Moreover, the global trend and call for the application of Universal Designs for persons with disabilities is based on the three (3) international covenants, namely, the Biwako Millenium Framework in 2007, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2008 where the Philippines is a signatory, called for the implementation of universal and inclusive design in the built environment in both urban and rural areas and the promotion of Barrier-Free Tourism (BFT), and the Incheon Strategy of 2012 in the built environment to enhance the dignity, independence, mobility, safety, and convenience of persons with disabilities, whether apparent or non-apparent, senior citizens, women and children, thus, hastening inclusion and encouraging participation in most ordinary human endeavors, such as education, employment, voting, culture, sports, recreation, tourism, and disaster risk reduction and management. Universal Design contributes to the 10th and 11th Philippine Sustainable Development Goals which is to reduced inequalities and sustainable cities and communities.

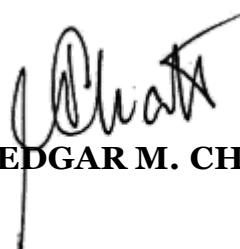
The correct and strict application of Universal Design in the built environment elevates not only the quality of life for everyone--young and old, locals and tourists, persons with and without mobility impairments alike--it also elevates our country to world-class standards. As the Land Transportation Guidelines for the Kingdom of Saudi Arabia says:

“Universal accessibility is essential for 10%, supportive to 40%, and comfortable to 100% of the population.”

Admittedly, the Batas Pambansa Blg. 344, the Accessibility Law and its Implementing Rules and Regulations are now insufficient in providing barrier-free environments with the appropriate architectural or structural features specific for the needs of persons with disabilities (PWDs) and the elderly.

There is an urgent need to update the existing accessibility law and the policy framework to promote and uphold the rights of persons with disabilities, the elderly, and persons with special needs and address issues concerning their mobility, independence, safety, and convenience.

Thus, the approval of this bill is strongly recommended.



HON. EDGAR M. CHATTO

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HOUSE BILL NO. 7216

Introduced by **HON. EDGAR M. CHATTO**
First District, Bohol

AN ACT
PRESCRIBING THE UNIVERSAL DESIGN PRINCIPLES, STANDARDS,
SPECIFICATIONS, AND POLICIES FOR THE CREATION OF BARRIER-FREE
ENVIRONMENTS TO ENHANCE THE DIGNITY, INDEPENDENCE,
MOBILITY, SAFETY AND CONVENIENCE OF PERSONS WITH SPECIAL
NEEDS, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF, AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. - This Act shall be known and referred to as the "Universal Accessibility Act of 2023".

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote the full inclusion, participation, and non-discrimination of all persons, especially persons with disabilities, in various aspects and processes of society.

It is further declared that the State shall endeavor to apply and mainstream Universal Design principles, standards, and policies to ensure and enhance the dignity, independence, mobility, safety, and convenience of persons with apparent or non-apparent disabilities, senior citizens, women, children, and other sectors, thereby creating in the process an environment conducive to accessible, barrier-free and inclusive tourism.

SEC. 3. Definition Of Terms. -

1. **ACCESSIBLE.** It refers to an independent approach, entry, evacuation and/or use of a building and its services and facilities, by all of the building's potential users with an assurance of individual health, safety and welfare during the course of those activities. Accessibility is a precondition for persons with disabilities to live independently and participate fully and equally in society.
2. **BARRIER-FREE.** It refers to a design for those with physical or other disabilities, involving the provision of alternative means of access to steps such as ramps and elevators for those with mobility problems. It is also a design or plan so that people with disabilities are not prevented from using and accessing establishments.

3. **BARRIER-FREE AND INCLUSIVE TOURISM.** It refers to an ongoing endeavor to ensure tourist destinations, products and services are accessible to all people, regardless of their physical limitations, disabilities or age. It enables people with access requirements, including mobility, vision, hearing and cognitive dimensions of access, to function independently and with equity and dignity through the delivery of universally designed tourism products, services and environments. This definition is inclusive of all people including those travelling with children in prams, people with disabilities and seniors. This is used interchangeably with "Accessible Tourism", "Inclusive Tourism", "Adapted Tourism", "Tourism for All", "Easy Access Tourism", and "Universal Tourism."
4. **CATEGORIES OF PERSONS WITH DISABILITIES.** It refers to the categories of disability dictate the varied measures to be adopted to create an accessible environment for persons with disabilities, who may be classified into those who have:
 - a. Impairments requiring confinement to wheelchairs; or
 - b. Impairments causing difficulty or insecurity in walking or climbing stairs or requiring the use of braces, crutches or other artificial supports; or impairments caused by amputation, arthritis, spastic conditions or pulmonary, cardiac or other ills rendering individuals semi-ambulatory; or
 - c. Total or partial impairments of hearing or sight causing insecurity or likelihood of exposure to danger in public places; or
 - d. Impairments due to conditions of aging and incoordination; and may not be immediately apparent; and
 - e. Mental impairments whether acquired or congenital in nature.
5. **ERGONOMIC.** It refers to an applied science concerned with designing and arranging things people use so that people and things interact most efficiently and safely.
6. **UNIVERSAL DESIGN.** It refers to a design process that enables and empowers a diverse population by improving human performance, health and wellness, and social participation for the purpose of creating products, systems, and environments to be as usable as possible by people regardless of age, ability or situation. It is governed by seven (7) principles, namely:
 - a. Equitable Use
 - b. Flexibility in Use
 - c. Simple and Intuitive Use
 - d. Perceptible Information
 - e. Tolerance for Error
 - f. Low Physical Effort
 - g. Size and Space for Approach and Use

SEC. 4. Scope And Application. - The Universal Design principles, standards, specifications and policies mandated under this Act shall apply to the following:

1. Public and private buildings and related structures for or open to public use or the general public, irrespective of type, use, and purpose, including all government buildings, whether owned or leased by the government, and public facilities such as roads, curb ramps, sidewalks, pedestrian bridges;
2. Places of accommodation and retirement homes;
3. Public housing projects, which shall be required to be readily convertible for compliance specifically for toilets, lavatories, and showers;
4. Passenger transportation & travel facilities;
5. Tourism sites and facilities;
6. Private buildings with certain portions open to the public including condominium units, which shall be required to have its facilities be readily convertible for compliance specifically toilets, lavatories and showers; and
7. Building and related structures to be repaired or renovated including those proposed for a change of occupancy.

SEC. 5. Exemptions Compliance. - As a general rule, no permit for the construction, repair or renovation of public and private buildings and related structures for public use, whether owned or leased, shall be granted or issued, unless the owner thereof shall have provided the universal barrier-free facilities and accessibility features.

However, for reasons of safety, risk and health, the provisions of this Law shall not apply to the following, provided it is certified by the Building Official or the Structural Engineer of the Office of the Building Official:

1. Construction sites and related structures;
2. Repair or renovation work which consists only of heating, ventilating and air conditioning systems, including those which may be required only with respect to fire panic and explosion safety for existing spaces;
3. Areas used for purposes of life safety, fire safety, including but not limited to observation of lookout galleries, prison guard towers, fire towers or lifeguard stands, and loading docks;
4. Equipment rooms and machinery spaces in plants and factories;
5. When the capacity or strength of any major structural component, such as slabs, beams, girders, columns, bearing walls and footing of the building or structure will be diminished during a renovation;
6. Where the requirements for accessibility in the Rules will create an unreasonable hardship in design or construction; and
7. When there is a legal constraint which would not allow compliance with these regulations.

SEC. 6. Education and Awareness Raising on Universal Design Standards of Accessibility. - All public and private colleges and universities offering and teaching interior design, architecture, civil engineering and related courses shall include in its curriculum a subject on universal accessibility laws. The Commission on Higher Education shall issue rules and regulations to ensure that this Act shall be properly taught in colleges and universities aforementioned.

Within a period of one (1) year from effectivity of this Act, the Department on Public Works and Highways shall conduct fora, symposia, seminars, and other awareness-raising activities to government agencies, local government units, non-government organizations, contractors, architects, engineers, and other stakeholders on the pertinent provisions of this Act.

SEC. 7. Incentives. How Availled. -

1. Tax credits shall be used to offset national or local business taxes to private establishments that have implemented and complied with the renovations and with the universal standard.
2. Certifications issued by the Office of the Building Official together with an accredited non-government organization or person engaged in PWD accessibility advocacy that the establishment has undertaken repairs and renovations and has fully complied with the universal standards and specification under this law.

SEC. 8. Implementation and Monitoring. - This Act shall be implemented by the following government agencies:

1. The Department of Public Works and Highways shall be responsible for the compliance of all national roads and highways, pedestrian bridges or overpasses, curb ramps, ramps and handrails, crossings and their inter- connectivity. It shall ensure that all the aforementioned facilities, pending and upcoming, shall be fully compliant with this Act.
2. The Office of the Building Official in all local government units shall be responsible in ensuring that all establishments within its territorial jurisdiction shall comply with the universal design and standards mandated in this Act.
3. The Department of Tourism shall implement and monitor the compliance of all tourism and tourism-related enterprises with the universal designs and standards and barrier-free tourism policies under this Act. Compliance with this Act shall be a requirement for accreditation or renewal of such accreditation to operate as a tourism enterprise/facility.
4. The Department of Transportation and its component agencies shall implement and monitor compliance of the universal standards and design for the transportation sector.
5. The National Council on Disability Affairs shall monitor the implementation of universal design in coordination with the responsible government agencies.

SEC. 10. Persons or Individuals Liable for Any Violation of this Act. -

1. For Buildings/Establishment/Structure:
 - a. Owner or Operator of the Building, Establishment or Structure
 - b. Contractor
 - c. Architect

- d. Engineer
- e. Building Official or Other Public Official in-charge with the issuance of building permit, registration, certification and/or inspection of the building, establishment or structure

2. For Air, Land and Sea Transportation:

- a. Owner/Operator of Public Transportation
- b. Body builders
- c. Safety Officers/Engineering/Managers
- d. Drivers/Conductors/Conductresses
- e. Public Official in-charge with the issuance of permits, registration, certification and inspection of the public transportation

SEC. 12. Separability Clause. - Should any provision of this Act be found unconstitutional by a court of law, such provisions shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SEC. 13. Repealing Clause. - This Act shall repeal Batas Pambansa 344, An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices is hereby repealed.

All laws, presidential decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 14. Effectivity Clause. - This act shall take effect within 15 days after its publication in the Official Gazette or in a newspaper of general circulation.