

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **8305**



Introduced by

SPEAKER FERDINAND MARTIN G. ROMUALDEZ
HON. YEDDA MARIE K. ROMUALDEZ
and
HON. JUDE A. ACIDRE

AN ACT

MANDATING THE ESTABLISHMENT OF PERSONS WITH DISABILITY AFFAIRS OFFICES (PDAOs) IN ALL LOCAL GOVERNMENT UNITS, FURTHER AMENDING FOR THE PURPOSE SECTION 40 OF REPUBLIC ACT NO. 7277, AS AMENDED BY REPUBLIC ACT NO. 10070, OTHERWISE KNOWN AS AN ACT ESTABLISHING INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE

EXPLANATORY NOTE

More than forty years since the enactment of the first disability law in the Philippines; Batas Pambansa Bilang. 344, also known as *The Accessibility Law*, and more than a decade since the adoption of the United Nations Convention on the Rights of Persons with Disability (UNCRPD), which the Philippines acceded and ratified, the Philippine government has attempted to support the disability sector through policies and national legislation. There is the Magna Carta for Disabled Persons, and other acts providing for additional programs and services for persons with disability as enunciated under Republic Act (RA) 10754 expanding the benefits and privileges of the sector such as the 20% discount and exemption from value-added tax; RA 10524 provides for employment opportunities for PWDs, while Republic Act 10070 encourages every local government unit to establish a Persons with Disability Affairs Office (PDAO). The objective of RA 10070 is to ensure that relevant and sustainable

programs for Persons with Disabilities are implemented at the local level. Under this law, provinces, cities, and 1st to 3rd class municipalities are encouraged to create PDAO through a Local Ordinance. While 4th to 6th class municipalities may designate a Focal Person (FP), in lieu of the creation of PDAO.

Thirteen years after RA No. 10070 was passed, over 50% LGUs still have yet to establish their respective PDAO. Based on the recent record of the National Council on Disability Affairs (NCDA), there are 739 PDAOs or 43% compliance as of February 2022. One of the primary reasons for non-compliance is funding constraints. Since the establishment of an office is subject to the availability of funds, it leaves discretion to LGUs to create their respective PDAO. Not to mention that the success of data gathering, comprehensive database, further capacity building, information dissemination and public awareness campaigns all remain to be seen.

The World Health Organization (WHO) estimated that 10 million or 10% of the country's total population has physical, sensory or mental impairment. Persons with Disabilities remain grappling for their rights, and at the margins of our country's economic, and political landscapes, and access to basic services remains out of reach for most members of the said sector.

In addition, the official data on the actual number of the disability sector is outdated as the last Philippine Statistics Authority (PSA) record was in 2010, which has a strong correlation to delays in policy implementation. Due to a lack of capacity and funding sources, many LGUs do not have a properly maintained database. This highlights the pressing need to capacitate and establish PDAOs in all LGUs tasked to have a uniform and standardized local database linked to a national Philippine Registry for Persons with Disability (PRPWD) system.

In light of the implementation of the Mandanas ruling, and the continuous and overdue quest for improving local service delivery for the disability sector, the need to insist on the mandatory nature of the creation of PDAOs and appropriate funding sources for the establishment and operations of PDAOs is timely and imperative.

This measure proposed to amend RA No. 10070 specifically to: (1) ensure the mandatory creation and operation of PDAO in all Local Government Units (LGUs); (2) provide a clear budget allocation for its establishment; (3) further strengthen its functions; (4) include a uniform and standardized local database linked to a national PRPWD system; (5) ensure mechanisms for data management, capacity building, and information dissemination about PDAO; and (6) refine its fragmented institutional framework.

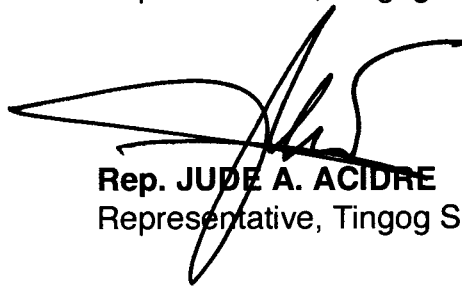
In view of the foregoing, approval of this bill is earnestly sought.



Rep. FERDINAND MARTIN G. ROMUALDEZ
Representative, First District, Leyte



Rep. YEDDA MARIE K. ROMUALDEZ
Representative, Tingog Sinirangan



Rep. JUDE A. ACIDRE
Representative, Tingog Sinirangan

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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 “Persons with Disability Affairs Office (PDAO) in all Local Government Units (LGUs) Act.”

SECTION 2. Section 40 of Republic Act No. 7277, as amended, is hereby further amended to read as follows **AND RENUMBERED THE SUB-SECTIONS THEREIN ACCORDINGLY:**

Section. 40. Role of National Agencies and Local Government Units.

(a) **ALL LOCAL GOVERNMENT UNITS (LGUs) SHALL PROMOTE AND INCLUDE IN THEIR LOCAL PRIORITY PROGRAMS THE ESTABLISHMENT OF PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) IN THEIR**

RESPECTIVE TERRITORIAL JURISDICTIONS. National agencies, civil society organizations, and non-government organizations, including international non-governmental organizations, may enter into joint ventures with **PDAO AND OTHER** organizations or associations of **PERSONS WITH DISABILITIES** to explore livelihood opportunities and other undertakings that shall enhance the **OVERALL QUALITY OF LIFE**, health, and physical, **COGNITIVE**, economic, social, **MENTAL, AND PSYCHOLOGICAL** well-being of **PERSONS WITH DISABILITIES**.

(b) Local government units **THROUGH ITS LOCAL CHIEF EXECUTIVE** shall organize and establish the following:

(1) MANDATORY ESTABLISHMENT AND OPERATION OF PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO)

ALL PROVINCES, CITIES, AND MUNICIPALITIES ARE MANDATED TO ESTABLISH THROUGH AN ORDINANCE THEIR RESPECTIVE PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) DIRECTLY UNDER THE OFFICE OF THE LOCAL CHIEF EXECUTIVE (OFFICE OF THE GOVERNOR, CITY OR MUNICIPAL MAYOR, AS THE CASE MAYBE). The Local Chief Executive shall appoint a **HEAD OF THE PDAO, SUBJECT TO THE CONFIRMATION BY THE SANGGUNIAN CONCERNED, AND IN COMPLIANCE WITH THE CIVIL SERVICE RULES ON THE APPOINTMENT OF DEPARTMENT HEADS IN LGUs.** The PDAO shall be responsible for managing and overseeing the **EFFICIENT** operations of the office, pursuant to its mandate under this Act. Priority shall be given to qualified **PERSONS WITH DISABILITIES** to head the said office in carrying out the following functions:

(i) Formulate and implement policies, plans and programs **INCLUDING BUT NOT LIMITED TO LIVELIHOOD, REHABILITATION, AND SELF-RELIANCE PROGRAMS** to promote the welfare of **PERSONS WITH DISABILITIES** in coordination with concerned national and local government agencies;

(ii) Coordinate and **ENSURE** the implementation of the provisions of this Act, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, **REPUBLIC ACT NO. 10754 ALSO KNOWN AS AN ACT EXPANDING THE BENEFITS AND PRIVILEGES OF PERSONS WITH DISABILITY (PWD)**, and other relevant **DISABILITY-RELATED LAWS OR POLICIES** that may be promulgated thereafter, at the local level;

(iii) Represent **PERSONS WITH DISABILITIES** in meetings of local development councils and other special bodies. **AS SUCH, THE HEAD OF PDAO SHALL CONDUCT AN ANNUAL GENERAL ASSEMBLY AND PERIODIC CONSULTATIONS WITH VARIOUS PERSONS WITH DISABILITY ORGANIZATIONS WITHIN THEIR AREA OF JURISDICTION TO GATHER FEEDBACK AND INSIGHTS ON POLICIES AND PROGRAMS RELATED TO PERSONS WITH DISABILITIES. THESE CONSULTATIONS SHOULD BE CONDUCTED IN A MANNER THAT IS ACCESSIBLE AND INCLUSIVE TO ALL PERSONS WITH DISABILITIES;**

(iv) **RECOMMEND AND ENCOURAGE THE PARTICIPATION OF NON-GOVERNMENT ORGANIZATIONS (NGOs), PEOPLE'S ORGANIZATIONS (POs), AND OTHER PERSONS WITH DISABILITIES ORGANIZATIONS IN MEETINGS RELATED TO THE IMPLEMENTATION OF DISABILITY-**

RELATED LAWS AND POLICIES. THE PDAO SHALL ALSO CONDUCT REGULAR MEETINGS WITH THESE ORGANIZATIONS TO PROMOTE COOPERATION AND COLLABORATION TOWARDS EFFECTIVE IMPLEMENTATION OF THESE LAWS AND POLICIES;

(v) Gather and compile relevant data on **PERSONS WITH DISABILITIES** in their localities;

(vi) **MAINTAIN A UNIFORM AND STANDARDIZED LOCAL DATABASE LINKED TO A NATIONAL REGISTRY FOR PERSONS WITH DISABILITY (NRPWD) SYSTEM;**

(vii) Disseminate information including, but not limited to, programs and activities for **PERSONS WITH DISABILITIES, AS WELL AS RELEVANT STATISTICS DISAGGREGATED BY GENDER, TYPE OF DISABILITY IN ACCORDANCE WITH THE INTERNATIONAL CLASSIFICATION OF FUNCTIONING, DISABILITY, AND HEALTH (ICF), ADDRESS, EDUCATIONAL ATTAINMENT, EMPLOYMENT STATUS, AND OTHER NECESSARY INFORMATION** including children with disability, and training and employment opportunities for **PERSONS WITH DISABILITIES;**

(viii) Submit **REGULAR** reports to the Office of the Local Chief Executive on the implementation of programs and services for the promotion of welfare of **PERSONS WITH DISABILITIES** in their respective areas of jurisdiction. **THESE REPORTS SHALL INCLUDE AN ASSESSMENT OF THE EFFECTIVENESS OF EXISTING PROGRAMS AND SERVICES, AS WELL AS RECOMMENDATIONS FOR IMPROVEMENTS AND FUTURE INITIATIVES;**

(ix) Ensure that the policies, plans and programs for the promotion of welfare of **PERSONS WITH DISABILITIES** are funded by both the national and local government;

(x) **MONITOR FUNDRAISING ACTIVITIES CONDUCTED FOR THE BENEFIT OF PERSONS WITH DISABILITIES. THE PDAO SHALL ENSURE THAT FUNDRAISING ACTIVITIES ARE CONDUCTED IN A TRANSPARENT AND ACCOUNTABLE MANNER, AND THAT THE PROCEEDS ARE USED SOLELY FOR THE BENEFIT OF PERSONS WITH DISABILITIES. THE PDAO SHALL ALSO ENSURE THAT FUNDRAISING ACTIVITIES ARE CONDUCTED IN COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS;**

(xi) Seek donations in cash or in kind from local or foreign donors to implement an approved work plan for **PERSONS WITH DISABILITIES**, in accordance with existing laws and regulations. **THE PDAO SHALL ALSO ENSURE THAT ALL DONATIONS RECEIVED ARE PROPERLY ACCOUNTED FOR AND REPORTED IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATION;** and

(xii) Perform such other functions as may be necessary for the promotion of welfare of **PERSONS WITH DISABILITIES**.

(2) DESIGNATION OF FOCAL PERSONS IN LIEU OF PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO)

In consideration of budget restraints, Local Chief Executives of fourth (4th), fifth (5th), and sixth (6th) class municipalities may, in lieu of a PDAO, designate a Focal Person to perform the functions

of the Persons with Disability Affairs Office (PDAO). In appointing a Focal Person, priority **SHALL** be given to a **PERSON WITH DISABILITY** who has experience in providing services to the **DISABILITY SECTOR. HOWEVER, THIS PROVISION SHALL NOT PRECLUDE THE 4TH, 5TH, OR 6TH CLASS MUNICIPALITIES FROM ESTABLISHING A PDAO IN THEIR RESPECTIVE AREAS OF JURISDICTION.**

The establishment of a PDAO or the appointment of a Focal Person, as the case may be, should be done in coordination and **GUIDANCE** of the **DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND NOMINATIONS FROM THE GENERAL MEMBERSHIP OF VARIOUS ORGANIZATIONS OF PERSONS WITH DISABILITY IN THEIR RESPECTIVE TERRITORIAL JURISDICTION.**

SECTION 3. References to the term “Disabled Persons” on the title and other sections of the same Act are hereby amended to read as **PERSONS WITH DISABILITIES.**

SECTION 4. Within three (3) years after the effectivity of this Act, appropriate agencies, headed by the **DILG**, in consultation with the **DSWD**, **NCDA**, and relevant NGOs and POs, shall review its implementation and recommend to Congress the need to mandate the establishment of a PDAO in 4th, 5th, and 6th class municipalities.

SECTION 5. *Role of the Department of Interior and Local Government (DILG).*
– The Department of Interior and Local Government (DILG) shall establish and maintain a monitoring team solely for the purpose of ensuring the establishment and the effective operations of PDAOs or the appointment of focal persons, as the case may be, in every local government unit with the following specific functions:

- (a) Ensure the creation, compliance, and implementation of all LGUs in the establishment of PDAOs or the appointment of focal persons in their respective jurisdictions;
- (b) Ensure that the annual budget of every province, city and municipality includes provisions to fund the establishment and operations of a PDAO or the programs and activities of the focal persons in their respective jurisdictions;
- (c) Provide technical assistance to LGUs such as, but not limited to, capacity building and facilitating a smooth transition from provincial/city/municipal social welfare and development office to PDAO;
- (d) Establish a minimum standard of policies, plans, and programs aimed at promoting the empowerment, rights, and welfare of persons with disabilities;
- (e) Incorporate the presence and functionality of PDAO and their programs as indicators monitored through the local governance performance management system (LGPMS) and seal of good local governance (SGLG);
- (f) Incentivize or recognize the effectiveness and performance of PDAO or the focal person, and integrate this as a key factor in assessing the performance of local government units through LGPMS or SGLG programs;
- (g) Coordinate with other national agencies regarding concerns of persons with disabilities within the LGU; and,
- (h) Initiate and conduct immediate investigation of LGUs that are non-compliant with the establishment and effective operation of PDAOs or focal persons, and recommend appropriate action without delay.

The DILG secretary is granted the authority to restructure its internal organizational framework as deemed necessary to efficiently and effectively fulfill the objectives of this provision.

SECTION 6. *Creation of a database management system.* – All PDAOs in every province, city, and municipality under the supervision of the DILG, and subject to the requirements of the data privacy laws, are hereby authorized and required to create, collect, and maintain a uniform and standardized local database of persons with disabilities linked to a National Registry for Persons With Disability (NRPWD)

System. The DILG, DOST, and DOH are mandated to facilitate the creation and implementation of a uniform local database for persons with disability. The database shall include statistics and information on persons with disabilities with categories such as gender, type of disability in accordance with the International Identification of Functioning, Disability, and Health (ICF), address, educational attainment, employment status, and other relevant information.

SECTION 7. *Establishment of a uniform Persons with Disability Identification (PWD ID) System.* The data gathered under the immediately preceding section shall serve as basis for establishing a uniform PWD ID system across the country. *Provided*, however, that the issuance of PWD IDs shall be based on a medical abstract issued by a licensed medical doctor. Medical examinations for the purpose of classifying the disability of a PWD shall be free of charge from both public or private licensed medical doctors.

SECTION 8. *Appropriations.* The amount necessary to fund the implementation of this Act shall be included in the General Appropriations Act (GAA) under the DILG.

To effectively achieve the objectives of this Act, every province, city, and municipality shall allocate the necessary funds from their annual budget for programs, projects, and activities (PPAs) for persons with disabilities, which must be included in their respective annual investment plans (AIPs). Failure to provide the appropriations and inclusion of PPAs for Persons with Disabilities in LGU's AIP shall render the annual budget inoperative. Any attempt to enforce an invalid annual budget shall serve as sufficient grounds for the suspension or dismissal of the official or employee concerned by court order.

SECTION 9. *Implementing rules and regulations.* – Within sixty (60) days from the effectivity of this Act, the DILG, in coordination with the Department of Social Welfare and Development (DSWD), National Council on Disability Affairs (NCDA), Department of Health (DOH), Commission on Human Rights (CHR), and Civil Service

Commission (CSC), shall promulgate and issue the necessary guidelines for the mandatory establishment of PDAOs in all LGUs.

SECTION 10. *Repealing Clause.* – All laws, presidential decrees, executive orders, and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation or in the Official Gazette, whichever comes first.

Approved,