

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 8514

Introduced by HON. GUS S. TAMBUNTING

**AN ACT TO FURTHER PROMOTE THE MOBILITY OF PERSONS WITH DISABILITY
BY MANDATING CERTAIN ACCESSIBILITY FACILITIES AND SERVICES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, OTHERWISE KNOWN
AS THE "MAGNA CARTA FOR DISABLED PERSONS," AS AMENDED, AND FOR
OTHER PURPOSES**

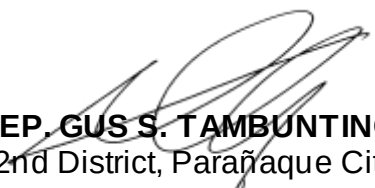
EXPLANATORY NOTE

Persons with disabilities (PWDs) require particular care and attention from the government. Life with a handicap is undoubtedly difficult. Traveling from one location to another would require more work, particularly for individuals that commute. Their challenges are exacerbated by the severe shortage of accessible amenities in our streets and buildings. We observe footbridges with just steps to climb, pedestrian lanes with no one to help them in crossing the street, and sidewalks with no access ramps or railings. Despite the fact that the government has many of the infrastructures built, such as footbridges, underpasses, waiting shelters, walkways, and transit terminals, are inaccessible to people with disabilities.

The Magna Carta for Disabled Persons and Other Purposes, also known as Republic Act No. 7277, mandates the provision of accessible facilities and features in public infrastructure but may have failed in not explicitly providing for accessibility facilities in, among other things, footbridges, underpasses, pedestrian crossings, waiting-sheds, sidewalks, shopping malls, and land, sea, and air transportation terminals, structures, and facilities.

Through this proposed measure, we will be able to improve the mobility of our PWDs and reduce their challenges as they try to become more useful members of our society.

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. GUS S. TAMBUNTING
2nd District, Parañaque City

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

SECTION 1. Section 25, Chapter VI, of Republic Act (RA) No. 7277 is hereby amended to read as follows:

"Sec. 25. Barrier-Free Environment. - The State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law".

The national and local governments shall allocate funds for the provision of architectural facilities or structural features for disabled persons in government buildings and facilities. SUCH ARCHITECTURAL FACILITIES AND STRUCTURAL FEATURES INCLUDE THE FOLLOWING:

A. FOOTBRIDGES AND UNDERPASSES

WITH WHEELCHAIR RAMPS THAT ARE ELEVATED AT A REASONABLE ANGLE, RAILINGS, AND ACCESSIBLE ELEVATORS.

B. WAITING SHEDS WITH RAMPS, RAILINGS, AND SUCH OTHER IMPROVEMENTS OR FACILITIES NECESSARY TO MAKE THEM ACCESSIBLE TO PERSONS WITH DISABILITY; AND

C. COVERED WALKS OR WALKWAYS LEADING TO THE NEAREST PUBLIC TRANSPORT STOP OR TERMINAL, IF SUCH STOP OR TERMINAL IS NOT MORE THAN ONE HUNDRED (100) METERS AWAY FROM ANY GOVERNMENT BUILDING. IN ADDITION, LAND, AIR, AND SEA TRANSPORTATION TERMINALS SHALL PROVIDE FACILITIES DEDICATED TO PWDS EQUIPPED WITH ACCESSIBILITY FEATURES, INCLUDING TOILETS, TICKETING COUNTERS, WAITING LOUNGES, AND PARKING AND DROP-OFF SPACES, WITH VISIBLE SIGNAGES INDICATING THAT THESE FACILITIES ARE FOR PWDS. OPERATORS OF SHOPPING MALLS SHALL ENSURE THAT PWDS SHALL BE PRIORITIZED IN THE USE OF ELEVATORS AND ESCALATORS, AND THAT THERE ARE RAMPS GOING TO AND FROM PARKING LOTS."

SEC. 2. Section 40 of RA 7277 is hereby amended to read as follows:

"Sec. 40. Role of National Agencies and Local Government Units. - Local government units shall promote the establishment of organizations

for disabled persons in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations or associations of disabled persons to explore livelihood

opportunities and other undertakings that shall enhance the health, physical fitness, and economic and social well-being of disabled persons. THE DPWH AND DOTR, IN COORDINATION WITH THE LGUS, SHALL CONDUCT OCULAR INSPECTION AND MONITORING OF GOVERNMENT BUILDINGS AND FACILITIES TO ENSURE COMPLIANCE WITH THIS ACT. THESE AGENCIES SHALL BE RESPONSIBLE FOR ENSURING THE AVAILABILITY, ACCESSIBILITY, AND MAINTENANCE OF THE FACILITIES REQUIRED IN THIS ACT."

SEC. 3. Section 46 of RA 7277 is amended to read as follows:

"Sec. 46. Penal Clause. –

(a) Any person who violates any provision of this Act shall suffer the following penalties:

(1) For the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six months but not more than two years, or both at the discretion of the court; and

(2) For any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two years but not more than six years, or both at the discretion of the court.

(b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six months or a fine of not less than Five thousand pesos (P5,000.00), but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.

(c) If the violator is a corporation organization or any similar entity, the officials thereof directly involved shall be liable therefore.

(d) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings. Upon filing of an appropriate complaint, and after notice and hearing the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business entity that fails to abide by the provisions of this Act.

MAYORS OF CITIES AND MUNICIPALITIES WHO ARE REMISS IN THE IMPLEMENTATION OF THIS ACT SHALL BE ADMINISTRATIVELY SANCTIONED IN ACCORDANCE WITH RA 7160 AND OTHER EXISTING LAWS, RULES, AND REGULATIONS, AND ORDINANCES."

SEC. 4. A new Section 46-A is hereby added and inserted after Section 46 of RA 7277, to read as follows:

"SEC. 46A. CITIZEN'S SUIT FOR THE PURPOSES OF ENFORCING THE PROVISIONS OF CHAPTER VI (ACCESSIBILITY), ANY CITIZEN MAY FILE AN APPROPRIATE CIVIL OR ADMINISTRATIVE ACTION IN THE PROPER COURTS OR ADMINISTRATIVE BODIES AGAINST:

a) THE DEPARTMENT IN CHARGE WITH RESPECT TO ORDERS, RULES, AND REGULATIONS ISSUED INCONSISTENT WITH THIS ACT; AND

b) ANY PUBLIC OFFICER WHO WILFULLY OR GROSSLY NEGLECTS THE PERFORMANCE OF HIS DUTY OR ABUSES AUTHORITY IN THE PERFORMANCE OF DUTY OR, IN ANY MANNER IMPROPERLY PERFORMS THE DUTIES UNDER THIS ACT OR ITS IMPLEMENTING RULES AND REGULATIONS; PROVIDED, THAT NO SUIT CAN BE FILED UNTIL AFTER A NOTICE OF THE INFRACTION HAS BEEN GIVEN TO THE

PUBLIC OFFICER AND NO APPROPRIATE ACTION HAS BEEN TAKEN THEREON WITHIN THIRTY (30) DAYS FROM RECEIPT OF SUCH NOTICE."

SEC. 5. Implementing Rules and Regulations. -The Secretaries of Department of Public Works and Highways (DPWH) and Department of Transportation (DOTr), shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SEC. 6. Appropriations. - The amount necessary for the effective implementation of this Act shall be charged to the budget of DPWH and DOTr under the annual General Appropriations Act.

SEC. 7. Separability Clause. - If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 8. Repealing Clause. - All laws, executive orders, administrative orders, and rules and regulations inconsistent with this Chapter are hereby repealed or amended accordingly.

SEC. 9. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,