

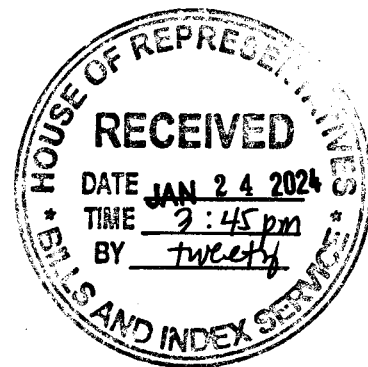


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress

Second Regular Session

House Bill No. 9828



Introduced by:
HON. MARISSA "DEL MAR" MAGSINO
OFW PARTY LIST

EXPLANATORY NOTE

The National Disability Prevalence Survey conducted in 2016 indicated a twelve percent (12%) disability prevalence in the country's adult population, with seventy percent (70%) experiencing mild to moderate disabilities.

Persons with disabilities (PWDs) are confronted with challenges and barriers which include limited mobility, stigma, discrimination, unequal access to education and employment opportunities, health and other social and public services, and incur extra expenses for assistive devices and personal assistance. These obstacles trap them in poverty and deny them a quality standard of living. Their situation is further aggravated by the minimal institutional support and token inclusive policies of government at the national level, and insufficient funding for program implementation at the local level.

The Philippines is a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which recognizes all the rights of persons with disabilities and enjoins State Parties to take effective and appropriate measures to respect, protect, and fulfill the full enjoyment by persons with disabilities of these rights. Thus, Republic Act No. 7277, otherwise known as the 'Magna Carta for Persons with Disabilities, as amended by Republic Act No. 10754 and Republic Act No. 9442, were enacted to underscore the government's response to the predicament of our PWDs. However, with the changing conditions that have occurred in the PWD sector in the country since the passage of these laws, there is a need to upgrade the benefits granted to them by law, and for the government to be more proactive in ensuring the availability of funds for the empowerment and inclusion of PWDs in Philippine society, and to support the program implementation of local government units (LGUs) to achieve such objectives.

A key legislative initiative endorsed in the 2017-2022 Philippine Development Plan is the establishment of the Persons with Disability Development Support Fund for programs that will enable PWDs and their families to access disability support services and provide them with productive opportunities to become contributing members of society.

This bill seeks to establish the Disability Support Fund to be administered by the National Council on Disability Affairs (NCDA) to support the undertaking of the Disability Support Allowance Program under the Department of Social Welfare and Development (DSWD) to provide a disability support allowance of P 2,000.00 per month per eligible beneficiary based on the criteria to be formulated by DSWD. The allowance will be indexed to inflation to preserve its positive impact on the standards of living and participation of people with disabilities. Local government units and accredited non-government organizations will also be assisted through funding to establish and implement responsive services and programs at their levels to promote independent living of persons with disabilities.

The program is envisioned to be implemented in gradation:

Phase 1 - The initial phase of the Disability Support Allowance Program, to be implemented in the first three (3) years, shall prioritize provision of stipends for children with disabilities, adults with moderate and severe disability who are facing the highest barriers and disability-related costs, and 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.

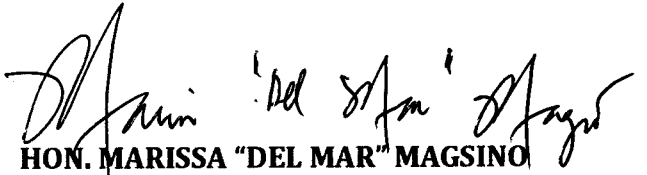
Phase 2 - The second phase of the Program, to be implemented in the next three (3) years, shall include all registered persons with disabilities, who have either no income or have low levels of income, and persons with disabilities who face disability-related extra costs which negatively affect adequate standard of living.

Phase 3 - The third phase, to be realized in six (6) years after the start of the Program's implementation, shall endeavor to progressively cover all persons with disabilities.

In combination with social protection programs and discounts PWDs are already entitled to under existing laws, the support allowance proposed in this measure aims to address the higher costs of transportation, housing, nutrition, hygiene and temporary human assistance requirements, and other disability-related costs, as well as provide a basic income security for qualified persons with disabilities.

This bill is a counterpart measure of Senate Bill No. 1602 as per Senate Committee Report No. 16 in consolidation and substitution of Senate Bill Nos. 31, 501 and 592 authored by Senators Manuel 'Lito' Lapid, Ramon 'Bong' Revilla, Jr. and Risa Hontiveros, respectively.

For the foregoing reasons, the immediate consideration and approval of this bill is earnestly urged.


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AN ACT
ESTABLISHING THE DISABILITY SUPPORT FUND FOR THE EMPOWERMENT, FULL
PARTICIPATION AND INCLUSION OF PERSONS WITH DISABILITIES IN SOCIETY
AND APPROPRIATING FUNDS THEREFOR

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 Fund Act'.

Section 2. Declaration of Policy – The Philippines as a State Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognizes all the rights of persons with disabilities and shall take effective and appropriate measures to respect, protect, and fulfill the full enjoyment by persons with disabilities of these rights, such as but not limited to access to habilitation and rehabilitation services, participation in socio-economic activities, access to a range of in-home, residential and other community support services, including personal assistance, learning and assistive devices and technology necessary to support living independently and inclusion in the community, and to prevent isolation or segregation from the community.

Towards this end, the State shall establish a disability support fund to provide social assistance to persons with disabilities for the support they need, to augment local government units funds for their disability-specific and mainstreamed programs and services targeting persons with disabilities and to support non-government organizations (NGOs) and organizations of persons with disabilities initiatives and services that are in support of governmental functions relative to development and empowerment of persons with disabilities.

Section 3. Definition of Terms.

- a) *Disability* is an evolving concept that results from the interaction between persons with impairment and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others;
- b) *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-adaptive 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 on the rights of persons with disabilities as recognized under the Convention on Rights of Persons with Disabilities;
- c) *Handicap* refers to a disadvantage for a given individual resulting from an impairment or a disability, that limits or prevents the functions or activity that is considered normal given the age and sex of the individual;
- d) *Impairment* is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- e) *Indigent Person with Disability* refers to a person with disability who is frail, sickly, and without pension or permanent source of income, or regular support from his/her relatives to meet his/her basic needs;
- f) *Persons with Disability* 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 in this definition are, but not limited to, the following: persons with psychosocial disability, persons with autism, persons with down syndrome, persons who are blind, persons with low vision, persons hard of hearing, the deaf, persons with rare diseases, and all other persons who will be certified under the disability assessment and determination system;
 - i. *Psychosocial disability* refers to any acquired behavioral, cognitive, emotional, or social impairment that limits one or more activities necessary for effective interpersonal transactions and other civilizing processes or activities for daily living, such as but not limited to deviancy or antisocial behavior;
 - ii. *Disability due to chronic illness* refers to a health condition that lasts for a long time. It may slowly get worse over time or may become permanent or it may lead to death. It may cause permanent change to the body and will certainly affect the person's quality of life;
 - iii. *Learning disability* means any disorder in one or more of the basic psychological processes (perception, compensation, thinking, etc.) involved in understanding or in using spoken or written language;
 - iv. *Mental disability* is a disability resulting from an organic brain syndrome (i.e., mental retardation, acquired lesions of the central nervous system, or dementia) and/or mental illness (psychotic or non-psychotic disorder);
 - v. *Visual disability* is the impairment of visual functioning even after treatment and/or standard refractive correction, with visual acuity in the better eye of less than 6/18 low vision and 3/60 for blind, or a visual field of less than 10 degrees from the point of fixation. A certain level of visual impairment is defined as legal

blindness. One is legally blind when the best corrected central visual acuity in the better eye is 6/60 or worse, or side vision of 20 degrees or less to the better eye;

- vi. *Communication disability* refers to an impairment in the process of speech, language or hearing, further broken down into two types: (a) Hearing Impairment which is a total or partial loss of hearing function which impedes the communication process essential to language, educational, social and/or cultural interaction; and (b) Speech and Language Impairment which means one or more speech/language disorders of voice, articulation, rhythm and/or the receptive or/and expressive processes of language;
- g) *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;
- h) *Reasonable accommodation* means necessary and appropriate modification and adjustments so as not to impose disproportionate or undue burden, and to ensure that persons with disabilities enjoy or exercise on an equal basis all human rights and fundamental freedoms;
- i) *Disability Support Services* means support services provided where a condition, disability or illness has been, or is likely to be, present for six (6) months or more, excluding surgical or medical treatment;
- j) *Rehabilitation* refers to the action of restoring someone to health or normal life through training, and after imprisonment, addiction, or illness, and
- k) *Habilitation* means educating people with functional limitation so that they can live in society more easily.

Section 4. Disability Support Fund – The Disability Support Fund aims to address the gaps in the program implementation currently undertaken at the national and at the local level through programs and projects of the local government and civil society organizations. Local government units and accredited non-government organizations will also be assisted through funding to establish responsive services supporting independent living of persons with disabilities.

The Disability Support Fund aims to provide a regular stipend to persons with disabilities based on the eligibility criteria to be formulated by the Department of Social Welfare and Development (DSWD). The initial amount of Two Thousand Pesos (P2,000.00) a month per individual beneficiary is set for the Disability Support Allowance which will be indexed to inflation to preserve its positive impact on the standards of living and participation of people with disabilities. This would contribute, in combination with existing social protection programs and discounts, to address the higher costs of transportation, housing, nutrition, hygiene and temporary human assistance requirements, among others. For working age adults out of work, it will provide a basic income security and will also help cover disability related costs for finding and keeping work.

The Program shall be implemented in three (3) phases:

- a) Phase 1 – The initial phase of the Disability Support Allowance Program, to be implemented in the first three (3) years, shall prioritize provision of stipends for:
 - i. Children with disabilities;
 - ii. Adults with moderate and severe disability, 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, who have either no income or have low levels of income, and persons with disabilities who face disability-related extra costs which negatively affect adequate standard of living.
- c) Phase 3 - The third phase, to be realized in six (6) years after the start of the Program's implementation, shall endeavor to progressively cover all persons with disabilities.

Section 5. Coverage – All persons with disabilities, as certified under the Disability Assessment and Determination System that is based on a human rights approach, shall be covered by the provisions of this Act. Priority shall 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 have low levels of income, as well as persons with disabilities who face disability-related extra costs which deprive them of an adequate standard of living.

Section 6. Eligibility – Eligibility to the disability support fund will be based solely on Disability Assessment and Determination with focus on functional limitation, support requirements, and barriers to participation, irrespective of income, work status or access to other social protection benefits.

In recognition of the multiple forms of poverty and the extent of disability-related costs required for basic participation, eligibility of persons with disabilities to the disability support fund will be compatible with eligibility and benefits from different 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, the disability allowance acting as a top-up for subsidizing disability-related costs.

Provided, That the DSWD, in consultation with the National Council on Disability Affairs (NCDA), may, in its discretion, adopt additional bases to achieve the objectives of this Act.

Section 7. Role of National Council on Disability Affairs as Administrator for the Disability Support Fund – The National Council on Disability Affairs (NCDA) shall be the administrator of the Disability Support Fund. In partnership with organizations of persons with disabilities, all concerned government agencies, local government units thru Persons with Disability Affairs Office (PDAO), and non-government organizations, shall implement programs and services targeting persons with disabilities.

All policies concerning programs and services for persons with disabilities shall be reviewed and enhanced for clarity of operationalization at the local level.

Section 8. Disability Data Management System – To effectively implement social protection measures targeting persons with disabilities, a Disability Data Management System shall be put up and shall be linked to the Community-Based Monitoring System (CBMS) of the Philippine Statistics Authority (PSA) which aid in the development of poverty-reduction programs from local to the national level. Linkage to the National ID System, and the Department of Health

(DOH) Persons with Disability Registry, which is mirrored with the PhilHealth Database System, shall also be done to provide real-time disability data.

Section 9. Policy on Disability Identification Cards – The issuance of Disability Identification Cards 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 PWD, or his/her parent or his/her relative of any degree of consanguinity or affinity, or any third person found to be deliberately committing any fraudulent act of enrolling a PWD to the program when said person is not indigent shall suffer the following:
 - i. For the first violation, a fine of not less than Twenty-five Thousand pesos (P 25,000.00) but not exceeding Fifty Thousand pesos (P 50,000.00); and,
 - ii. For any subsequent violation, a fine of not less than Fifty Thousand pesos (P 50,000.00) but not exceeding One Hundred Thousand pesos (P 100,000.00).

Provided: That the penalties in this sub-section shall not be imposed upon persons who are not indigent in the Third Phase of the implementation of the Program subject to Section 4 paragraph (c) of this Act.

- b) Any person, natural or juridical, violating any provision of this Act and its Implementing Rules and Regulations (IRR), except violations pertaining to Subsection (a) of this Section, shall be penalized with a fine of not less than Fifty Thousand pesos (P 50,000.00) but not exceeding One Hundred Thousand pesos (P 100,000.00). If the violator is a corporation, organization or any similar juridical entity, the officials directly involved and responsible shall be liable therefor.

Section 11. Monitoring – The NCDA, in collaboration with representatives of the organizations of persons with disabilities, is hereby tasked to convene an Inter-Agency Committee (IAC) to make an annual assessment of the implementation of this Act.

Section 12. Appropriations – The amount necessary for the implementation of this Act shall be included in the Annual General Appropriations Act (GAA) of the year following its enactment into law and thereafter. The initial amount of which shall be determined by the DSWD, the 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 fulfillment of the progressive realization principle.

Section 13. Implementing Rules and Regulations – Within one hundred and twenty (120) days from the effectivity of this Act, the DSWD in consultation with the NCDA, the Department of Interior and Local Government (DILG), DOH, PSA, 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 14. Report to Congress – The DSWD and NCDA shall annually submit a report to Congress on the status of the implementation of this Act for the purpose of review and recommendation of additional measures necessary for the attainment of the objectives of this Act.

Section 15. *Suppletory Clause* – The provisions of Republic Act No. 7277, otherwise known as the 'Magna Carta for Persons with Disabilities, as amended by Republic Act No. 10754 and Republic Act No. 9442, shall have suppletory effect to the provisions of this Act.

Section 16. *Separability Clause* – If any provision of this Act is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and in effect.

Section 17. *Repealing Clause* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 18. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.