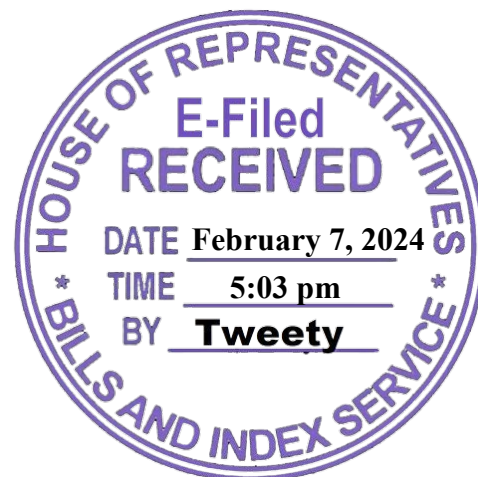


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 9896



Introduced by Representative CAMILLE A. VILLAR

**AN ACT GRANTING ADDITIONAL PRIVILEGES TO CHILDREN AND YOUTH
WITH SPECIAL NEEDS (CYSN), AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.¹

Moreover, the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.²

The recent study of the United Nations Children's Fund (UNICEF, 2022) estimates that there are about 1.6 million Filipino children with disabilities.³

Merriam-Webster define 'special needs' as "various difficulties (such as a physical, emotional, behavioral, or learning disability or impairment) that causes an individual to require additional or specialized services or accommodations (such as in education or recreation)."

In the Philippines, consider the following⁴:

- PhilHealth estimates that one out of seven or around 5.1 million Filipino children are living with disabilities. Yet there is little information on the prevalence of disabilities among Filipino children.

¹ Section 13, Article II, Declaration of Principles and State Policies, of the 1987 Philippine Constitution

² Section 3 (2), Article XV, The Family, of the 1987 Philippine Constitution

³ Congressional Policy and Budget Research Department, House of Representatives, March 2023 (No. 17), citing Cost of Raising Children with Disabilities in the Philippines, UNICEF 2022

⁴ Data culled from Philippine Policy Report No.6, Children with Disabilities: Finding the Way to an Inclusive Service Framework, July 2018, study funded by the Australian Embassy in Manila, UNICEF, DSWD and the Development Academy of the Philippines

- Children with disabilities continue to experience barriers to access basic social services. This is compounded by poverty, lack of data, weak governance and discriminatory attitudes related to disability in general.
- Children with disabilities are less likely to attend school, access medical services, or have their voices heard in society. Their disabilities also place them at a higher risk of physical abuse and discrimination, and often exclude them from receiving proper nutrition or humanitarian assistance in emergencies.

The proposed legislation aims to provide CYSN access to additional privileges, to facilitate integration of CYSN to society and fully develop their potential towards self-sufficiency and become more effective partners in the affairs of the country.

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


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

SECTION 1. Declaration of Policies and Objectives. - It is hereby declared the policy of the State to protect and promote the rights of children and youth with special needs (CYSN) to additional privileges and to take appropriate steps to make such privileges accessible to them. The State recognizes their vital role in society and endeavors to include their needs as integral part of national development strategies.

It is also the policy of the State to give full support for their welfare and development to ensure their full integration to society as well as to facilitate their active participation in the affairs of the State. Towards this end, the State shall institutionalize additional privileges for every CYSN through the establishment of privileges equal to those that benefit Filipino senior citizens and persons with disabilities. Thus, all CYSN, in any degree of sensory, physically or intellectual disability or needs, will have privileges that will greatly help them to live better lives.

Objectives. The objectives of this bill are:

- (a) To provide CYSN access to additional privileges through the granting of discounts to transportation, medical, and leisure activities;
- (b) To facilitate integration of CYSN with society;
- (c) To help CYSN fully develop their potential towards self-sufficiency and become more effective partners in the affairs of the country;

- (d) To ensure that CYSN understand, appreciate and respect differences amongst groups and members in society and also to understand the nature of society in which they live;
- (e) To identify gifted and talented children;
- (f) To enhance the role of parents, teachers and other caregivers as primary caregivers of CYSN by equipping them with capabilities to identify, prevent, refer or intervene with the development disorders and disabilities of CYSN;
- (g) To involve private groups, local government units (LGUs) and national agencies in the education of CYSN; and
- (h) To create significant and positive changes in community attitudes towards disability and the need to provide special education and proper care for CYSN.

SEC. 2. *Definition of Children and Youth with Special Needs (CYSNs) -*

A. Children with special needs (CSNs) refer to those persons below eighteen (18) years of age who are mentally gifted or are fast learners; and those who are disabled, impaired and handicapped and in need of special education as well as services for rehabilitation. They differ from the average children in mental characteristics, sensory abilities, neuro-muscular or physical characteristics, social attributes, to such an extent that requires the use of modified school practices or special education services to develop them to maximum capability.

They may be classified as follows:

1. *Gifted children and fast learners* are those capable of superior performance including those with demonstrated achievement or potential ability in one or more of the following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in the performing arts and psychomotor ability, or those individuals who consistently manifest the following cluster of traits. above average ability (including intelligence), high creativity (implies the developmental appreciation of innovative ideas) and high task commitment (related to a high degree of motivation) and those who by reason thereof, require services or activities not ordinarily provided by the school;
2. *Children with mental retardation intellectual disability* are those who have substantial limitation in present functioning characterized by significant sub-

average intellectual functioning, existing concurrently with the related limitations in two or more of the applicable adaptive skill areas; communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work;

3. *Children with visual impairment* are those who are blind or having a low vision. Persons are blind if they have a visual capacity of 20/200 or less in a better eye after maximum correction. The low vision persons retain a relatively low degree of vision and can read only enlarged print or regular print under special conditions;

4. *Children with hearing impairment* are those who are deaf or hard-of-hearing. The deaf persons are one whose hearing are non-functional for ordinary purpose in life. The hard-of-hearing have a defective sense of hearing that is functional without a hearing aid;

5. *Children with behavior problems* are those who cannot adjust to the socially accepted norms or behavior and, consequently disrupt their academic progress, in the learning efforts of their classmates and interpersonal relations;

6. *Children with orthopedic/physical handicap* are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs;

7. *Children with special health problems* are those who have health conditions that tend to keep children out-of-school or those with chronic and/or debilitating illnesses such as cardiac (heart) diseases, asthma, diabetes, tuberculosis and other respiratory ailments, carcinoma, epilepsy, malnutrition and others;

8. *Children with learning disabilities* are those who, although normal in sensory, emotional and intellectual abilities, exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic. They have such condition as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

9. *Children with speech defects* are those whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to the thought conveyed, which include communication disorders such as stuttering impaired articulation, language impairment, or a voice impairment that adversely affects a child's educational performance;

10. *Children with autism* are those with developmental disabilities, the onset of which occurs before thirty (30) months of age which is marked by disturbance in development, language and relationship with persons, activities and objects and which may coexist with intellectual disability and

epilepsy. Children afflicted with this disorder have perceptual cognitive communication and social difficulties which change over time;

11. *Children with multi-handicaps* are those with more than one disability such as the deaf-blind or those diagnosed with autism and intellectual disability.

12. *Children with Specific Learning Disability* - A disorder in one or more of the basic physiological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Such term includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia;

13. *Children with Traumatic Brain Injury* - An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment or both, and that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior physical functions, information processing, and speech. The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

B. Youth with special needs (YSNs) refer to those persons between fifteen (15) years old to thirty (30) years old with the same characteristics are CSNs, except those mentally gifted or fast learners. Provided, that, those persons who have mental retardation or autism or other chronic intellectual disabilities, shall be considered a YSN regardless of age.

SEC. 3. *Coverage.* - This Act shall cover all children and youth with special needs (CYSNs).

SEC. 4. *Privileges for the Child and Youth with Special Needs (CYSNs).* - The CYSNs shall be entitled to the following:

a) The grant of twenty percent (20%) discount on purchases of basic necessities such as food, water, groceries and medicines;

b) The grant of twenty percent (20%) discount from all establishments relative to utilization of transportation services (including all public utility vehicles), hotels and similar lodging establishments, restaurants and recreation centers: Provided, That private establishments may claim the cost as tax credit;

c) A minimum of twenty percent (20%) discount on admission fees charged by theaters, cinema houses and concert halls, circuses, carnivals and other similar places of culture, leisure, and amusements; and

d) Free medical and dental services in government establishment anywhere in the country, subject to guidelines to be issued by the Department of Health;

SEC. 5. *Government Assistance.* - The Government shall provide the following assistance to those caring for and living with the CYSNs:

a) CYSNs shall be treated as dependents provided for in the National Internal Revenue Code, as amended, such that individual taxpayers caring for them, be they relatives or not, shall be accorded the privileges granted by the National Internal Revenue Code, as amended, insofar as having dependents are concerned.

b) Individuals or non- governmental institutions establishing homes, residential communities or villages solely for the CYSNs shall be accorded the following:

1) Realty tax holiday for the first five (5) years starting from the first year of operations; and

2) Priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village

SEC. 6. *The Office for Children and Youth with Special Needs (OCYSN).* - There shall be established in the Office of the Mayor an Office for Children and Youth with Special Needs to be headed by a Member of the *Sanggunian* who shall be designated by the *Sanggunian* and assisted by the Community Development Officer in coordination with the Department of Social Welfare and Development. The functions of this office are:

a) To plan, implement and monitor yearly work programs in pursuance of the objectives of this Act;

b) To draw up a list of available and required services which can be provided to the CYSN;

c) To maintain and regularly update on a quarterly basis the list of CYSN and to issue nationally uniform individual identification cards which shall be valid anywhere in the country; and

d) To serve as a general information and liaison center to serve the needs of

the CYSN.

SEC. 7. *Penalties.* - Violation of any provision of this Act for which no penalty is specifically provided under any other law, shall be punished by imprisonment not exceeding one (1) month or a fine not exceeding One Thousand Pesos (PhP1,000.00), or both.

SEC. 8. *Implementing Rules and Regulations,* - The Secretary of Social Welfare and Development jointly with the Department of Trade and Industry, Land Transportation and Franchising Regulatory Board, Department of Finance, the Department of Health, and the Department of Interior and Local Government shall issue the necessary rules and regulations to carry out the objectives of this Act.

SEC. 9. *Appropriations.* - The National Government shall appropriate such amount as may be necessary to carry out the objectives of this Act.

SEC. 10. *Repealing Clause.* - All provisions of laws, orders, and decrees, including rules and regulations inconsistent herewith are hereby repealed and/or modified accordingly.

SEC. 11. *Separability Clause.* - If any part or provision of this Act shall be held to be unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved.