

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 9897



Introduced by Representative Camille A. Villar

AN ACT
PROVIDING FOR A COMPREHENSIVE, ACCESSIBLE AND AFFORDABLE
EARLY DETECTION AND TIMELY INTERVENTION SERVICES FOR CHILDREN
WITH SPECIAL NEEDS

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:

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

- 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.
- 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.

Through this legislation, a framework is being envisioned and that society must adapt its structures and mechanisms to ensure children irrespective of age, gender and disability must enjoy the human rights that are inherent in their human dignity. Disability cannot be considered in isolation, having special needs should not be a badge for discrimination.

The proposed legislation also aims to put in place a comprehensive and coordinated health policy on children with special needs that will provide the directions and interventions that must be undertaken by and among concerned agencies in an effective and timely manner. Everyone must be receptive to and supportive of children with special needs.

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


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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 “Early Detection and Intervention Services for Children with Special Needs Act.”

Section 2. *Declaration of Policy.* – It is the policy of the State to adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost.

Section 3. *Definition of Terms.* –

A. *Special Needs* shall mean a variety of conditions, difficulties and impairments including but not limited to chronic and terminal illnesses, physical impairments, and behavioral, cognitive or psychiatric issues and learning disability that causes an individual to require additional or specialized services or accommodations such as education or recreation. A special needs child may have a life-threatening condition or they may have severe learning disabilities.

B. 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, neuromuscular 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.

C. *Intervention* shall mean educational methods and positive behavioral support strategies designed to improve the condition of a child suffering from mental disorder.

Section 4. Programs for Children with Special Needs. The Department of Education (DepEd) and the Department of Health (DOH) shall develop a program providing for comprehensive accessible and affordable early detection and timely intervention services for children with special needs. The objectives of this program include, but not limited to, the following:

- a. To increase awareness, reduce barriers to screening and diagnosis, promote evidence-based interventions for children with special needs or other developmental disabilities;
- b. To build a qualified and adequately trained workforce prepared to provide special needs services for children and their families;

- c. To conduct a comprehensive, multi-faceted public awareness campaign to educate families, the general public, and other key audiences about the benefits of children's social and emotional development, and how to access services; and
- d. To create a quality-driven children's special needs system with shared accountability among agencies and programs that conducts ongoing needs assessments, uses outcome indicators and benchmarks to measure progress, and implements quality data tracking and reporting system.

Section 5. *Role of Local Government Units.* All local government units shall endeavor to establish special needs center offering early intervention and transition programs and shall provide programs and services that will prepare special needs children on activities in mainstream society.

Section 6. *Implementing Rules and Regulations.* The DepEd and DOH in coordination with the Department of Interior and Local Government and in consultation with relevant private sector practitioners and representatives of the academic community shall promulgate the necessary rules and regulations to carry out the provisions of this Act.

Section 7. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 7. *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 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,