Republic of the Philippines
House of Representatives

HOUSE OF REPRESENTATIVES
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19th CONGRESS
Third Regular Session

HOUSE BILL NO. 10803

Introduced by Hon. Charisse Anne Hernandez
Lone District of Calamba, Laguna

EXPLANATORY NOTE

Parents and guardians of Persons with Disabilities (PWDs) in the Philippines face numerous challenges that significantly impact their quality of life. One of the most pressing issues is the financial burden associated with raising a child with a disability. Medical expenses, which include continuous care, therapies, and medications, can be prohibitively expensive. Additionally, specialized education for PWDs often comes with higher fees, and the cost of assistive devices like wheelchairs, hearing aids, and communication tools adds to the financial strain. Many parents also experience a reduction in income because they need to reduce their working hours or even quit their jobs to provide adequate care for their children, leading to a significant loss of household income.

Access to essential services is another major challenge. Specialized healthcare services and professionals for PWDs are limited, especially in rural areas, making it difficult for families to get the medical support they need. Educational

opportunities are also lacking, with few inclusive education options and a shortage of specialized schools. Social services that could provide support and resources to these families are often insufficient especially in remote areas, leaving parents to navigate these challenges with minimal assistance.

Beyond financial and logistical difficulties, parents and guardians of PWDs frequently encounter social stigma and discrimination. Discrimination can affect various aspects of life, including education, employment, and social interactions, further isolating PWDs and their families. The stigma associated with disability often leads to negative attitudes and behaviors from others, exacerbating the emotional and psychological stress experienced by both the parents and the children. These combined challenges highlight the need for comprehensive support systems to improve the lives of PWDs and their families in the Philippines.

Republic Act No. 9442 otherwise known as the "Magna Carta for Persons with Disability as Amended" recognizes and grants various rights and privileges to persons with disabilities (PWDs) to promote their well-being and integration into society. However, it only amended certain provisions of Republic Act No. 7277. Thus, the unique challenges faced by the parents or guardians of PWDs are often overlooked. This bill seeks to amend the Magna Carta for Persons with Disability to extend the benefits and privileges to the parents, legal guardians, or any person directly responsible in the custody and care of PWDs.

By providing these additional benefits, the State acknowledges the vital role played by these parents and guardians in the overall well-being of PWDs and aims to alleviate the burdens they face, thereby fostering a more inclusive and supportive society for PWDs and their families.

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

CHARISSE ANNE C. HERNANDEZ

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AN ACT AMENDING REPUBLIC ACT NOS. 7277 AND 9442, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR PERSONS WITH DISABILITY AS AMENDED, AND FOR OTHER PURPOSES," BY EXTENDING BENEFITS TO THE PARENTS OR GUARDIANS OF PERSONS WITH DISABILITIES (PWDs)

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 "This Act shall be known as the "Expanded Magna Carta for Persons with Disability."

SECTION 2. **Declaration of Policy** – It is hereby declared the policy of the State to ensure the well-being and welfare of all persons with disabilities (PWDs) and their families. In recognition of the challenges faced by parents and guardians

of PWDs, it is the duty of the State to provide necessary support by extending the benefits and privileges to parents or guardians of PWDs.

SECTION 3. Definition of Terms - For the purpose of this Act, the following term is added to Section 4 of Republic Act No. 7277:

(A-1) "*PARENT OR GUARDIAN OF A PWD*" – REFERS TO AN INDIVIDUAL WHO HAS A LEGAL RELATIONSHIP WITH A CHILD, ENCOMPASSING BOTH BIOLOGICAL, ADOPTIVE PARENTS AND GUARDIANSHIP. THIS DEFINITION INCLUDES:

a) BIOLOGICAL PARENT: THE NATURAL MOTHER OR FATHER OF A CHILD.
b) ADOPTIVE PARENT: AN INDIVIDUAL WHO HAS LEGALLY ADOPTED A CHILD THROUGH A COURT PROCESS AND HAS ASSUMED ALL PARENTAL RIGHTS AND RESPONSIBILITIES.
c) LEGAL GUARDIAN: AN INDIVIDUAL WHO HAS BEEN APPOINTED BY A COURT TO TAKE CARE OF A CHILD IN THE ABSENCE OR INCAPACITY OF THE BIOLOGICAL PARENTS, THOUGH NOT TECHNICALLY DEFINED AS A "PARENT," THEY MAY ASSUME PARENTAL RESPONSIBILITIES.
d) UNMARRIED PARENT: AN UNMARRIED MOTHER OR FATHER WHO HAS PREFERRED TO KEEP AND REAR HER/HIS CHILD WITH A DISABILITY INSTEAD OF HAVING OTHERS CARE FOR THEM OR GIVE THEM UP TO A WELFARE INSTITUTION.
e) SOLE PROVIDER: ANY OTHER PERSON WHO SOLELY PROVIDES PARENTAL CARE AND SUPPORT TO A CHILD WITH A DISABILITY.
f) FAMILY HEAD BY NECESSITY: ANY FAMILY MEMBER WHO ASSUMES THE RESPONSIBILITY OF HEAD OF FAMILY AS A RESULT OF THE DEATH, ABANDONMENT, DISAPPEARANCE, OR PROLONGED ABSENCE OF THE PARENTS OR PARENT OF A CHILD WITH A DISABILITY.
g) BOTH PARENTS: BOTH PARENTS, WHETHER MARRIED OR NOT, WHO ARE ACTIVELY INVOLVED IN PROVIDING CARE AND SUPPORT TO A CHILD WITH A DISABILITY.

SECTION 4. Extension of Specific Benefits and Privileges - Republic Act No. 9442 is hereby amended by inserting sections 34 - 41 after Section 33 of Chapter 8. Other Privileges and Incentives as follows:

"SECTION 34. *CRITERIA FOR SUPPORT FOR PARENT OR GUARDIAN OF A PWD.* – ANY PARENT OR GUARDIAN OF A PWD WHOSE INCOME FALLS BELOW THE POVERTY THRESHOLD AS SET BY THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) AND SUBJECT TO THE ASSESSMENT OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) WORKER IN THE CITY OR MUNICIPALITY WHERE THE PWD RESIDES SHALL BE ELIGIBLE FOR ASSISTANCE; PROVIDED, THAT A SOLO PARENT WHO SOLELY PROVIDES PARENTAL CARE AND SUPPORT TO A CHILD WITH A DISABILITY AND WHO IS ALSO QUALIFIED AS SOLO PARENT UNDER THE SOLO PARENTS WELFARE ACT, MAY CLAIM BENEFITS UNDER EITHER THIS ACT OR THE SOLO PARENTS WELFARE ACT AS AMENDED, WHICHEVER IS HIGHER OR MORE BENEFICIAL, BASED ON THE ASSESSMENT OF THE DSWD.

SECTION 35. *COMPREHENSIVE PACKAGE OF SOCIAL DEVELOPMENT AND WELFARE SERVICES FOR PARENT OR GUARDIAN OF A PWD.* – A COMPREHENSIVE PACKAGE OF SOCIAL DEVELOPMENT AND WELFARE SERVICES FOR PARENTS OR GUARDIANS OF PWDS AND THEIR FAMILIES WILL BE DEVELOPED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), DEPARTMENT OF HEALTH (DOH), TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA), DEPARTMENT OF LABORE AND EMPLOYMENT (DOLE), NATIONAL HOUSING AUTHORITY (NHA), AND DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG), IN COORDINATION WITH LOCAL GOVERNMENT UNITS AND A NONGOVERNMENTAL ORGANIZATION WITH A PROVEN TRACK RECORD IN PROVIDING SERVICES FOR PWDS. THIS PACKAGE WILL INCLUDE:

1. LIVELIHOOD DEVELOPMENT SERVICES INCLUDING TRAININGS ON LIVELIHOOD SKILLS, BASIC BUSINESS MANAGEMENT, VALUE ORIENTATION, AND JOB PLACEMENT.

2. COUNSELING SERVICES INCLUDING INDIVIDUAL, PEER GROUP, OR FAMILY COUNSELING FOCUSED ON THE FOLLOWING:
    a) EMOTIONAL SUPPORT: PARENTS OR GUARDIANS OF PWDS OFTEN FACE SIGNIFICANT EMOTIONAL CHALLENGES, INCLUDING STRESS, ANXIETY, AND FEELINGS OF ISOLATION. COUNSELING PROVIDES A SAFE SPACE FOR THEM TO EXPRESS THEIR EMOTIONS AND RECEIVE PROFESSIONAL SUPPORT. FURTHER, PARENTS OR GUARDIANS MAY GO THROUGH STAGES OF ACCEPTANCE REGARDING THEIR CHILD'S DISABILITY. COUNSELING CAN GUIDE THEM THROUGH THIS PROCESS, HELPING THEM TO ACCEPT THEIR CHILD'S CONDITION AND FOCUS ON POSITIVE, PROACTIVE APPROACHES TO CARE.
    b) RELATIONSHIP MANAGEMENT: COUNSELING CAN AID IN RESOLVING CONFLICTS WITHIN THE FAMILY, IMPROVING COMMUNICATION, AND FOSTERING A SUPPORTIVE ENVIRONMENT FOR THE PWD. IT HELPS IN MANAGING THE DYNAMICS BETWEEN PARENTS, SIBLINGS, AND THE PWD.
    c) PREVENTING ISOLATION: PARENTS OR GUARDIANS OF PWDS MAY FEEL SOCIALLY ISOLATED DUE TO THE DEMANDS OF CAREGIVING. COUNSELING CAN CONNECT THEM WITH SUPPORT GROUPS AND NETWORKS, PROVIDING A COMMUNITY OF PEOPLE WHO UNDERSTAND THEIR EXPERIENCES AND CHALLENGES.
    d) EMPOWERMENT AND ADVOCACY: COUNSELING EMPOWERS PARENTS OR GUARDIANS TO ADVOCATE EFFECTIVELY FOR THEIR CHILD'S NEEDS, WHETHER IN EDUCATIONAL SETTINGS, HEALTHCARE, OR WITHIN THE COMMUNITY. IT BUILDS THEIR CONFIDENCE AND SKILLS IN SEEKING THE BEST OUTCOMES FOR THEIR PWD.
3. PARENT EFFECTIVENESS SERVICES INCLUDING THE PROVISION AND EXPANSION OF KNOWLEDGE AND SKILLS ON EARLY DETECTION, EARLY CHILDHOOD DEVELOPMENT,

BEHAVIOR MANAGEMENT, HEALTH CARE, AND THE RIGHTS AND DUTIES OF PARENTS AND CHILDREN.

4. CRITICAL INCIDENCE STRESS DEBRIEFING IS DESIGNED TO ASSIST THE PARENT OR GUARDIAN OF A PWD IN COPING WITH CRISIS SITUATIONS AND CASES OF ABUSE.
5. SPECIAL PROJECTS FOR INDIVIDUALS IN NEED OF PROTECTION INCLUDING TEMPORARY SHELTER, COUNSELING, LEGAL ASSISTANCE, AND MEDICAL CARE

SECTION 36. *FLEXIBLE WORK SCHEDULE.* – EMPLOYERS SHALL PROVIDE A FLEXIBLE WORKING SCHEDULE FOR PARENT OR GUARDIAN OF A PWD. PROVIDED, THAT THE SAME SHALL NOT AFFECT INDIVIDUAL AND COMPANY PRODUCTIVITY.

SECTION 37. *WORK DISCRIMINATION.* – NO EMPLOYER SHALL DISCRIMINATE AGAINST ANY PARENT OF A PWD EMPLOYEE WITH RESPECT TO TERMS AND CONDITIONS OF EMPLOYMENT ON ACCOUNT OF THE DISABILITY OF THEIR CHILD, DEPENDENT OR WARD.

SECTION 38. *PARENTAL LEAVE.* – IN ADDITION TO LEAVE PRIVILEGES UNDER EXISTING LAWS, PARENTAL LEAVE OF NOT MORE THAN SEVEN (7) WORKING DAYS WITH PAY EVERY YEAR SHALL BE GRANTED TO ANY PARENT OR GUARDIAN OF A PWD EMPLOYEE WHO HAS RENDERED SERVICE OF AT LEAST SIX (6) MONTHS.

SECTION 39. *HOUSING BENEFITS*. – PARENT OR GUARDIAN OF A PWD SHALL BE GIVEN ALLOCATION IN HOUSING PROJECTS AND SHALL BE PROVIDED WITH LIBERAL TERMS OF PAYMENT ON SAID GOVERNMENT LOW-COST HOUSING PROJECTS IN ACCORDANCE WITH HOUSING LAW PROVISIONS PRIORITIZING APPLICANTS BELOW THE POVERTY LINE AS DECLARED BY THE NEDA.

SECTION 40. *MEDICAL ASSISTANCE.* – THE DOH SHALL DEVELOP COMPREHENSIVE HEALTH CARE PROGRAMS FOR PARENTS OR GUARDIANS OF PWDS. THE PROGRAM SHALL BE IMPLEMENTED BY THE DOH THROUGH PROVINCIAL/DISTRICT/CITY/MUNICIPAL HOSPITALS AND RURAL HEALTH UNITS (RHUS) IN ALL LOCAL GOVERNMENT UNITS (LGUS) AND THROUGH THE PHILIPPINE

HEALTH INSURANCE CORPORATION (PHILHEALTH). FURTHER, AUTOMATIC COVERAGE UNDER THE NATIONAL HEALTH INSURANCE PROGRAM (NHIP) BEING ADMINISTERED BY THE PHILHEALTH WITH PREMIUM CONTRIBUTIONS TO BE PAID BY THE NATIONAL GOVERNMENT.

SECTION 5. Incentives to Private Entities – Private entities employing parents or guardians of persons with disabilities (PWDs), either as regular employee, apprentice or learner, shall be entitled to an additional deduction from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to persons with disabilities. Provided, however, that such entities present a certification from the Regional Offices of the Department of Labor and Employment that they employ parents or guardians of PWDs and a certification from the Department of Health as to the disability of their child or ward.

SECTION 6. Implementation and Monitoring. – The Department of Social Welfare and Development (DSWD) in coordination with the Department of Health (DOH), Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE), National Housing Authority (NHA), and Department of Interior and Local Government (DILG) shall ensure the implementation of this Act and monitor compliance. They shall develop a mechanism for the identification and certification of parents, legal guardians, or any responsible person in the direct custody and care of a PWD.

SECTION 7. Appropriations. – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act (GAA).

SECTION 8. Implementing Rules and Regulations. – The Department of Social Welfare and Development (DSWD), in coordination with the National Council on Disability Affairs (NCDA) and other relevant government agencies, shall promulgate the necessary rules and regulations for the effective implementation of this Act within ninety (90) days from the effectivity of this Act.

SECTION 9. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. 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 11. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,