

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH (20th) CONGRESS
First Regular Session

HOUSE BILL NO. 361



Introduced by HONORABLE LORETO “AMBEN” S. AMANTE
Third (3rd) Legislative District, Province of Laguna

AN ACT
TO ESTABLISH CENTERS FOR INDIVIDUALS
WITH SPECIAL NEEDS (ISN) IN THE COUNTRY,
PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES”

Explanatory Note

Disabled individuals are part of the Philippine society who must be treated, not equally as other common members of the community, but in special manner of conferring upon them their dignity and worth as human beings. They should enjoy the same fundamental rights as others, most primarily to enjoy living a decent life and accorded due respect for their human dignity.

Thus, Section 11, Article XIII of the Philippine Constitution categorically declares that “The State shall 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. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children.”

At present, those intellectually-challenged individuals or, in the specific, those diagnosed with Neurodevelopmental Disorders (ND) in the country—per the accumulated data supplied by the National Council on Disability Affairs (NCDA) pursuant to the official record of the Philippine Registry for Persons with Disabilities (PRPWD) of the Department of Health (DOH)— have reached a total number of 28,478 individuals as of July 13, 2022, which figure is geographically distributed as follows—

POPULATION OF PEOPLE WITH
NEURODEVELOPMENTAL DISORDERS IN THE PHILIPPINES

LUZON		VISAYAS		MINDANAO	
Region I-	1,076	Region VI-	1,616	Region IX-	92
Region II-	803	Region VII-	1,618	Region X-	1,229
Region III-	3,331	Region VIII-	678	Region XI-	1,840
Region IVA—	3,941			Region XII-	1,153

LUZON		VISAYAS		MINDANAO	
Region IVB-	1,058			Region XIII-	1,891
Region V-	2,213			BARMM-	45
NCR-	4,774				
CAR-	1,120				
TOTAL-	18,316	TOTAL-	3,912	TOTAL-	6,250

This Bill earnestly seeks to safeguard and preserve the welfare and security of Individuals with Special Needs (ISN) by providing them a conducive and safe shelter where they shall be given full support and care aimed to improve their total well-being, most especially those neglected or abandoned ISN. Indisputably belonging to most vulnerable sectors of the society, it is the bounden duty of the Government to fully protect their rights and privileges as human beings. Among others, the ISN Centers shall dispense, free of charge, necessary assistance, proper care, nutrition and special protection against all forms of neglect, abuse, cruelty, exploitation and other conditions or circumstances prejudicial to their welfare as a person. Identified programs for ISN Centers shall include free interventions, services and other programs intended to develop and nurture their special skills or guide their behaviors.

Due to the country's present financial constraint brought about by several inter-global discords or conflicts, the initial implementation of this proposed measure is limited to the establishment of only Four (4) ISN Centers, *i.e.*, one (1) within the National Capital Region (NCR), while the other three (3) Centers shall be respectively placed within the Islands of Luzon, Visayas and Mindanao, the locational identification of which shall be left to the determination of the National Council on Disability Affairs (NCDA).

Foregoing premises considered, the approval of this proposed measure is hereby most solemnly 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 “*Center for Individuals With Special Needs Act.*”

Section 2. **Declaration of Policy.**— Pursuant to Section 1, Article XIII of the 1987 Philippine Constitution, “*The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities*” while Section 11 thereof declares that “*The State shall 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. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children.*” And following Section 13 of the same states that “*The State shall establish a special agency for disabled persons for rehabilitation, self-development and self-reliance, and their integration into the mainstream of society.*”

Section 3. **Objectives.**— Consonant with the foregoing fundamental policies, the State shall adopt the following objectives:

- (a) Protect the full rights and privileges of individuals who are unable to take care of themselves, especially those neglected or abandoned, due to Neurodevelopmental Disorders (ND), incapacitating them to perform Activities of Daily Living (ADLs);
- (b) Ensure the welfare of these individuals diagnosed with Neurodevelopmental Disorders (ND) by providing them a conducive shelter where they may be given full support and care aimed to improve their total well-being, security and safety;

- (c) Provide geographically accessible shelters or centers to these individuals with special needs throughout the country that shall dispense assistance, proper care, nutrition and special protection against all forms of neglect, abuse, cruelty, exploitation and other conditions or circumstances prejudicial to their welfare.

Section 4. ***Definition of Terms.***— For purposes of this Act, the following terms shall mean:

- (a) *Individuals With Special Needs (ISN)*- refer to persons, regardless of age, who are unable to take care of themselves, more specifically in performing Activities of Daily Living (ADLs), due to Neurodevelopmental Disorders (ND);
- (b) *Neurodevelopmental Disorders (ND)*- refer to neurologically based conditions in which the growth, development and function of the brain is affected, thereby include, among others, Intellectual Disability (ID), Autism Spectrum Disorder (ASD), Down Syndrome (DS) and Cerebral Palsy (CP);
- (c) *Activities of Daily Living (ADLs)*- is a term used to collectively describe fundamental skills required to independently care for oneself, such as eating, bathing or mobility, among others;
- (d) *Neglected or Abandoned ISN*- refer to those Individuals with Special Needs (ISN) who have no proper parental care or guardianship, or who have been deserted, or whose basic needs have been deliberately not provided for or inadequately provided for;
- (e) *ISN Center*- refers to a nursing home which shall cater Individuals with Special Needs (ISN) by dispensing assistance, proper care, nutrition and special protection against all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their welfare;
- (f) *National Council on Disability Affairs (NCDA)*- refers to the national government agency attached to the Department of Social Welfare and Development (DSWD) which is mandated to formulate policies and coordinate the activities of all agencies, whether public or private, concerning disability issues and concerns.

Section 5. ***Establishment of ISN Centers.***— There shall be established ISN Centers throughout the country that shall provide nursing home for neglected or abandoned Individuals With Special Needs (ISN), free of any charge.

For the purpose of initial implementation of this Act, a total of four (4) ISN Centers shall be established in the country— first (1st) center within the National Capital Region (NCR), second (2nd) within Luzon Island, third (3rd) within Visayan Island and fourth (4th) within Mindanao Island, the locational

identification of each shall be left to the determination of the National Council on Disability Affairs (NCDA).

The establishment of ISN Centers shall be made an integral part of the local development plan of the concerned Local Government Units; Provided, that the same may be located at an accessible existing structure in the locality.

Section 6. *Operation and Management of ISN Centers.*— The ISN Center shall be under the direct management, supervision and control of the National Council on Disability Affairs (NCDA). For this purpose, the NCDA shall be in charge of the implementation of identified programs for ISN including, but not limited to, free interventions, services and other programs intended to nurture their special skills or guide their behaviors.

Section 7. *Identified Programs at ISN Centers.*— As far as feasible and practicable, intervention and allied medical services shall be offered, completely free of any charge, at the ISN Centers, including, but not limited to, occupational/physical therapy or speech therapy, counseling, social enhancement activities and other programs to address the skills or behavioral concerns of ISN.

Section 8. *NCDA Coordination with other National Agencies; Implementing Rules and Regulations.*— To ensure the effective implementation of this Act, the National Council on Disability Affairs (NCDA) shall coordinate with the Department of Health (DOH), Department of Social Welfare and Development (DSWD) and Department of Interior and Local Government (DILG) in order to formulate the corresponding Implementing Rules and Regulations (IRR) for this Act, develop pertinent programs for implementation at the ISN Centers and define policies and guidelines for the administration and operation of the centers.

Section 9. *Role of National Agencies and Local Government Units.*— Local Government Units may enter into agreements or mutual understandings with the national agencies to take part in the promotion of the ISN Centers within their respective territorial jurisdictions or provide financial, technical or material support in the operation or maintenance of such Centers.

Section 10. *Support from Nongovernment Organizations.*— Nongovernment organizations or private volunteer organizations with the prescribed mission of promoting and enhancing the welfare of people with disabilities are hereby encouraged to become partners of the National Government in the implementation of this Act.

Section 11. *Tax Exemptions.*— All grants, endowments, subsidy, donations, contributions or financial aid to the ISN Centers for their actual, direct and exclusive use shall be exempt from Donor's Tax and the same shall be allowed as deductions from the donor's gross income for purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code (NIRC) of 1997, as amended.

Donations from foreign countries shall likewise be exempt from taxes and duties on importation, subject to the provisions of the Tariff and Customs Code, as amended, and the National Internal Revenue Code (NIRC), as amended, and other relevant laws and international agreements.

Section 12. ***Continuity Clause.***— Should any department or agency tasked with the implementation or formulation of rules, regulations and guidelines for the enforcement of this Act is abolished, modified or merged with another department or agency, the same shall not affect the enforcement and formulation of rules, regulations and guidelines intended to implement this Act, to the effect that in case of abolition, the replaced department or agency shall take over the functions of the abolished department or agency. In case of merger or modification, the merged or modified department or agency, as the case may be, shall continue to perform the functions pursuant to this Act.

Section 13. ***Appropriations.***— The amount necessary for the initial implementation of this Act shall be charged to the current appropriation for such purpose by the National Council on Disability Affairs (NCDA), or its progenitor agency, *i.e.*, the Department of Social Welfare and Development (DSWD). Subsequently, such sum as may be necessary for the continued operation and maintenance of the ISN Centers shall be included in the annual General Appropriations Act.

Section 14. ***Separability Clause.***— If any provision of this Act is declared unconstitutional, invalid or void, the rest of the provisions not affected thereby shall remain in full force and effect.

Section 15. ***Repealing Clause.***— All laws, decrees, executive orders, rules or regulations, and other issuances, or parts thereof, inconsistent with any provision of this Act are hereby repealed, amended or modified accordingly.

Section 16. ***Effectivity Clause.***— This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.