

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 544



Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to roll out a monthly disability support allowance to all eligible Persons with Disabilities (PWD) who have Permanent Total Disabilities (PTD) the amount of Two Thousand Pesos (PhP 2,000.00) through the Permanent Total Disability Support Fund. This shall serve as a means to address the gaps found in the current implementation of programs at the local and national level for the financial assistance being given TPDs who are unable to provide for themselves.

As defined in Republic Act No. 7277, also known as the Magna Carta for Disabled Persons, disabled persons “*are those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being*”. Common types of disabilities in the Philippines include visual impairment, hearing impairment, mobility issues, and intellectual disability. This then constitutes around 1.57% of the entire population which is equivalent to approximately 1.44 million individuals. Results shown in the National Disability Prevalence Survey (NDPS) of the Philippine Statistics Authority (PSA) from the year 2016 presents that 12% of Filipinos aged 15 and above live with a severe disability, with a third of the Philippine population aged 60 and older experiencing the same. These individuals who experience permanent total disability no longer have the ability to work due to the nature of their disability. This then results to a total loss of income for these individuals as their capacity to make a living would no longer possible.

While the government has implemented various programs and legislations to alleviate the financial challenges faced by individuals with total and permanent disabilities (TPDs), such as disability discounts ranging from five percent (5%) to twenty percent (20%) on essential goods and services, twelve percent (12%) discounts on Value-Added Tax (VAT), and mandatory PhilHealth coverage for all Persons with Disabilities (PWDs), these measures fall short of adequately addressing the financial strains borne by TPD individuals who are unable to engage in gainful employment. With that being said, additional interventions from the government must be put into place to ensure these individuals can access the support they require.

By enacting this piece of legislation we will be able to affirm our commitment towards fostering an inclusive society that recognizes the value and well-being of every citizen. Furthermore, the provision of a regular stipend to indigent PWDs addresses the higher risk of poverty within this demographic and in so doing, contribute to the government's poverty alleviation efforts. Ultimately, the Permanent and Total Disability Support Fund serves as a way to empower the PWD sector with the financial means to lead dignified lives.

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


JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 544

Introduced by **Representative Jaime R. Fresnedi**

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

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

SECTION 1. *Short Title.* – This shall be known as the “*Permanent Total Disability Support Fund Act*”.

SEC. 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.

It is the declared policy of the State to adopt the generally-accepted principles of international law as part of the law of the land. It is likewise vital that the State advance social justice in order to end poverty in all its forms, particularly the historical deprivation of the support required by persons with disabilities for their effective inclusion and full participation in society.

To attain a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, raises the standard of living, and improve the quality of life, appropriate measures in developing social protection programs and allowances that recognize the additional costs associated with disability shall be undertaken.

Towards this end, the State shall establish a Disability Support Fund to augment local government units' assistance for their disability-specific and mainstreamed programs and services, targeting persons with disabilities to support their need to access services and new skills, leading to

social and economic productivity and allowing them to gain greater independence and become contributing members in nation-building.

SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall be defined as follows:

- a) *Disability* is an umbrella term for impairments, activity limitations and participation restrictions, referring to the negative aspects of interaction between an individual with health condition and contextual factors.
- b) *Permanent Total Disability* refers to individuals whose injury or disease causes complete, irreversible and permanent incapacity that will permanently disable a member to work or to engage in any gainful occupation resulting to loss of income.
- c) *Indigent* as used in this Act, is a person with disability whose income is insufficient for maintenance medications, treatments, and other disability-related extra costs, as identified based on specific criteria to be formulated by the Department of Social Welfare and Development (DSWD), the National Council of Disability Affairs (NCDA), and representatives from national organizations of persons with disabilities, in accordance with the guiding principles set forth in Section 2;
- d) *Impairment* is the description of body structures that are diminished, weakened or damaged. Impairments can be divided into primary and secondary:
 - i. *Primary Impairments* are motor behaviors that are directly related to changes in any system. Examples: muscle tone, postural stability, motor coordination. Primary impairments are any impairments that are present at birth such as heart defects, endocrine diagnoses, visual impairments.
 - ii. *Secondary Impairments* develop over time and frequently as a result of the primary impairments. Examples: Decreased range of motion, force production and endurance;
- e) *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;
- f) *Disability and Needs Assessment* refers to 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; Persons who may fall in this definition are all other persons under the disability assessment and determination system issued by the Persons with Disability Affairs Office (PDAO) which will be developed under this law and shall also be used in the issuance of the persons with disability ID;
- g) *Disability-related extra costs* are the expenses subjected to a person with disability based on disability-specific needs and barriers resulting from inaccessibility of facilities and services. Refers to the direct (e.g., buying assistive device or paying for personal assistance

or sign language interpretation service, or extra health care like medicines, more expensive housing or transportation service, etc.) and indirect (e.g., loss productivity because of longer travel time such as experienced by those who uses wheelchair who need to travel by wheelchair because they cannot use the cheaper public transport, family members who stop working to provide care and support to persons with disabilities, etc.) costs as a result of their disability that drives persons with disabilities in situation of poverty, exposure to vulnerability of exclusion or restriction to participation";

- h) *Disability-related needs* include disability-related medical supplies (e.g., medicines, catheters, diapers), medical-related services (e.g., rehabilitation services, etc.) assistive products, personal assistance, sign language interpreter, higher cost of accessing services because of lack of accessibility (e.g., transportation cost), and others; and
- i) *Organization of Persons with Disabilities (OPD)* are led, directed and governed by persons with disabilities with a clear majority of their membership being recruited among persons with disabilities themselves. Examples of OPDs include national organizations of women with disabilities, impairment-specific organizations such as national organizations of persons of psychosocial disability, parents representing children with disabilities, cross-disability organizations, specific health conditions recognized under the Philippine law such as patients and survivor of cancer, persons with rare diseases, and all other organizations of persons with disabilities as recognized under the Convention on the Rights of Persons with Disabilities."

Sec. 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 shall provide individuals with disabilities the opportunity to avail of disability related services and have access to government assistance and services for all. The Disability Support Fund shall have the following components, such as, but not limited to the following:

1. Local Government Unit Establishing a Comprehensive Disability Support Services through Provincial, City and Municipal Persons with Disabilities Affairs Office;
2. Development of affordable and accessible Disability Support Services managed by organizations of persons with disabilities; and
3. Individual Support Allowance for qualified persons with disabilities, identified by the National Disability Assessment and Determination System which shall be developed by a Technical Working Group led by the DSWD, DOFI, DEPED, and the DOLE with diverse representations from Organizations of Persons with Disabilities.

This support shall cover expenses related to disability such as, but not limited to, augmentation to transportation services, food and nutrition, disability support services provided by human interventions, maintenance medicines, rehabilitation services, educational needs, such as but not limited to assistive devices, technology and support equipment, pre-employment and during employment services and access to government assistance and services for all.

The Disability Support Fund shall aim to provide a regular stipend to indigent persons with Permanent Total Disability based on the eligibility criteria to be formulated by the DSWD, the NCDA and representatives from national organizations of persons with disabilities. The initial amount of Two Thousand Pesos (Php 2,000.00) a month per individual beneficiary is set for the Disability Support Fund, 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 cost 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 help cover disability related costs for finding and keeping work.

SEC. 5. *Coverage.* – All indigent persons with disabilities who have Permanent Total Disabilities (PTD), as certified by the DSWD, 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.

SEC. 6. *Eligibility.* – In determining eligibility to avail of the Disability Support Fund, the Disability and Needs Assessment System shall be considered, with a focus on functional limitations, support requirements, and barriers to participation. 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 avail of the Disability Support Fund will be compatible, insofar as practicable, with eligibility and benefits from different social protection and economic empowerment programs such as, but not limited to, the Social Pension for Indigent Senior Citizens, the Fund acting as a top-up for subsidizing disability-related extra costs.

Provided, That the DSWD may, in its discretion, adopt additional bases to achieve the objectives of this Act.

SEC. 7. *Role of the Department of Social Welfare and Development (DSWD).* – The DSWD shall be the administrator of the Disability Support Fund. All applications for availing of the Fund shall be lodged with the DSWD. In partnership with the NCDA, organizations of persons with disabilities, all concerned government agencies, local government units thru the 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 by the DSWD

SEC. 8. *Disability and Needs Assessment System.* – To effectively implement social protection measures targeting persons with disabilities, a Disability Data Management System shall be created and managed by the DSWD, in coordination with the Department of Information and Communications Technology (DICT), and shall be linked to the Community-Based Monitoring System (CBMS) which aid in the development of poverty-reduction programs from local to the national level. Linkage to the National ID System, and the DOH Persons with Disability Registry, which is mirrored with the PhilHealth Database System shall also be done to provide real-time disability data and 6 subsidized enrolment to PhilHealth insurance.

SEC. 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 Fund allocation to eligible persons with Permanent Total Disabilities (PTD).

SEC. 10. *Penal Provisions.* – The penalties shall apply to the following:

- a) Any Person With Disability, 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 Person With Disability to the when a person is not eligible shall suffer the following:
 - i. For the first violation, a fine of not less than Twenty-five thousand pesos (Php 25,000) but not exceeding Fifty thousand pesos (Php 50,000);
 - ii. For any subsequent violations, a fine of not less than Fifty thousand pesos (Php 50,000.00) but not exceeding One hundred thousand pesos (Php 100,000.00); and
 - iii. For a third and fourth violation, a revocation of any license or business permit;
- b) Any person, natural or juridical, violating any provision of this Act and its IRR, except violations pertaining to Subsection a of this Section, shall be penalized with a fine of not less than Fifty thousand pesos (Php 50,000.00) but not exceeding One hundred thousand pesos (Php 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.

SEC. 11. *Monitoring.* – The DSWD, in collaboration with representatives of the Organizations of Persons with Disabilities, is hereby tasked to convene an Inter-Agency Committee to make an annual assessment of the implementation of this Act.

SEC. 12. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations of the DSWD in the year following its enactment into law and thereafter. The allocated budget shall gradually increase in fulfillment of the progressive realization principle.

SEC. 13. *Implementing Rules and Regulations.* – Within one hundred and twenty 9 (120) days from the effectivity of this Act, the Department of Social Welfare and Development (DSWD), in consultation with the Department of the Interior and Local Government (DILG), Department of Health (DOH), Philippine Statistics Authority (PSA), National Council for Disability Affairs (NCDA), National Anti-Poverty Council (NAPC), representative/s from registered 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.

SEC. 14. *Report to Congress.* – The DSWD 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.

SEC. 15. *Suppletory Cause.* — The provisions of Republic Act No. 7277, otherwise known as the "Magna Carta for Persons with Disabilities," as amended by Republic Act 22 No. 10754 and Republic Act No. 9442, have suppletory effect to the provisions of this Act.

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

SEC. 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 provision of this Act is hereby repealed, modified, or amended accordingly.

SEC. 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,