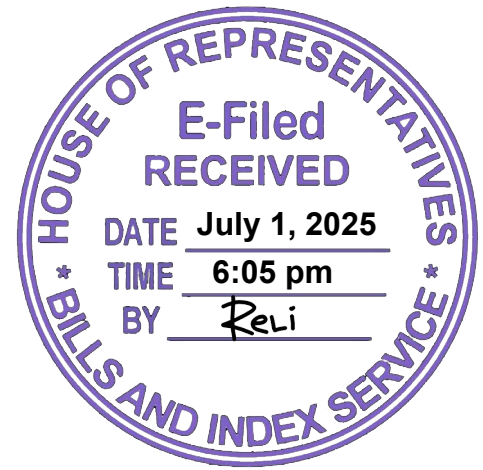


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH (20th) CONGRESS
FIRST REGULAR SESSION

House Bill No. **1026**



Introduced by
Rep. **ROBERT NAZAL**

AN ACT
PROVIDING ACCESSIBILITY OF PERSONS WITH DISABILITIES TO THE
BUILT ENVIRONMENT, TRANSPORTATION, INFORMATION AND
COMMUNICATION TECHNOLOGY AND OTHER FACILITIES AND
SERVICES OPEN OR PROVIDED TO THE PUBLIC, AMENDING
FOR THE PURPOSE BATAS PAMBANSA BILANG 344,
OTHERWISE KNOWN AS THE ACCESSIBILITY LAW

EXPLANATORY NOTE

In the Philippines, persons with disabilities (PWDs) represent at least twelve percent (12%) of the adult population aged 15 and above. This is based on the National Disability Prevalence Survey conducted by the Philippine Statistics Authority in 2016-2018. They constantly face significant barriers in accessing education, health care, community and citizenship participation, and in seizing economic opportunities. In addition, due to the lack of support services, persons with disabilities who require personal assistance have to rely on their family members who in turn have to reduce their working hours, or stop working altogether to provide such support.

PWDs and their families incur significant additional disability costs related to accessing essential services, seeking and retaining employment, and participating in society. These costs include private transportation, support for accessing information and communication, assistive devices, and human assistance. Overall, persons with disabilities have less income and more expenses than those without disabilities, which greatly increases their vulnerability, and undermines their economic empowerment and ability to rise out of poverty.

Accordingly, the government has enacted various legislation to provide PWDs with the opportunity to participate in mainstream society and to support their total well-being. Among the various measures that were adopted by the government are the granting of five percent (5%) to twenty percent (20%) disability discount on various services and commodities, granting of tax exemptions, and the mandatory and subsidized PhilHealth membership.

While the above mentioned measures contribute to improving the socio-economic situation of PWDs, they still have significant limitations. For one, while the mandatory PhilHealth membership is supposed to cover the healthcare needs of persons with

disabilities, barriers to actually access these services remain unaddressed. For another, the benefits of the disability discount and tax exemptions are felt mainly by PWDs who already have a certain level of income and purchasing power. The proposed objectives of the bill are as follows:

- A. To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- B. To provide training for stakeholders on accessibility issues facing persons with disabilities;
- C. To provide in buildings and other facilities open to the public signage in Braille and in easy-to-read and -understand forms;
- D. To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- E. To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- F. To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet; and
- G. To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Likewise, the participation of persons with disabilities in the development of the implementing rules and regulations, and monitoring and evaluation of the proposed law is an important factor to ensure progressive realization of an environment that will allow them to live independently in the community with accessibility and inclusiveness for all.

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


Rep. ROBERT NAZAL
Bagong Henerasyon Party-List

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ACCESSIBILITY LAW**

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress Assembled*

SECTION 1. Short Title.

This Act shall be known as the "Accessible Environment for All Persons with Disabilities Act".

SECTION 2. Declaration of Policy.

It is the policy of the State to adopt universally designed facilities and services open or provided to the public and the development of policies and plans promoting universal design concepts in the implementation of actions and measures pertaining to accessibility of the physical environment for all persons.

Towards this end, the State shall facilitate the attainment of a barrier-free environment that will enable all persons to have access to public and private buildings for public use, establishments, and facilities. It shall exert efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to persons with disabilities. Likewise, the State shall take appropriate measures for the integration of persons with disabilities into mainstream of society.

Furthermore, the State shall take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the built environment, to transportation, to information and communications, including information and communication technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

SECTION 3. Coverage.

This Act applies to all government and privately owned buildings for public use including common areas in residential condominiums, buildings, roads, and other indoor and outdoor facilities including schools, public libraries, housing, medical facilities, restaurants, theaters, parks, workplaces, transportation, information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas.

SECTION 4. Definition of Terms.

For purposes of this Act:

- A. Accessibility refers to the infrastructure that enables persons with disabilities to live independently and participate fully in all aspects of life.
- B. Accessible Environment refers to the infrastructure such as the built environment, including Information and Communications Technology that enables persons with disabilities to live independently and participate fully in all aspects of life.
- C. Barrier-Free Environment refers to the environment that is unhindered, without obstructions to enable persons with disabilities free passage or use of the facilities.
- D. Built environment refers to the structure. It is the part of the physical environment that is constructed by human activity. By one definition, the built environment consists of the following elements: land use patterns, the distribution across space of activities and the buildings that house them; the transportation system, the physical infrastructure of roads, sidewalk, bike paths, etc., as well as the service this system provides; and urban design, the arrangement and appearance of the physical elements in a community.
- E. Accessible ICT practices refer to measures that remove access barriers that restrict business and social interactions between persons with disabilities and non-disabled individuals. They also refer to practices that remove age-related barriers to participation in society, and reduce language and literacy-related barriers in society. An example of accessible ICT practice is the use of descriptive text for images, Braille, large print, human-reader and augmentative and alternative formats. Accessible ICT practices apply to programs, products and services in various areas, such as education, employment, transportation, telecommunications, and other forms of infrastructure. For the web, accessible ICT practices include internationally accepted practices, such as the voluntary

ISO accessibility practices in information technology and the Web Content Accessibility Guidelines Version 2.0 of the World Wide Web Consortium, as well as the mandatory Joint Memorandum Circular 01 (series 2010) on Accessible Website Design Guidelines.

- F. Facility/Service users shall pertain to individuals using the facilities including information and communication systems of the public institutions and private establishments.
- G. Persons with Disabilities refer to those who have long term physical, mental, intellectual or sensory impairments, which in interactions to various barriers may hinder their full and effective participation on an equal basis with others.
- H. Providers refer to public institutions, private establishments and facilities providing programs and services open or provided to the public.
- I. Sign Language Interpreter refers to a person trained in translating from a spoken to a signed language to facilitate communication between a deaf and a hearing person.
- J. Transportation and Facilities refer to land, road, rail, sea and air transportation serving the general public, including facilities and other services for passengers with disabilities to complete their travel with ease and on an equal basis with others; (the use of facility users is to break the stigma that it is only for persons with disabilities).
- K. Universal Design is the design of products, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Universal design shall include assistive devices for particular groups of persons with disabilities where this is needed.
- L. Web Accessibility is the application of accessibility principle in the website such as providing for adjustment of font sizes, audio options and others to facilitate users' equal access to information and communication regardless of abilities and disabilities.

SECTION 5. Granting of Permit and Licenses To Build, Renovate and Operate Building Establishments and Public Transport to Ensure Accessibility.

In order to promote the realization of the rights of persons with disabilities to participate fully in the society and in the development of the societies in which they live and the enjoyment of the opportunities on an equal basis with others, the following shall be complied with and fulfilled by all concerned individuals, and government and private entities:

1. No license or permit shall be granted or issued, unless the owner or operator thereof shall include the installation and incorporation of accessibility features in the design and work plan for the construction, repair or renovation of public and private buildings for public use. These accessibility features must be included in

securing permits and license to build structures such as, but not limited to:

- A. All educational institutions, especially public schools, state universities, training institutions accredited by TESDA, DEPED and Commission on Higher Education, and other educational and training institutions;
 - B. All airports and terminals for buses, trains, ships and ferries and other forms of public transport;
 - C. Recreation centers, sports complexes, gymnasias, public multipurpose halls;
 - D. Evacuation centers;
 - E. Shopping centers, public markets, and related establishments;
 - F. Public parking places, parks, tourist destinations and accommodations, and restaurants;
 - G. Government offices, workplaces, action centers and all facilities that provide services to the public;
 - H. Hospitals, barangay health units, diagnostic centers, medical clinics, rehabilitation, and other facilities intended for the public; and
 - I. Public utility vehicles such as aircraft, buses, trains, public jeepneys, and other local mode of transportation.
2. In all buildings, establishments, institutions, and other facilities for construction or renovation, the following accessibility features shall be installed to enhance the mobility and safety of all persons with disabilities:
 - A. Parking Space for vehicles conveying persons with disabilities using mobility devices or driven by drivers with disabilities;
 - B. Ramps with handrails;
 - C. Elevator;
 - D. Directional Tactile leading to toilets, stairs, elevators, and other facilities
 - E. Wheelchair Accessible toilets with grab bars (at least 2 cubicles in common toilets for male and female) with sink wash area accessible for wheelchair users and other types of disabilities;
 - F. Non-skid tiles on walkways and inside the toilets;
 - G. Entrance door in compliance with the agreed measurements;
 - H. Wheelchair accessible rooms for hotels and accommodation;
 - I. Audio warning signals;
 - J. Signages usable by people with all types of disabilities; and
 - K. Any other accessibility features which may hereafter be developed, recognized, and widely used in accordance with national or international accessibility standards, including those based on emerging technologies and inclusive design principles.
3. All operators of public transportation shall ensure availability of vehicles with accessibility features for people with all types of disabilities for their safety, ease of boarding and disembarkation.
4. A twenty-five percent (25%) discount in form of tax rebate, shall be granted on the first three years of registration for vehicles with accessibility features, such as buses, jeepneys, tricycles and other modes of transportation for the public provided that such features such as lifts, ramps, and safety belts are certified

safe by the supplier.

SECTION 6. Accessibility in Buildings intended for public use.

All buildings as defined in the Building Code of the Philippines, sports and recreational facilities, including outdoor and indoor facilities provided or open to the public shall be made accessible and safe to all facility users including children, older persons, and persons with disabilities by providing ramps, tactile guides, priority lanes, accessible toilets, audio instructions, signages, and other forms of communication in accessible formats to facilitate independent mobility in the facility.

Universally designed products, features, and facilities shall be incorporated in the design and construction of all government and privately owned buildings for public use, transportation facilities, and all other public components of the built environment.

Service providers, whenever necessary, shall make available forms of live assistance and intermediaries, including guides, readers, and certified sign language interpreters and service guide dogs to facilitate accessibility to buildings, transportation, information communications, and other facilities open to the public.

SECTION 7. Accessibility to Transportation.

All land, sea and air transport vehicles such as public utility vehicles, jeepneys, buses, trains, ships, airplanes and other common carriers open for public use shall have accessibility features and mechanisms as deemed necessary to facilitate safe boarding and disembarkation of persons with disabilities without any form of discrimination.

All Service providers and operators of public transportation and implementing agencies are required to provide training to their personnel on assisting persons with disabilities in terminals during boarding and disembarkation.

SECTION 8. Accessible Communication.

All government institutions and private establishments providing services to the public shall consider ICT accessible practices by making available accessible information and communications technologies including computers to facilitate accessible telecommunication and accessible broadcasting services to all persons with disabilities. It shall ensure compliance with Republic Act No. 10905, otherwise known as, "An Act Requiring All Franchise Holders or Operators of Television Stations and Producers of Television Programs to Broadcast or Present their Programs with Closed Captions Option, and For Other Purposes."

The Department of Information, Communication Technology (DICT) should conduct a research and development with appropriate agencies in ICT.

All national and local government offices shall consider accessibility for persons with disabilities in providing public information by making available information materials in accessible formats, providing sign language interpretation and ensuring website accessibility for all users. Compliance to Republic Act No. 11006, also known as the

Filipino Sign Language Law, shall be observed and included in monitoring and evaluation of this Act.

Service providers for telecommunication, broadcasting, information, computer and other information technology devices shall make efforts to take into account accessibility for persons with disabilities in providing services or manufacturing devices on the basis of usability;

Information and communication technology devices, hardware and other components shall be designed appropriately for the ease of use of persons with disabilities.

SECTION 9. Access Audit Teams.

The Department of Public Works and Highways (DPWH) through its Regional Offices shall lead the creation of Access Audit Teams in coordination with the local government units to monitor the full implementation of the law. The Access Audit Teams shall include representatives from the Department of Transportation, DICT, and persons with disabilities to participate in the assessment of accessibility of facilities.

SECTION 10. Penalty clause.

Any person violating any provision of this Act or of the rules and regulations shall suffer the following penalties:

For the first violation, a fine of not less than Two Hundred Fifty Thousand Pesos (PhP 250,000.00) but not exceeding Five Hundred Thousand Pesos (PhP 500,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court;

For any subsequent violation, a fine of not less than Five Hundred Thousand Pesos (PhP 500,000.00) but not exceeding One Million Pesos (PhP 1,000,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.

Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five Thousand Pesos (PhP 5,000.00) but not more than Fifty Thousand Pesos (PhP 50,000.00), or both at the discretion of the court.

If the violator is a corporation, organization or any similar entity, the officers including the building administrator and local government unit building officials thereof directly involved shall be held liable.

If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SECTION 11. Appropriations.

All government agencies shall include in their budget the amount necessary to

implement this Act. Thereafter, such amount shall be included in the General Appropriations Act. The Department of Budget and Management (DBM), Commission on Audit (COA) and National Council on Disability Affairs (NCDA) shall monitor and evaluate the implementation of this Act.

SECTION 12. Implementing Rules and Regulations.

The DPWH in coordination with DOTr, DICT, with the Department of Interior and Local Government (DILG), Department of Education (DepED) and NCDA and Civil Society Organizations and Disabled People's Organizations (CSO/DPO) representatives shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SECTION 13. 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.

SECTION 14. 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.

SECTION 15. Effectivity Clause.

This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,