

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **1314**



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

EXPLANATORY NOTE

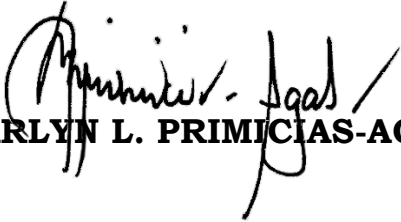
This bill which seeks to further amend the magna carta for persons with disabilities, which has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. There is a necessity to file the same on account of its significance in recognizing the need to augment the privileges given to persons with disabilities.

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 (Section 11, Article XIII, 1987 Constitution).

Admittedly, one of the most vulnerable sectors in our society are our persons with disabilities (PWDs). Continued protection must be afforded to them through sustained legislative measures that will ensure their full security and protection. The State has the foremost responsibility to pursue this mandate. Other countries have long implemented securing the rights and privileges of PWDs. The United States has its anti-discrimination act of 1990 (Disabilities Act of 1990). In the United Kingdom, every employer is required to make necessary arrangements in the employment of PWDs. Meanwhile, in the Philippines, Republic Act No. 7277, otherwise known as the "Magna Carta for Persons with Disabilities," as amended by Republic Act No. 9442 and Republic Act No. 10754, was enacted to expand the benefits, privileges, and legal protections afforded to PWDs.

However, there is a need to further enhance the endowment of additional privileges to our PWDs considering that many of them are marginalized and underprivileged. This bill will amend and expand employment opportunities to PWDs. Most importantly, to provide a better and wider understanding of persons suffering from restrictions, physical or mental, they are not described as disabled persons in this bill but best referred to as persons with disabilities. This upholds Section 11, Article II, of the 1987 Constitution, which declares that the State values the dignity of every human person and guarantees full respect for human rights.

Accordingly, the approval of this bill is earnestly sought.



MARLYN L. PRIMICIAS-AGABAS

Republic of the Philippines
HOUSE OF THE REPRESENTATIVE
Quezon City

TWENTIETH CONGRESS
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HOUSE BILL NO. 1314

Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

AN ACT

**GRANTING ADDITIONAL PRIVILEGES TO PERSONS WITH DISABILITIES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, AS AMENDED,
OTHERWISE KNOWN AS THE MAGNA CARTA FOR PERSONS WITH DISABILITIES,
AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. Section 4 of Chapter 1, Title One of Republic Act No. 7277, otherwise known as the “Magna Carta for Persons with Disabilities,” as amended, is hereby further amended by inserting new subsections to read as follows:

“SEC. 4. Definition of Terms – [For purposes of] AS USED IN THIS Act: [these terms are defined as follows:

X X X

(Q) ASSISTIVE DEVICES AND TECHNOLOGIES REFER TO WHEELCHAIRS AND WALKERS, PROSTHESES, HEARING AIDS, AIDS FOR THE VISUALLY IMPAIRED, AND SPECIALIZED COMPUTER SOFTWARE, HARDWARE AND PERIPHERALS THAT INCREASE MOBILITY, HEARING, VISION, OR COMMUNICATION CAPACITIES, AMONG OTHERS. THEIR PRIMARY PURPOSE IS TO MAINTAIN OR IMPROVE AN INDIVIDUAL’S FUNCTIONING AND INDEPENDENCE TO FACILITATE PARTICIPATION AND TO ENHANCE OVERALL WELL-

BEING BY HELPING PREVENT IMPAIRMENTS AND SECONDARY HEALTH CONDITIONS, AND

- R) *ASSISTIVE TECHNOLOGY SERVICE REFERS TO ANY SERVICE THAT DIRECTLY ASSIST A PERSON WITH DISABILITY IN THE SELECTION, ACQUISITION, OR USE OF AN ASSISTIVE DEVICE AND TECHNOLOGY."*

SEC. 2. Section 5 of Chapter 1, title Two of Republic Act No. 7277, as amended, is hereby further amended to read as follows:

"SEC. 5. Equal Opportunity for Employment. – No [disabled] person WITH DISABILITY shall be denied access to opportunities for suitable employment. A qualified [disabled] employee WITH DISABILITY shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowance as a qualified able-bodied person.

[Five percent (5%)] AT LEAST TWO percent (2%) of all [casual, emergency and positions in the Departments of Social Welfare and Development; Health; Education; Culture and Sports; and other governments agencies, offices or corporations engaged in social development shall be reserved for disabled persons.] POSITIONS IN ALL GOVERNMENT AGENCIES, OFFICES OR CORPORATIONS SHALL BE FILLED UP WITH QUALIFIED PERSONS WITH DISABILITIES: PROVIDED, THAT PRIVATE CORPORATIONS ARE MANDATED TO RESERVE AT LEAST ONE PERCENT (1%) OF ALL POSITIONS FOR PERSONS WITH DISABILITIES: PROVIDED FURTHER, THAT THOSE PRIVATE CORPORATIONS WITH MORE THAN ONE THOUSAND (1,000) EMPLOYEES SHALL RESERVE AT LEAST TWO PERCENT (2%) OF ALL POSITIONS FOR PERSONS WITH DISABILITIES."

SEC. 3. Section 8 (a) and (b) of Chapter 1, Title Two of Republic Act No. 7277, as amended, is hereby further amended to read as follows:

"SEC. 8. Incentives for Employers. - (a) To encourage the active participation of the private sector in promoting the [welfare] RIGHTS of [disabled] persons WITH DISABILITIES and to ensure gainful employment for qualified [disabled] persons WITH DISABILITIES, adequate incentives shall be provided to private entities which employ [disabled] persons WITH DISABILITIES.

(b) Private entities that employ [disabled] persons WITH DISABILITIES who meet the required skills or qualification, [either as regular employee,] as 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 [disabled] persons WITH DISABILITIES, WHILE PRIVATE ENTITIES THAT EMPLOY SAID PERSONS WITH DISABILITIES AS REGULAR EMPLOYEES SHALL BE ENTITLED TO AN ADDITIONAL DEDUCTION, FROM THEIR GROSS INCOME, EQUIVALENT TO FIFTY PERCENT (50%) OF THE TOTAL AMOUNT PAID AS SALARIES AND WAGES TO PERSONS WITH

DISABILITIES: *Provided*, [however, that such entities present proof as certified by the Department of Labor and Employment that disabled persons are under their employ: *Provided*, further, That the disabled employee is accredited with the Department of Labor and Employment and the Department of Health as to his disability, skills and qualifications.] THAT THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), UNDER ITS LABOR LAWS, SHALL ISSUE A CERTIFICATE OF COMPLIANCE TO PRIVATE ENTITIES AS PRESCRIBED IN DEPARTMENT ORDER NO. 131-B, SERIES OF 2016, ON THE REVISED RULES ON LABOR LAWS COMPLIANCE SYSTEM: *PROVIDED FURTHER*, THAT IF THERE IS NO QUALIFIED PERSON WITH DISABILITY APPLICANT AFTER THIRTY (30) DAYS FROM THE MANDATORY PUBLICATION BY THE EMPLOYER OF ITS JOB VACANCY RESERVED FOR PERSONS WITH DISABILITIES, THE EMPLOYER MAY HIRE A NON-PWD APPLICANT FOR SAID RESERVED POSITIONS BY SECURING PRIOR APPROVAL FROM THE DOLE.”

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SEC. 4. Section 32 of Chapter 8, Title Two of Republic Act No. 7277, as amended, is hereby further amended by inserting two new subsections to read as follows:

“SEC. 32. Persons with disability shall be entitled to the following:

X X X

- (L) A MONTHLY STIPEND AMOUNTING TO FIVE HUNDRED PESOS (P500.00) TO AUGMENT THE DAILY SUBSISTENCE, MEDICAL AND OTHER NEEDS OF MARGINALIZED PERSONS WITH DISABILITIES: *PROVIDED*, THAT PERSONS WITH DISABILITIES WHO ARE RECIPIENTS OF SIMILAR FINANCIAL ASSISTANCE FROM THE GOVERNMENT, INCLUDING MONETARY ASSISTANCE FOR SENIOR CITIZENS AND BENEFICIARIES UNDER THE *PANTAWID PAMILYANG PILIPINO PROGRAM*, OR 4PS SHALL NO LONGER BE GIVEN THIS STIPEND;
- (M) PROVISION OF FREE ASSISTIVE TECHNOLOGY SERVICES SUCH AS THE EVALUATION OF THE NEEDS AND THE FUNCTIONAL CAPACITY OF PERSONS WITH DISABILITIES IN THE CUSTOMARY ENVIRONMENT OR PLACE OF EMPLOYMENT, AS WELL AS SELECTING, DESIGNING, FITTING, CUTOMIZING, ADAPTING, APPLYING, MAINTINING, REPAIRING, OR REPLACING ASSISTIVE TECHNOLOGY DEVICES; TRAINING OR TECHNICAL ASSISTANCE FOR PERSONS WITH DISABILITIES; SIGN LANGUAGE INTERPRETING AND JOB COACHING, AND SUCH OTHER FORMS OF ASSISTANCE: *PROVIDED*, THAT THE BENEFICIARY IS A MARGINALIZED PERSON

WITH DISABILITY AS CERTIFIED BY THE LOCAL HEALTH OFFICE OF THE LOCAL GOVERNMENT UNIT CONCERNED;

- (N) PROVISION OF FREE ASSISTIVE DEVICE AND TECHNOLOGIES INCLUDING TECHNICAL AIDS, PROSTHETIC AND ORTHOTIC DEVICES OR APPLIANCE PARTICULARLY FOR PERSONAL USE OF PERSON WITH DISABILITIES THAT WILL RESTORE THEIR SOCIAL FUNCTIONING AND PARTICIPATION IN ECONOMIC ACTIVITIES AND COMMUNITY AFFAIRS, AND SUCH OTHER DEVICES AND TECHNOLOGIES APPROPRIATE TO OTHER DISABILITIES: *PROVIDED*, THAT THE BENEFICIARY IS A MARGINALIZED PERSON WITH DISABILITY AS CERTIFIED BY THE LOCAL HEALTH OFFICE OF THE LOCAL GOVERNMENT UNIT CONCERNED; AND
- (O) EXEMPTION FROM PASSPORT PROCESSING FEES, AS WELL AS TRAVEL TAXES, TERMINAL FEES, OTHER FEES AND CHARGES LEVIED IN AIRPORTS, PORTS, OR OTHER TERMINALS BY THE GOVERNMENT, ITS AGENCIES OR INSTRUMENTALITIES, OR BY GOVERNMENT-OWNED OR; CONTROLLED CORPORATIONS.

The above mentioned privileges are available only to persons with [disability] DISABILITIES who are Filipino citizens upon submission of any of the following as proof of [his/her] entitlement thereto:

- (i) [An] THE PWD identification card issue by the city or municipal mayor or the barangay captain of the place where the person[s] with disability resides, OR BY THE NATIONAL COUNCIL ON DISABILITY AFFAIRS; OR
- (ii) The passport of the [persons] PWD with APPARENT disability [concerned;].
- [(iii) Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Persons (NCWDP).]

THE IDENTIFICATION CARD ISSUED TO PERSONS WITH PERMANENT DISABILITIES SHALL BE FREE OF CHARGE AND SHALL BE VALID DURING THE LIFETIME OF THE CARDHOLDER: *PROVIDED*, THAT SUCH PERMANENT DISABILITY IS CERTIFIED BY THE MUNICIPAL OR CITY HEALTH OFFICE AND VERIFIED BY THE LOCAL SOCIAL WELFARE DEVELOPMENT OFFICE (LSWDO)

THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) SHALL ENSURE THAT THE LIFETIME VALIDITY OF THE ID CARD OF PERSONS WITH PERMANENT DISABILITIES IS NOT ABUSED, ESPECIALLY WHEN THE ID HOLDER DIES.”

x x x

SEC. 5. *Appropriations.* – The Secretary of Social Welfare and Development shall include in the DSWD's program the implementation of this Act, the funding of which shall be included in the Annual General Appropriations Act.

SEC. 6. *Implementing Rules and Regulations.* – The DSWD, in coordination with the NCDA and in consultation with the Department of the Interior and Local Government, the Department of Health, the DOLE, the Department of Finance, and the Civil Service Commission, shall promulgate, not later than ninety (90) days after the effectivity of this Act, the necessary rules and regulations for its proper and effective implementation.

SEC. 7. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SEC. 8. *Repealing Clause.* – All laws, presidential decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,