

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 1704



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

Section 9 of the 1987 Constitution mandates that “The State shall promote 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, a rising standard of living, and an improved quality of life for all.” This specific provision bestows the right to equal opportunities for all kinds of citizens regardless of age, sex, and disability, of which include People with Disabilities (PWDs) and Senior Citizens.

PWDs and Senior Citizens are essential yet vulnerable members of society. Their constrained and limited capabilities, brought by their condition and age respectively, make them at risk for various accidents that may arise on the road. This is the same reason that rights and privileges granted under Republic Act No. 7432, (R.A. No. 7432), as amended by Republic Act No. 7277 (R.A. No. 7277) for Senior Citizens and PWDs are enacted, and the very same reason that specific privileges, such as free parking, be added to existing laws.

Therefore, it is imperative that there shall a bill that seeks to institutionalize the exemption of PWDs and Senior Citizens from the payment of parking fees. Further, there shall be a measure that seeks to reaffirm the rights of PWDs and Senior Citizens and concurrently, to ease the heavy burden of paying additional expenses such as parking fees. Henceforth, this initiative.

For this purpose, the Government shall institutionalize the exemption of PWDs and Senior Citizens from the payment of parking fees in all commercial and government establishments subject to certain guidelines and procedures to motivate and encourage them to contribute to nation-building. This is part of the State’s mandate to give its full support and attention to PWDs and Senior Citizens not only to ensure their total well-being, but also, and more importantly, to give importance to them as part of our society.

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



ANGELO MARCOS BARBA

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AN ACT
EXEMPTING PERSONS WITH DISABILITY (PWDs) AND
SENIOR CITIZENS FROM THE PAYMENT OF PARKING FEES IN
ALL COMMERCIAL ESTABLISHMENTS AND GOVERNMENT
BUILDINGS THAT CHARGE PARKING FEES, THEREBY
AMENDING SECTION 32 OF REPUBLIC ACT NO. 7277, AS
AMENDED BY REPUBLIC ACT NO. 10754, ALSO KNOWN AS THE
“MAGNA CARTA FOR DISABLED PERSONS”, AND SECTION 4 OF
REPUBLIC ACT NO. 9257, AS AMENDED BY REPUBLIC ACT NO.
9994, OTHERWISE KNOWN AS THE “EXPANDED SENIOR
CITIZENS ACT OF 2010”

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 “PWDs and Senior Citizens Free Parking Act.”

SECTION 2. Declaration of Policy. – It is hereby declared as the policy of the State to provide measures in order to prioritize the needs of the PWDs and Senior Citizens in order to motivate and encourage them in contributing to nation-building.

For this purpose, the government shall institutionalize the exemption of the PWDs and Senior Citizens from the payment of parking fees in all commercial and government establishment subject to certain guidelines and procedures.

SECTION 3. Additional Privilege of Parking Fee Exemption. – This Act shall cover all PWDs and Senior Citizens driving a vehicle or on board a vehicle which is privately owned upon presentation of a valid PWD and Senior Citizen Identification Card in all commercial and government establishments that charge parking fees.

Private establishments may claim the cost of exemption of PWDs and Senior Citizens as tax credit.

SECTION 4. Section 32 of Republic Act No. 7277, as amended by Republic Act No. 10754, otherwise known as the “Magna Carta for Persons with Disability” is hereby further amended to read as follows:

“Sec. 32. Persons with disability shall be entitled to:

“(a) At least twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the following sale of goods and services for the exclusive use and enjoyment or availment of the PWD:

“(1) On the fees and charges relative to the utilization of all services in hotels and similar lodging establishments, restaurants, and recreation centers;

“(2) On admission fees charged by theaters, cinema houses, concert halls, circuses, carnivals, and other similar places of culture, leisure, and amusement;

“(3) On the purchase of medicines in all drugstores;

“(4) On medical and dental services including diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, and professional fees of attending doctors in all government facilities, subject to the guidelines to be issued by the Department of Health (DOH), in coordination with the Philippine Health Insurance Corporation (PhilHealth);

“(5) On medical and dental services including diagnostic and laboratory fees, and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PhilHealth;

“(6) On fare for domestic air and sea travel;

“(7) On actual fare for land transportation travel such as, but not limited to, public utility buses or jeepneys (PUBs/PUJs), taxis, asian utility vehicles (AUVs), shuttle services and public railways, including Light Rail Transit (LRT), Metro Rail Transit (MRT), and Philippine National Railways (PNR); and

“(8) On funeral and burial services for the death of the PWD: *Provided*, That the beneficiary or any person who shall shoulder the funeral and burial expenses of the deceased PWD shall claim the discount under this rule for the deceased PWD upon presentation of the death certificate. Such expenses shall cover the purchase of casket or urn, embalming, hospital morgue, transport of the body to intended burial site in the place of origin, but shall exclude obituary publication and the cost of the memorial lot.

“(b) Educational assistance to PWD, for them to pursue primary, secondary, tertiary, post tertiary, as well as vocational or technical education, in both public and private schools, through the provision of scholarships, grants, financial aids, subsidies, and other incentives to qualified PWD,

including support for books, learning materials, and uniform allowance to the extent feasible; *Provided, That* PWD shall meet the minimum admission requirements;

“(c) To the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS), and Pag-IBIG, as the case may be, as are enjoyed by those in actual service;

“(d) To the extent possible, the government may grant special discounts in special programs for PWD on purchase of basic commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA); and

“(e) Provision of express lanes for PWD in all commercial and government establishments; in the absence thereof, priority shall be given to them.

“(f) Exemption from payment of parking fees in all commercial establishment such as shopping malls, markets, hospitals and the like, as well as government buildings charging parking fees.”

SECTION 5. Section 4 of Republic Act No. 9257, as amended by Republic Act No. 9994, otherwise known as the “Expanded Senior Citizens Act of 2010,” is hereby further amended to read as follows:

“SEC 4. Privileges for the Senior Citizens. –

The senior citizens shall be entitled to the following:

“(a) the grant of twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment of the senior citizen;

“(1) on the purchase of medicines, including the purchase of influenza and pneumococcal vaccines, and such other essential medical supplies, accessories, and equipment, to be determined by the Department of Health (DOH). The DOH shall establish guidelines and mechanism of compulsory rebates in the sharing of burden of discounts among retailers, manufacturers, and distributors, taking into consideration their respective margins;’

“(2) on the professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics, and home health care services;

“(3) on the professional fees of licensed professional health providing home health care services as endorsed by private hospitals or employed through home health care employment agencies;

“(4) on medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services, in accordance with the rules and regulations to be issued by the

DOH, in coordination with the Philippine Health Insurance Corporation (PhilHealth);

“(5) in actual fare for land transportation travel in public utility buses (PUBs), public utility jeepneys (PUJs), Asian utility vehicles (AUVs), shuttle services and public railways, including Light Rail Transit (LRT), Mass Rapid Transit or Metro Rail Transit (MRT), and Philippine National Railways (PNR);

“(6) in actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking;

“(7) on the utilization of services in hotels and similar lodging establishments, restaurants, and recreation centers;

“(8) on admission fees charged by theaters, cinema houses, and concert halls, circuses, leisure and amusement; and

“(9) on funeral and burial services for the death of senior citizens;

“(b) exemption from the payment of individual income taxes of senior citizens who are considered to be minimum wage earners in accordance with Republic Act No. 9504;

“(c) the grant of a minimum of five percent (5%) discount relative to the monthly utilization of water and electricity supplied by the public utilities: *Provided*, That the individual meters for the foregoing utilities are registered in the name of the senior citizen residing therein: *Provided, further*, That the monthly consumption does not exceed one hundred kilowatt hours (100 kWh) of electricity and thirty cubic meters (30 m³) of water: *Provided, furthermore*, That the privilege is granted per household regardless of the number of senior citizens residing therein;

“(d) exemption from training fees for socioeconomic programs;

“(e) free medical and dental services, diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to the guidelines to be issued by the DOH in coordination with the PhilHealth;

“(f) the DOH shall administer free vaccination against the influenza virus and pneumococcal disease for indigent senior citizen patients;

“(g) educational assistance to senior citizens to pursue post secondary, tertiary, post tertiary, vocational and technical education, as well as short term courses for retooling in both public and private schools through provision of scholarships, grants, financial aids, subsidies and other incentives to qualified senior citizens, including support for books, learning materials, and uniform allowances, to the extent feasible, *Provided*, That senior citizens shall meet the minimum admission requirements;

“(h) to the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), the Social Security System (SSS), and the Pag-IBIG, as the case may be, as are enjoyed by those in actual service;

“(i) retirement benefits of retirees from both government and the private sector shall be regularly reviewed to ensure their continuing responsiveness and sustainability, and to the extent practicable and feasible, shall be upgraded to be at par with the current scale enjoyed by those in actual service;

“(j) to the extent possible, the government may grant special discounts in special programs for senior citizens on purchase of basic commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA);

“(k) provision of express lanes for senior citizens in all commercial and government establishments; in the absence thereof, priority shall be given to them; and

“(l) death benefit assistance of a minimum of Two thousand pesos (PhP 2,000.00) shall be given to the nearest surviving relative of a deceased senior citizen which amount shall be subject to adjustments due to inflation in accordance with the guidelines to be issued by the DSWD.

“In the availment of the privileges, mentioned above, the senior citizen, or his/her duly authorized representatives, may submit as proof his/her entitled thereto any of the following:

“(1) an identification card issued by the Office of the Senior Citizen Affairs (OSCA) of the place where the senior citizen resides, *Provided*, That the identification card issued by the OSCA shall be honored nationwide;

“(2) the passport of the senior citizen concerned; and

“(3) other documents that establish that the senior citizen is a citizen of the Republic and is at least sixty (60) years of age as further provided in the implementing rules and regulations.

“In the purchase of goods and services which are on promotional discount, the senior citizen can avail of the promotional discount or the document provided herein, whichever is higher.

“The establishment may claim the discounts granted under subsections (a) and of this section as tax deduction based on the cost of the goods sold or services rendered: *Provided*, That the cost of the discount shall be allowed as deduction from gross income for the same taxable year that the discount is granted: *Provided, further*, That the total amount of the claimed tax deduction net of VAT, if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to proper documentation and to the provisions of the National Internal Revenue Code (NIRC), as amended.”

“(m) Exemption from payment of parking fees in all commercial establishments such as shopping malls, market, hospital and the like, as well as government buildings charging parking fees.”

SECTION 6. *Procedure and Qualifications.* – In order to avail the additional privilege provided in this Act, the following shall be observed:

1. The PWD and Senior Citizen must either be a driver or a passenger in the vehicle entering the establishment. Said PWD and Senior Citizen must be able to present any of the following:
 - a. An identification card issued by the city or municipal mayor of the barangay captain of the place where the PWD and Senior Citizen reside;
 - b. The passport of the PWD and Senior Citizen concerned; and
 - c. Transportation discount fare Identification Card issued by the National Council for the Welfare of Disabled Persons (NCWDP) and National Commission of Senior Citizens (NCSC).
2. For the establishment of parking areas that are equipped with automated ticketing machines, the presentation of the identification documents of the PWD and the Senior Citizen availing of the free parking privilege shall be made to the parking attendant in the booth for validation of the documents upon exit in the establishment.
3. Subject to the availability of the parking slot, the additional privilege of free parking for PWDs and Senior Citizens may be availed of on any parking slot, of any level, if applicable, of the parking area which is offered to the public on a first-come-first-served basis.
4. The parking privilege for PWDs and Senior Citizens shall only apply to the regular operating hours of the commercial or government establishment where the privilege is sought. The privilege herein granted shall not apply to overnight parking.

SECTION 7. *Implementing Rules and Regulations and Standard Forms.* – Within sixty (60) days from the promulgation of this Act, the implementing rules and regulations for the proper implementation of its provision shall be formulated by the appropriate government office or agency in coordination with all the stakeholders and covered establishment and institution.

SECTION 8. *Separability Clause.* –If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

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

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

Approved,