

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **2128**



Introduced by Representative LEILA M. DE LIMA

AN ACT
ESTABLISHING THE DISABILITY SUPPORT ALLOWANCE PROGRAM,
REGULARLY PROVIDING MONTHLY STIPENDS TO COVER DISABILITY-
RELATED COSTS, PROMOTING INCLUSION, EMPOWERMENT, AND
PARTICIPATION OF PERSONS WITH DISABILITIES, AND APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article XIII, Section 1 of the 1987 Constitution provides that “[t]he 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, and remove cultural inequities by equitably diffusing wealth and political power for the common good.” Furthermore, the Philippines is a State Party to the United Nations Convention on the Rights of Persons with Disabilities which includes as part of its general principles the “full and effective participation and inclusion in society” and “equality of opportunity” of persons with disabilities (PWDs).

The National Disability Prevalence Survey (NDPS) conducted in 2016 showed that “around 12% of Filipinos age 15 and older experienced severe disability”¹ while the 2020 Census of Population and Housing showed that “nearly nine in every 100 persons (8.7%) had at least one domain of functional difficulty, that is, any of the six functional domains of seeing, hearing, walking or climbing steps, remembering or concentrating, self-caring (washing all over or dressing), or communicating.”²

¹ Philippine Statistics Authority. (3 May 2019). Disability Spares No One: A New Perspective. Retrieved from <https://psa.gov.ph/statistics/national-disability-prevalence-survey#:~:text=Results%20of%20the%20National%20Disability,23%20percent%20with%20mild%20disability>.

² Philippine Statistics Authority. (26 October 2022). Functional Difficulty in the Philippines: For Household Population Five Years Old and Over (2020 Census of Population and Housing). <https://psa.gov.ph/content/functional-difficulty-philippines-household-population-five-years-old-and-over-2020-census>.

Despite the existence of laws, such as Republic Act No. 7277, otherwise known as the “Magna Carta for Persons with Disabilities,” that aim to level the playing field between able-bodied persons and persons with disabilities (PWDs) in the country, the fact remains that several barriers still prevent PWDs from enjoying equal access to rights and opportunities, and full and inclusive participation in society. Among these is the increased vulnerability of PWDs to economic deprivation as a result of the following: (1) lower earning capacity due to limited employment opportunities for PWDs, (2) additional expenses incurred by overcoming systemic barriers that don’t exist for able-bodied persons, and (3) reduced household income as a result of family members forgoing income-generating opportunities to assist and care for their family member/s with disabilities. The lived realities of PWDs that inhibit the full enjoyment of their rights necessitate government interventions.

As such, for the purpose of reducing the vulnerabilities and inequalities experienced by PWDs, particularly those economic in nature, this bill seeks to provide a Two Thousand Peso (P2,000.00) monthly disability support allowance to augment the basic income of households with PWDs and supplement the other programs and services provided by the government for PWDs.

In the House of Representatives under the 19th Congress, similar bills were filed by Representatives Bernadette Herrera, Patrick Michael Vargas, Luis Raymond Villafuerte, and Gus Tambunting. In the Senate, Senator Risa Hontiveros filed similar bills under both the 18th and 19th Congresses. In the 20th Congress, Senator Risa Hontiveros has once again filed a similar bill. This bill partially adopts Senator Hontiveros’s bill with modifications based on consultations with several PWD groups.

Early approval of this measure is requested.



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

1 SECTION. 1. *Short title.* – This Act shall be known as the “National Disability
2 Support Allowance Program Act.”

3
4 SEC. 2. *Declaration of Policy.* – It is the policy of the State to uphold the rights
5 of persons with disabilities and to ensure their full and effective participation in society
6 on an equal basis with others.

7
8 As a State Party to the United Nations Convention on the Rights of Persons
9 with Disabilities (UNCRPD), the State reaffirms its commitment to the Convention’s
10 general principles. Of these principles, the respect for difference and acceptance of
11 persons with disabilities as part of human diversity and humanity is foundational. It
12 underscores the State’s obligation to recognize and respond to the lived realities of
13 persons with disabilities. Embracing disability as a natural part of human diversity
14 requires dismantling systemic and structural barriers that hinder equal participation
15 and acknowledging the additional economic costs that persons with disabilities often
16 incur to live independently and participate fully in society.

17
18 Pursuant to Article II, Section 11 of the 1987 Philippine Constitution, the State
19 values the dignity of every human person and guarantees full respect for human rights.
20 Additionally, Article XIII, Section 1 mandates that the State give the highest priority to

1 the enactment of measures that protect and enhance the rights of all people, including
2 persons with disabilities.

3
4 In line with Republic Act No. 7277, otherwise known as the "Magna Carta for
5 Persons with Disabilities," as amended, the State commits to providing rehabilitation,
6 self-development, and self-reliance opportunities for persons with disabilities and to
7 integrating them into the mainstream of society.

8
9 Towards this end, and in light of international, constitutional and statutory
10 obligations, the State shall establish the Disability Support Allowance Program as one
11 component of the social protection system financial support to persons with disabilities
12 in recognition of the additional costs associated with disability.

13
14 SEC. 3. *Definition of Terms.* – For the purpose of this Act, these terms are
15 defined, as follows:

- 16 a) *Disability* is an evolving concept that results from the interaction between
17 persons with impairments and attitudinal and environmental barriers that
18 hinder their full and effective participation in society on an equal basis
19 with others;
- 20 b) *Persons with disabilities* include those who have long-term physical,
21 mental, intellectual, or sensory impairments, which in interaction with
22 various barriers may hinder their full and effective participation in society
23 on an equal basis with others. Persons who may fall in this definition
24 include but are not limited to the following: persons with psychosocial
25 disability, persons with autism, persons with down syndrome, persons
26 who are blind, persons with low vision, persons hard of hearing, the deaf,
27 persons with rare diseases, and all other persons who will be certified
28 under the disability assessment and determination system;
- 29 c) *Barriers* are anything that hinders persons with disabilities from enjoying
30 or exercising all human rights and fundamental freedoms in the political,
31 economic, social, cultural, civil or any other field, on an equal basis with
32 others. Barriers in all its forms encompass inaccessible physical
33 environments and transportation; the unavailability of assistive devices
34 and technologies; inaccessible information both in form and content;
35 non-adapted means of communication; gaps in service delivery, such as
36 unavailability of personal assistance and sign language interpretation
37 services; discrimination including denial of reasonable accommodation;
38 attitude, prejudice, and stigma in society; programs, policies, and laws
39 infringing the rights of persons with disabilities as recognized under the
40 Convention on the Rights of Persons with Disabilities;
- 41 d) *Disability-Related Costs* refer to additional expenses borne by persons
42 with disabilities and/or their families that are not typically encountered by
43 persons without disabilities. They arise from the necessity to overcome
44 barriers to participation or exercise of ordinary activities in daily life.

1 Examples of these include: (1) assistive devices and technologies; (2)
2 disability support services, such as personal assistants, sign language
3 interpreters, or therapy support; (3) accessible transportation and
4 mobility aid expenses; (4) medical care and maintenance medicines; (5)
5 increased utility, communication, or accommodation-related
6 expenditures necessary to achieve inclusion and independence;

7 e) *Disability support allowance* refers to the amount of money received by
8 qualified persons with disability under the Disability Support Allowance
9 Program;

10 f) *Reasonable accommodation* means necessary and appropriate
11 modification and adjustments so as not to impose disproportionate or
12 undue burden, and to ensure that persons with disabilities enjoy or
13 exercise on an equal basis all human rights and fundamental freedoms;

14 g) *Progressive realization* refers to the State's obligation to undertake
15 measures to the maximum of its available resources and, where needed,
16 within the framework of international cooperation, with a view to
17 achieving progressively the full realization of rights of persons with
18 disabilities, without prejudice to those obligations contained in the UN
19 Convention on the Rights of Persons with Disabilities that are
20 immediately applicable according to international law;

21 h) *Disability Assessment and Determination* means the process by which
22 disability of an individual is officially recognized for the purpose of
23 eligibility determination to diverse entitlements. It is based on a human
24 rights model of disability, with a focus on functional limitations, support
25 requirements, and barriers restricting participation;

26 i) *Organizations of Persons with Disabilities (OPD)* are led, directed, and
27 governed by persons with disabilities with a clear majority of their
28 membership being persons with disabilities themselves and promoting
29 the rights and welfare of persons with disabilities. OPDs include but are
30 not limited to community, local or national organizations of women with
31 disabilities, impairment-specific organizations such as national
32 organizations of persons with psychosocial disability, children and youth
33 organizations of persons with disabilities, parents representing children
34 with disabilities, cross-disability organizations, specific health conditions
35 recognized under the Philippine law such as patients and survivors of
36 cancer, persons with rare diseases, and all other organizations of
37 persons with disabilities as recognized under the Convention on the
38 Rights of Persons with Disabilities.

39
40 SEC. 4. *Disability Support Allowance Program*. – There shall be established a
41 Disability Support Allowance Program under the Department of Social Welfare and
42 Development (DSWD), in consultation with the National Council on Disability Affairs
43 (NCDA) and a representative organization of persons with disabilities, designed to
44 serve as a social protection measure and support the needs of persons with disabilities

1 in their integration to society. The Disability Support Allowance Program shall aim to
2 provide a regular stipend to persons with disabilities based on the eligibility criteria of
3 the DSWD.

4
5 The initial amount of Two Thousand Pesos (P2000.00) a month per individual
6 beneficiary is set for the disability support allowance, which will be indexed to inflation
7 to preserve its positive impact on the standards of living and participation of people
8 with disabilities. This would contribute, in combination with existing social protection
9 programs and discounts, to address the higher cost of transportation, housing,
10 nutrition, hygiene, and temporary human assistance requirements, among others. For
11 working-age adults out of work, it will provide basic income security and will help cover
12 disability-related costs for finding and keeping work.

13
14 The Program shall be implemented in three (3) phases:

- 15 a) Phase 1 – The initial phase of the Disability Support Allowance Program,
16 to be implemented in the first three (3) years, shall prioritize the
17 provisions of stipends to:
- 18 i. Children with disabilities;
 - 19 ii. Adults with significant disabilities who are facing the highest
20 barriers and disability-related costs;
 - 21 iii. Persons with disabilities who are recipients of social protection
22 and economic empowerment programs such as but not limited to
23 the Pantawid Pamilyang Pilipino Program (4Ps) and Social
24 Pension for Indigent Senior Citizens.
- 25 b) Phase 2 – The second phase of the Program, to be implemented in the
26 next three (3) years, shall include all registered persons with disabilities
27 who have either no income or have low levels of income, and persons
28 with disabilities who face disability-related extra costs with negatively
29 affects adequate standard of living.
- 30 c) Phase 3 – The third phase, to be realized six (6) years after the start of
31 the Program's implementation, shall endeavor to progressively cover all
32 persons with disabilities.

33
34 SEC. 5. *Coverage.* – All persons with disabilities, as certified under the
35 Disability Assessment and Determination system that is based on a human rights
36 approach, shall be covered by the provisions of this Act. In line with the progressive
37 realization principle, the priority shall be initially be given to children with disabilities
38 and adults with significant disabilities who are facing the highest barriers and disability-
39 related costs. However, the aim is to eventually cover all registered persons with
40 disabilities who have either no income or have low levels of income and persons with
41 disabilities who face disability-related extra costs, which deprive them of an adequate
42 standard of living.

1 SEC. 6. *Eligibility.* – Eligibility to the disability support allowance will be based
2 solely on Disability Assessment and Determination with a focus on functional
3 limitation, support requirements, and barriers to participation, irrespective of income,
4 work status, or access to other social protection benefits.

5
6 In recognition of the multiple forms of poverty and the extent of disability-related
7 costs required for basic participation, eligibility of persons with disabilities to the
8 disability support allowance will be compatible with eligibility and benefits from different
9 social protection and economic empowerment programs such as but not limited to the
10 Pantawid Pamilyang Pilipino Program (4Ps) and Social Pension for Indigent Senior
11 Citizens, the disability allowance acting as a top-up for subsidizing disability-related
12 extra costs.

13
14 Provided, that the DSWD, in consultation with the NCDA, may, in its discretion,
15 adopt additional bases to achieve the objectives of this Act.

16
17 SEC. 7. *Disability Data Management System.* – To effectively implement social
18 protection measures targeting persons with disabilities, a Disability Data Management
19 System shall be put up and shall be linked to the Community-Based Monitoring
20 System (CBMS) which aids in the development of poverty-reduction programs from
21 local to the national level. Linkage to the National ID System, and the DOH Persons
22 with Disability Registry, which is mirrored with the PhilHealth Database System shall
23 also be done to provide real-time disability data and subsidized enrollment to
24 PhilHealth insurance.

25
26 SEC. 8. *Policy On Disability Identification Cards.* – The issuance of Disability
27 Identification Cards pursuant to Republic Act No. 7277, otherwise known as the
28 “Magna Carta for Persons with Disabilities,” as amended, along with other relevant
29 laws, administrative issuances, and local ordinances, shall incorporate the information
30 necessary for the granting of the monthly disability support allowance to eligible
31 persons with disabilities.

32
33 SEC. 9. *Penal Provisions.* – The penalties shall apply to the following:

- 34 a) Any person who, through fraud or misrepresentation, applies for, or aids
35 in the application for benefits under this law without being a qualified
36 person with disability entitled thereto shall suffer the following penalties:
- 37 i. For the first violation, a fine of no less than Twenty Five Thousand
38 Pesos (P25,000.00) but not exceeding Fifty Thousand Pesos
39 (P50,000.00); and
 - 40 ii. For any subsequent violation, a fine of not less than Fifty
41 Thousand Pesos (P50,000.00) but not exceeding One Hundred
42 Thousand Pesos (P100,000.00).

1 b) Any person violating any provision of this Act and its implementing rules
2 and regulations, except violations pertaining to Subsection (a) of this
3 Section, shall be penalized with a fine of not less Fifty Thousand Pesos
4 (P50,000.00) but not exceeding One Hundred Thousand Pesos
5 (P100,000.00).
6

7 SEC. 10. *Appropriations.* – The amount necessary for the implementation of
8 the Act shall be included in the annual General Appropriations of the year following its
9 enactment into law and thereafter. The initial amount of which shall be determined by
10 the Department of Social Welfare and Development (DSWD), National Council of
11 Disability Affairs (NCDA), and representatives from other major stakeholders,
12 including organizations of persons with disabilities (OPDs). The allocated budget for
13 the first year of its operation shall gradually increase in fulfillment of the progressive
14 realization principle.
15

16 SEC. 11. *Implementing Rules and Regulations.* – Within one hundred and
17 twenty (120) days from the effectivity of this Act, the Department of Social Welfare and
18 Development, in consultation with the National Council on Disability Affairs,
19 Department of Interior and Local Government, Department of Health, Philippine
20 Statistics Authority, Organizations of Persons with Disabilities, and other relevant
21 stakeholders from government agencies and non-government organizations, shall
22 issue the necessary rules and regulations to implement the provisions of this Act.
23

24 SEC. 12. *Report to Congress.* – The Department of Social Welfare and
25 Development and National Council on Disability Affairs shall annually submit a report
26 to Congress on the status of the implementation of this Act for the purpose of review
27 and recommendation of additional measures necessary for the attainment of the
28 objectives of this Act.
29

30 SEC. 13. *Periodic Review.* – Within five (5) years from the effectivity of this Act
31 and every five (5) years thereafter, the Department of Social Welfare and Development
32 shall conduct a comprehensive performance evaluation of this Act and submit its
33 findings and recommendations to the appropriate committees of the Senate and the
34 House of Representatives.
35

36 SEC. 14. *Separability Cause.* – If any provision of this Act is declared invalid or
37 unconstitutional, the provisions not affected thereby shall continue to be in full force
38 and effect.
39

40 SEC. 15. *Non-Impairment Clause.* – Nothing in this Act shall be construed as
41 to diminish, impair, or repeal rights recognized, granted, or made available to
42 disadvantaged, marginalized, or specific sectors under existing laws.

1 SEC. 16. *Repealing Clause.* - All laws, executive orders, presidential decrees,
2 presidential proclamations, letters of instruction, rules and regulations or parts thereof
3 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
4 accordingly.

5

6 SEC. 17. *Effectivity.* - This Act shall take effect fifteen (15) days following its
7 publication in the Official Gazette or in two (2) newspapers of general circulation in the
8 Philippines.

Approved,