

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 2557



INTRODUCED BY HONORABLE JANICE V. DEGAMO

EXPLANATORY NOTE

It is the policy of the State to promote social justice in all phases of national development, to value the dignity of every human person, and to guarantee full respect for human rights. The State shall accordingly ensure rehabilitation, self-development and self-reliance of disabled persons through protecting them from undue discrimination brought about by the abuse of rights and privileges rightfully accorded to them.

Accordingly, Republic Act 10754 or the Act Expanding the Benefits and Privileges of Persons with Disabilities was enacted to help PWDs access opportunities that promote a fuller and more productive life. However, unscrupulous persons abuse these privileges which not only gravely affects the economy but also the pool of services available for those who rightly deserve them.

Earlier this year, the Restaurant Owners of the Philippines (RESTO PH) denounced the widespread abuse of fake PWD IDs for discounts in restaurants and other establishments, stating that the proliferation of such abuse is now putting a serious strain on their businesses which also affects their employees and honest customers leading to much larger losses for many smaller restaurants and businesses.

Similarly, the National Council on Disability Affairs strongly condemns the deliberate misuse of fake PWD IDS as it not only undermines the integrity of the system but also directly impacts the rights of legitimate persons who genuinely need support.

Efforts have been made protecting the rights of persons with disabilities. However, despite the safeguards provided for by our existing laws, widespread reports of unlawful use of fake PWD IDs continue to cover the news and media outlets.

In the best interest of our citizens, the immediate approval of this bill is earnestly sought.


JANICE V. DEGAMO
Representative, 3rd District of Negros Oriental

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Introduced by **HONORABLE JANICE V. DEGAMO**

**AN ACT PENALIZING THE PRODUCTION, AVAILMENT, AND USE OF
SIMULATED PWD ID CARDS (PERSONS WITH DISABILITY
IDENTIFICATION CARDS) NATIONWIDE, ENHANCING THEREBY THE
PROCESS OF ITS ISSUANCE, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7277, AS AMENDED**

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

Section 1. *Short Title.* This Act shall be known as the “Anti-Fake PWD ID Act.”

SEC. 2. *Declaration of Policy.* It is the policy of the State to promote social justice in all phases of national development, to value the dignity of every human person, and to guarantee full respect for human rights. The State shall accordingly ensure rehabilitation, self-development and self-reliance of disabled persons through protecting them from undue discrimination brought about by the abuse of rights and privileges rightfully accorded to them.

Towards this end, the State shall safeguard persons with disabilities and the public from the injurious effect of the fraudulent use of simulated PWD Identification cards by penalizing such acts and all illegalities related and inherent therein.

SEC. 3. *Amendment to Section 46(b) of Republic Act No. 7277, as amended.*
Section 46 (b) is amended to read as follows:

“SEC. 46. Penal Clause - In addition to acts or omissions already penalized by existing laws:

(a) ***

(b) Any person who abuses, or causes the proliferation of abuse of, the privileges granted herein shall be punished with imprisonment of not less than six (6) years or a fine of not less than One hundred thousand pesos (P100, 000.00). The penalty herein shall also apply, but not be limited, to the following:

- 1) Adding the penalty of dismissal from office as the case may be: any public officer or employee, who, in his/her official capacity, falsifies in any way, issues and signs without verification, and/or in any stage of the process, recklessly causes the issuance of, a PWD Identification Card and/or PWD Registration Form.
- 2) Adding the penalty of revocation of professional license, business permit, and/or organization's registration as the case may be: any issuing entity of the appropriate document to confirm the medical condition of the applicant, as provided for under NCDA Administrative Order No. 001 Series of 2008, who falsifies in any way, issues and signs without verification, and/or in any stage of the process, recklessly causes the issuance of such document
- 3) Adding the penalty of ineligibility for all government benefits and services: Any person who simulates or helps in any way in the process of simulating, a PWD Identification Card, in such a manner so as to easily lead to error as to its authenticity
- 4) Any person who sells, or causes the sale of, a simulated PWD Identification Card
- 5) Any person who buys and/or uses a simulated PWD Identification Card

SEC. 4. *List of Temporary and Permanent Disabilities.* The National Council on Disability Affairs (NCDA) and Department of Health (DOH) shall formulate an updated list of disabilities and sickness that may permit the application and acquisition of PWD IDs.

SEC. 5. *Automatic Confiscation.* The City or Municipal Social Welfare and Development Office, in coordination with the respective Local Government Unit (LGU), shall automatically confiscate all simulated PWD IDs and all equipment related thereto, so long as verified to be fraudulent. Any reckless confiscation will be subject to appropriate sanctions by the Department of Social Welfare and Development (DSWD).

SEC. 6. *Monthly Report of Establishments.* All necessary establishments, commercial or government, as provided by Section 32 of Republic Act No. 7277, as amended, shall submit a list of every PWD ID Card Number and the corresponding PWD ID Card Name that has availed of their product or service, to the Department of Social Welfare and Development. Upon receipt of the report, DSWD shall cross-check the registry of the said number and names with the ones in their database. Verification of a fraudulent PWD ID Card Number and Name shall be subject to further appropriate action by DSWD.

SEC. 7. *Implementing Rules and Regulations.* The National Council on Disability Affairs (NCDA), in coordination with the Department of Social Welfare and Development (DSWD) and the Department of Health (DOH), shall promulgate

the necessary rules and regulations for the effective implementation of the provisions of this Act: Provided, That the failure of the concerned agencies to promulgate the said rules and regulations shall not prevent the implementation of this Act upon its effectivity.

SEC. 8. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 9. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 10. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,