

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 3770



INTRODUCED BY REPRESENTATIVE PM VARGAS

AN ACT
PROVIDING FOR THE UNIVERSAL DISABILITY SUPPORT ALLOWANCE
FOR PERSONS WITH DISABILITIES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

In the Philippines, persons with disabilities represent at least 12% of the adult population and face significant barriers in accessing education and health care, community and citizenship participation, and seizing economic opportunities. As a result, half of them are out of work, and those who work are less likely to have formal employment and are more likely to be poor, to have finished only primary education or none at all, and to not receive the health care they need.

In overcoming these barriers, persons with disabilities and their families face significant additional disability costs related to accessing essential services, seeking and retaining work, and participating in society. These costs include private transportation, support for information and communication, assistive devices, and human assistance.

In addition, due to the lack of support services, most of those requiring personal assistance have to rely on family members who have to reduce or stop working to provide such support. Overall, persons with disabilities have less income and more expenses than those without disabilities, which greatly increase their vulnerability and undermines their economic empowerment and escape from poverty.

In the last decades, successive governments have adopted a set of measures to support persons with disabilities such as 20% discount on goods

and services, mandatory and subsidized PhilHealth membership, and the 4Ps program. While those measures aim to improve the socio-economic situation of persons with disabilities, they have significant limitations in who can benefit from them.

The discount and tax exemptions are beneficial only to persons with disabilities who already have a certain level of income and purchasing power, and mostly in urban areas where there are establishments that can fulfill official requirements. Moreover, for the PhilHealth and 4Ps programs, barriers to accessing these services remain unaddressed, such as a lack of sign language interpreters in facilities and inaccessible public transportation to service centers. In other words, there are still major gaps in the adequacy of the programs' coverage and accessibility, which leave most persons with disabilities unsupported.

As evident during the COVID-19 crisis, the economic vulnerabilities of persons with disabilities were intensified and even highlighted the limits of the current social protection system to immediately respond to protect persons with disabilities and their families from the socio-economic impact of the pandemic. While the vast majority have experienced loss of income and have multiple needs, due to the limitations of the current social protection systems and despite the government's efforts to roll out new measures, most persons with disabilities have failed to receive any support.

In response to the prevailing challenges faced by persons with disabilities, this bill proposes the adoption of a universal Disability Support Allowance of Two Thousand Pesos (PhP 2,000.00) per month. Unlike other social protection programs such as SSS and GSIS, where beneficiaries may lose their disability pensions when acquiring employment, the Disability Support Allowance shall apply to registered persons with disabilities regardless of employment status, as well as income level and/or receipt of other social protection benefits.

Furthermore, in consideration of the available fiscal space for the program, the Disability Support Allowance will be progressively rolled out across the country, starting with minors with disabilities until all registered persons with disabilities are covered.

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


REP. PM VARGAS

Fifth District, Quezon City

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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 “*Disability Support Allowance for Persons with Disabilities Act.*”

SECTION 2. *Declaration of Policy.* – It is the declared policy of the State to adopt the generally accepted principles of international law as part of the law of the land. It is likewise vital that the State advances social justice to end poverty in all its forms, particularly the historical deprivation of the support required by persons with disabilities for their effective inclusion and full participation in society.

To attain 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, appropriate measures in developing social protection programs and personal budget allowances that recognize the additional costs associated with disability to live independently and be included in the community shall be undertaken. In pursuance of this end, social protection measures such as the grant of disability support allowance shall be extended to persons with disabilities to support their independent living.

SECTION 3. *Definition of Terms.* – For the purposes of this Act, these terms are defined as follows:

- a) *Barriers*: are anything that hinders persons with disabilities from enjoying or exercising all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field, on an equal basis with others. Barriers in all its forms encompass inaccessible physical environments and transportation; the unavailability of assistive devices and technologies; inaccessible information both in form and content; non-adapted means of communication; gaps in service delivery such as unavailability of personal assistance and sign language interpretation service; discrimination including denial of reasonable accommodation; attitude, prejudice and stigma in society; programs, policies and laws infringing the rights of persons with disabilities as recognized under the Convention on the Rights of Persons with Disabilities;
- b) *Disability*: is an evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others;
- c) *Disability Assessment and Determination*: means the process by which disability of an individual is officially recognized for the purpose of eligibility determination to diverse entitlements. It is based on a human rights model of disability, with a focus on functional limitations, support requirements, and barriers restricting inclusion and participation;
- d) *Disability-related needs*: Disability-related needs include disability-related medical supplies (e.g., medicines, catheters, diapers), medical-related services (e.g., rehabilitation services, etc.), assistive products, personal assistance, sign language interpreter, higher cost of accessing services because of lack of accessibility (e.g., transportation cost), and others.
- e) *Organization of Persons with Disabilities (OPD)*: OPDs are led, directed, and governed by persons with disabilities, with a clear majority of their membership being recruited among persons with disabilities themselves. Examples of OPDs include organizations of women with disabilities, impairment-specific organizations such as organizations of persons of psychosocial disability, parents representing children with disabilities, cross-disability organizations, specific health conditions recognized under the Philippine law such as patients and survivor of cancer, persons with rare diseases, and all other organizations of persons with disabilities as recognized under the Convention on the Rights of Persons with Disabilities;
- f) *Persons with Disabilities*: include those who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. Persons who may fall in this definition are, but not limited to, the following: persons with psychosocial disability, person with autism, person with down syndrome, person who are blind, person with low vision, person with hard of hearing, deaf, person with rare

diseases, and all other person who will be certified under the disability assessment and determination system;

- g) *Progressive realization*: means undertaking measures to the maximum of its available resources and, where needed, within the framework of international cooperation, to achieve progressively the full realization of these rights, without prejudice to those obligations contained in the CRPD that are immediately applicable according to international law;
- h) *Reasonable accommodation*: means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;
- i) *Universal*: every registered person with disability.

SECTION 4. Coverage. – Subject to progressive roll-out, all persons with disabilities with disability ID card, as identified by the Disability Assessment and Determination System that is based on a human rights approach, shall be eventually covered by the provisions of this Act.

SECTION 5. Disability Support Allowance Program. – There shall be a Disability Support Allowance Program established under the Department of Social Welfare and Development (DSWD). The Disability Support Allowance Program shall be developed with the National Council on Disability Affairs (NCDA), Department of Interior and Local Government, Department of Health, Philippine Statistics Authority, Local Government Units, representatives from organizations of persons with disabilities with different perspectives and ideological persuasions, and other relevant stakeholders.

To complement existing measures made for persons with disabilities by providing supplementary income to the sector, this bill seeks to adopt a monthly universal Disability Support Allowance of Two Thousand Pesos (Php 2,000.00), which will be indexed to inflation to preserve its impact on the standards of living and participation of persons with disabilities.

SECTION 6. Eligibility. – This allowance shall be applicable to all persons with disabilities with disability ID card regardless of their employment status, as well as income level and/or receipt of other social protection benefits such as 4Ps and social pension for indigent senior citizens. In support of progressive roll-out, a disability data management system will be established to identify the population of persons with disabilities to be prioritized in the progressive implementation of the program.

SECTION 7. Progressive Rollout. The program shall be implemented in three (3) phases:

- a) Phase 1 - The initial phase will be implemented within a maximum time frame of three (3) years and will seek to cover all persons with disabilities who are 17 years old and below.

- b) Phase 2 - The second phase will be implemented within a maximum time frame of three (3) years and will seek to expand the coverage of Phase 1 to persons with disabilities who are 18 to 59 years old.
- c) Phase 3 - The final phase will seek to expand the coverage of Phase 2 to the rest of the population of persons with disabilities.

SECTION 8. Disability Data Management System. – In conjunction with the rollout of the Disability Support Allowance Program, a Disability Data Management System (DDMS) that is linked to the Community-Based Monitoring System (CBMS) will be developed to collect data that will inform the design and implementation of this program, as well as other social protection measures. The DDMS shall contain comprehensive information on persons with disabilities that is essential to their independent living, including, but not limited to, information on their health conditions, their unmet needs, the barriers they face in their environment, and their support requirements for effective inclusion and participation. This system will contribute to realizing the enjoyment of rights and fundamental freedoms of persons with disabilities on an equal basis with others.

SECTION 9. Policy on Disability Identification Cards. – The issuance of Disability Identification Cards pursuant to Republic Act No. 7277, otherwise known as the “Magna Carta for Persons with Disabilities,” as amended by R.A. No. 9442, along with other relevant laws, administrative issuances and local ordinances, shall be linked to the DDMS to enhance the information system of persons with disabilities necessary for the granting of the monthly disability support allowance and future social assistance to eligible persons with disabilities.

SECTION 10. Penal Provisions. – The penalties shall apply to the following:

- a) Any person who, through fraud or misrepresentation, applies for, or aids in the application for benefits under this law without being a qualified person with disability entitled thereto shall suffer the following penalties:
 - i. For the first violation, a fine of not less than Twenty-five thousand pesos (Php25,000.00) but not exceeding Fifty thousand pesos (Php50,000.00); and
 - ii. For any subsequent violation, a fine of not less than Fifty thousand pesos (Php50,000.00) but not exceeding One hundred thousand pesos (Php100,000.00).
- b) Any person violating any provision of this Act and its implementing rules and regulations, except violations pertaining to Subsection (a) of this Section, shall be penalized with a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not exceeding One Hundred Thousand Pesos (Php100,000.00).

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

SECTION 12. *Implementing Rules and Regulations.* – Within one hundred and twenty (120) days from the effectivity of this Act, the Department of Social Welfare and Development, in consultation with the National Council on Disability Affairs, Department of Interior and Local Government, Department of Health, Philippine Statistics Authority, representatives from organizations of persons with disabilities with different perspectives and ideological persuasions, and other relevant stakeholders from government agencies and non-government organizations, shall issue the necessary rules and regulations to implement the provisions of this Act.

SECTION 13. *Report to Congress.* – The Department of Social Welfare and Development and National Council on Disability Affairs shall annually submit a report to Congress about the status of the implementation of this Act for the purpose of review and recommendation of additional measures necessary for the attainment of the objectives of this Act.

SECTION 14. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts or provisions of this Act which are not affected shall continue to be in full force and effect.

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

SECTION 16. *Repealing Clause.* – All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,